Prospects for creating global justice consensually: suggestions from models of indigenous African governance[1]

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Abstract

Echoing Hobbes' seventeenth century classic liberal scepticism about global justice, recently articulated for the twenty-first century by Thomas Nagel, the political philosopher A.G.A. Bello once remarked that "[a] world government, of whatever form, must ... remain a dream or an ideal" and for that reason he regarded the idea of global justice a fanciful chimera. This essay is a non-empirical consideration of how to sustain as a working ideal the notion of economic justice as negotiable in the global arena. The essay explores deductively the normative tenability of creating a forum to develop global justice consensually, as the outcome of deliberation and compromise through cultural diversity. This is a concept paper to apply globally the lessons carried within post-colonial efforts at democratic governance indigenous to West African (e.g. pre-colonial Ghana) traditions of peacekeeping diplomacy and effective stewardship.

In contrast, the current framework of international human rights and justice presupposed in the global arena is structured and sustained by the same neo-liberal logic of self-interest that justifies the covert authority of an elite minority wholly occupied with mega-capital accumulation.

It is argued here that an African presence is essential in forming any agency to express the contemporary effort of developing distributive and retributive principles of global justice. The reasons provided here not only are historical, practical, and circumstantial, but also conceptual. I will try to show that a chief obstacle to realising universal norms of good governance is that the political culture dominating the global arena just cannot grasp the basics.

Key words: global economic justice, Thomas Nagel, Hobbesian scepticism, indigenous African governance, consensual democracy, international law, transnational corporate social responsibility

Sumário

Ecoando no século XVII o clássico cepticismo de Hobbes sobre "a justiça social liberal global", recentemente articulada para o século XXI por Thomas Nagel, o filósofo e político AGA Bello observou certa vez que "[a] o governo mundial, de qualquer forma, deve ... "Ser um sonho ou um ideal" e por essa razão ele considerava a ideia de justiça global uma quimera fantasiosa. Este

[1] An early precursor of this paper was the oral presentation prepared for the 2011 UNESCO World Philosophy Day at UNIZIK, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria, November 13-15. Subsequent additions concerning the debate about consensuality and deliberative politics through responses of Daniel Levine, Maryland School of Public Policy and Fulbright Visiting Scholar, University of Ghana, Legon, December 2011. The author acknowledges with appreciation the helpful comments of blind reviewers of *African Journal of Governance and Development.*

ensaio é uma consideração não-empírica de como se sustentar, como um ideal de trabalho e a noção de justiça econômica, podem ser negociáveis na arena global.

O ensaio explora de forma dedutiva e tenaz a criação de um fórum para desenvolver a justiça global, consensualmente, como resultado de deliberação e compromisso com a diversidade cultural. Este é um documento de conceito para aplicar globalmente as lições realizadas no âmbito dos esforços pós-coloniais na governação democrática indígena Oeste Africano (por exemplo, Gana pré-colonial) tradições da diplomacia e gestão eficaz de manutenção da paz.

Em contraste, o actual quadro de normas internacionais de direitos humanos e justiça pressupostas na arena global está estruturada e sustentada pela mesma lógica neoliberal de auto interesses que justificam a autoridade secreta de uma elite minoritária totalmente ocupado com a acumulação de mega-capital.

Argumenta-se aqui que uma presença Africana é essencial na formação de qualquer órgão para expressar o esforço contemporâneo de desenvolvimento de princípios distributivos e retributivos da justiça global. Os motivos apresentados aqui não são apenas históricos, prático e circunstancial, mas também conceptual. Vou tentar mostrar que o principal obstáculo à realização de normas universais de boa governação é que a cultura política que domina a arena global simplesmente não consegue entender o básico.

Palavras chave: Justiça econômica global, Thomas Nagel, o ceticismo hobbesiana, governação Africana indígena, a democracia consensual, o direito internacional, a responsabilidade social corporativa transnacional

Introduction

In the contemporary literature that regards sovereignty as essential to civility, resting squarely in the Hobbesian tradition, there still sits Thomas Nagel's widely praised 2005 paper "The problem with global justice", providing a very convincing reason to disparage international law since it is unenforceable without a central global authority backed by force.

In this contribution, I explore, deductively and normatively, correctives to the various errors that Nagel seems to presuppose in his defence of scepticism about global justice. This exercise is useful because I advocate rational deliberation as a means of promoting justice in the international sphere. Seeing how Nagel may be wrong in his neo-classic liberal assumptions about the global arena, there may be good reasons to be optimistic about global justice as a feasible, ongoing, cross cultural enterprise. Roughly sketched, the mistakes I found underlying Nagel's scepticism include the following assumptions:

(i) gross inequalities and international violence cannot be regarded as injustice without a central recognised global sovereign backed by coercive threats of force;[2]
(ii) the absence of certain kinds of institutions in the global arena makes it virtually impossible to make judicial process and constraints applicable among nations;[3]
(iii) persons as legal subjects – that is, as bearers of constitutional and convention-ratified human rights – exist in formal isolation, independent of their communities, cohorts and co-dependents; so that none of these economic dependencies or mutual caring relationships can motivate moral duties and rights beyond voluntary inclinations to fuel today's humanitarian aid projects;
(iv) since individuals as rights-bearers are abstract agents, a sharp division can be drawn between humanitarian concerns and 'higher level standards' incurred formally by the demands of justice upon institutions;[4]
(v) the world's cultural diversity poses the chief impediment to a universally applicable code of ethics and to legitimatising the supra-national political authority requisite for delivering justice globally;
(vi) global justice, if it existed, would be a fixed and unassailable, immutable procedure, culturally neutral, enduring and omnipresent.

Each of these beliefs demands a thorough analysis. In this essay, I will point perfunctorily at only a few of them.

The alternatives to classic liberal thinking about the demands and requisites of justice have come to me through the generous writings and conversations of scholars in political science, philosophy, sociology and history in Ghana, Nigeria and Senegal. Their varied bifocal orientations as West Africans provide keen insights into contrasting models of democracy, competing notions of good governance and justice, of personhood according to indigenous Akan matrilineal clan ethos and as it is defined by modern liberals and cosmopolitans. These West African perspectives overlap instructively with some Western political theorists who promote the ethics of care, who

[2] Nagel claims this unequivocally in his paper (2009: 421) as follows: "[t]he full standards of justice, though they can be known by moral reasoning, apply only within the boundaries of a sovereign state, however arbitrary those boundaries may be. Internationally, there may well be standards, but they do not merit the full name of justice."

[3] Nagel (2005 (2009: 420, 434 et *passim*)). Amartya Sen (2009: 82) has accused Robert Nozick (1974) of "institutional fundamentalism," whereby Nozick mistakenly regards institutions as promoting justice, rather realising they are the manifestations of justice. An example of Nagel's excessive confidence in sovereignty and its formal institutions is evident in this passage: "Without the enabling condition of sovereignty to confer stability on just institutions, individuals, however morally motivated, can only fall back on a pure aspiration for justice that has no practical expression, apart from the willingness to support just institutions, should they become possible."

[4] Nagel (2005 (2009: 434)) differentiates humanitarianism from the 'higher level' standards of justice. I rely here on the notion of abstract individualism characteristic of classic liberal political theory as succinctly spelled out by Alison Jaggar (1988).

take seriously the demand for fair trade and distributive justice on a global scale, and who seek an antidote to the dominant free-market-value orientation that ratifies the level of violence and inequity characteristic of the current global economic order.[5] Before exploring these overlaps, I provide a brief overview of Nagel's explanation for his reluctant scepticism about global justice, to show the source of errors I attribute to his otherwise very compelling view.

Nagel's scepticism

Thomas Nagel insists that the potential for positing a doctrine of *universal* human rights – or any other uniform vocabulary for global justice – is not merely naïve or muddle-headed, it is morally illegitimate for two reasons: first, because there are no universally recognised standards about what justice requires of individuals or of the state, and secondly, if there were rules and obligations spelled out, there is no way to enforce them, since the institutions do not exist. So the rules and obligations would not be binding. According to the Hobbesian traditional contract theory of legitimate state power, laws have to be backed by force otherwise they are empty declarations of good will, a discursive form of narcissism. Since today there exist no universally binding procedures for fair and impartial trial,[6] there can be no legitimacy in imposing any set of rights and principles of justice for all the world's citizens.

The relevant institutions that may seem to exist are the United Nations with its Declaration of Human Rights and its agencies in the Hague: the International Court of Justice which is the judiciary organ of the United Nations, or the International Criminal Court which was erected by a treaty established in 2002 called the Roman Statute. Since the jurisdiction of these bodies is not universally legitimated, their injunctions and proceedings can be, and have been, criticised as arbitrary and capricious. The principles of international law imply no rights and no obligations for third party states that have not signed up to the Roman Statute, without that third party state's consent.[7] Several countries including India, China, Russia and the United States have not ratified the Roman Statute and on occasion, noisily frown upon the ICC when convenient.[8]

So on Nagel's view, the very notion of global justice is not just currently impractical, the ideal itself is incoherent because no institutional arrangement or legal order exists by which to regulate behaviour across national boundaries; and no juridical body enjoys sufficient credibility worldwide to decide legitimately when an injustice against a person or a state has been committed.

Let us outline the presuppositions underlying Nagel's scepticism, which I signalled at the outset as vulnerable to challenge. Nagel assumes [i] that justice requires a sovereign whose authority is backed by force; [ii] that only institutions, not individuals, can deliver justice; [iii] that individuals are bearers of rights as abstract and independent moral agents without distinguishing needs or differentiating contingent features; [iv] that the formal procedures and demands of justice are of a higher order in priority and moral significance than the demands and dynamics of humanitarian care; [v] that cultural diversity is the key impediment to legitimating the formal mechanisms of universal justice; and [vi] that if it did exist, global justice would be a fixed and immutable procedure.

An alternative definition of global justice

Constructing a viable alternative to this discouraging picture entails that *the way we go about defining* global justice will determine the likelihood of its being achievable.[9] Contrary to popularised versions of Hobbes' contract theory, Akan consensual procedures of rule by elders' council suggest that a principle of justice may enjoy universal legitimacy not because the rule is regarded as indubitable or because its author is unassailable but because of the careful collaborative and deliberative means by which the principle was discovered or constructed. Here, I extrapolate from Wiredu's (1988) suggestive account of indigenous Akan rule by deliberative council. When and if consensus is reached, it is because each ruling is understood as a product of compromise, whereby everyone's ideal of what *should* be done has been granted due weight in the decision making about what *will* be done. Then, the resulting decision is promoted with the status of a refutable hypothesis, potentially revisable in the light of future generations' voices or new stakeholders' perspectives. This process of consensual rule is an ongoing effort of deliberation by conflicting interest groups represented in council by elders whose only shared conviction might be their 'will to consent'[10] in an effort to find the way forward, always understood as an amalgam

5 Some examples: I am indebted to Virginia Held (2011) for her application of care ethics to strengthening respect for international law; to Barrie Karp for extensive and illuminating conversations and for introducing me to this article; to Katrin Flikschuh (2010) for her analysis of contemporary limitations of international human rights instruments in light of their historic focus since post-WWII; to Michael Sandel (2009) for his BBC Reith Lecture series; to Anne Cutler (1999) for exposing the covert yet coercive authority sustained in the global arena by an entrepreneurial multinational business elite class camouflaged by neo-liberal ideology; to Thomas Pogge (2009) for his analysis of the vulnerability of individuals to global human rights violations; and to Divine Amenumey for explaining alternative notions of justice.

6 This is the notorious fact described in subsequent passages, upon which most criticism is heaped upon the International Criminal Court in the Hague. See e.g. Kofi Annan's comments on this enduring condition (2012: 147-155). For case studies of ICC ineffectivenss in Sudan and Uganda, see also Gwen Barnes (2010); Sarah Newan and Wouton Werner (2011).

7 1969 Vienna Convention on the Law of Treaties.

8 Under the George W. Bush administration, bilateral agreements were created with countries that signed up to the ICC, whereby the US threatened to terminate economic aid, or to withdraw military assistance to these countries if they could not help protect US citizens' immunity from ICC proceedings. This was particularly crucial in saving America's face in the exposé of human rights violations at Guantanamo Bay and elsewhere.

9 The germ of this idea to depend upon a collective, gradual process for legitimating moral principles cross-culturally was first given me with respect to a universal code of ethics for higher education in December 2009 by my former Vice Chancellor, the medical Professor Clifford Nii Boi Tagoe, when we were preparing his contributions for a roundtable question and answer session to which he was invited as a panellist by the International Association of Universities, at their annual conference June 25-26, 2010 "Ethics and values in higher education in the era of globalization: what role for the disciplines?" Mykolis Romerus University, Vilnius, Lithuania.

10 Wiredu (1988: 243). The italicised emphases have been added.

of divergent views about what ideally ought to be done.

This perspective presupposes no capitulation to a demand for conformity (Wiredu 1998: 243). Compromise according to Wiredu's depiction of consensual democratic rule does not mean sacrificing one's own principles or moral ideals; it does mean sustaining those views and still arriving at a policy for implementation that takes into consideration everyone's represented views. It means preparedness to reflect upon one's moral convictions in light of the moral intuitions of others, and to adjust one's decisive output about what is to be done, in consequence. Such self-reflection through deliberation might have the result of changing one's core moral intuitions as well, but it need not effect the consensual decision required in order to implement a policy for action.[11]

This process might be adaptable to the pursuit of justice through cross-cultural conjecture and refutation in the global arena. Each procedural rule is qualified as a stage in an unfolding collective realisation of justice, yielding a vision that is always revisable in principle. And in practice, it is implemented only provisionally, until a transforming re-vision is called for and then realised. If postulating principles of global justice is a collective work in progress, then universal legitimacy is achieved: whatever resolutions or pronouncements are made at any point in time are subject to prescribed revision or renewal through further consideration by subsequent sittings of council which will bring updated perspectives with its new representative members. Cultural diversity becomes the vehicle and catalyst for discovering fundamental convictions about global justice, rather than being the main obstacle to its realisation.

To think about the Promethean nature of normative judgments in this way, I interpret moral beliefs as being subject to criteria of validity as well as other logical properties – in this respect, I regard value judgments as subject to a 'cognitive interpretation'. They need not be regarded on a par with bursts of emotion, to which revision based on rational systematic reflection cannot apply.[12] This position needs further review, but on first brush, it seems that a non-cognitive interpretation of moral judgment renders impossible any rational introspection about one's own moral convictions and those of others. Pick any non- cognitive theory of moral claims – for example, one that interprets moral vocabulary as emotive and ejaculatory. Then there is no reasoned way to assess or revise our respective standpoints. For similar reasons, staunch moral positions must be recognised as porous and accessible to all disputants in a moral deliberation. This is a requirement if judicial policy and verdicts are to be regarded as the outcome of rational debate rather than an axiomatic decree backed by force and issued by a supra-sovereign central authority. That is, it must be the case that moral perspectives of people in cultural traditions radically different from each other are nonetheless understandable and reliably interpretable by each participant in a dispute. Otherwise we couldn't make sense of the idea of a substantive moral disagreement, let alone of modification or transformation of one's own convictions through reflective accommodation of other contrary points of view. Unlike judgments about the physical world as we find it to be, our interpretation of how others think they would like the world to become involves recognising the cogency of perspectives different from our own. Understanding other moral agents requires attributing to them beliefs *about* justice according to principles that both define and regulate the notion of justice as we understand it ourselves. What is arrived at through deliberation and consensus concerning a given case or policy thereby *defines* what gets counted as justice at a given place and time in history. The definition of justice may change with the subsequent deliberation of future generations.[13]

According to this view, a council of global justice is not a supreme authority; it functions as one of the several ongoing communities of discourse and generates one among the many conversations that influence the practices and conventions of major and minor agents in the global arena. Along with other organisations that act as technical consultants or as lobbying groups for the accumulators of capital, or for the concerns of Labour, there could be a council that is honoured and respected for acting as a moral conscience and deliberating body for the dignity and political welfare of humanity as a whole.

This approach to moral judgment implies that we have to give up the widely accepted conviction that the only rational method of engaging in effective conflict resolution is either through the threat of military force or through negotiation backed by such threats. A third avenue of appeal which has proven effective in putting an end to guerrilla warfare but which is undermined both by threats of force and by bargaining self-interests, includes appealing to our initial and enduring state of interdependence, appealing to the vulnerability of innocent loved ones, to our mutual need for care, and to our common humanity.[14]

A global council for deliberating and constructing the dictates of global justice does not need to fix a rigid structure that is impenetrable to contest or reconstruction; it does not need to demand absolute conformity nor capitulation. Deliberation that yields consensus does not need to presuppose existing moral universals that everyone must ultimately share, or should be forced to accept. Appeals to our mutual need and to our common humanity prescribe no fixed universals, no pre-set obligations established *a priori*. The needs of humanity and common calls for justice, when practically applied, may change – are likely to change. And without profound

[11] I am grateful to Bernhard Weiss' presentation "Disagreement," at the University of Ghana, Legon Philosophy Department, where he lays out various stances that illustrate different normative epistemic strategies in situations of uncertainty and divergent opinion.

[12] I am grateful here to Virginia Held for her correction; initially, I claimed that value judgments bear truth values, but this puts them in too close alignment with empirical judgments whose veracity depends upon non-discursive evidence such as observation reports. I am following Geoffrey Sayre-McCord when I treat value judgments to a 'cognitive' meaning; because as he argues, non-cognitive readings of value judgements defeat realist interpretations of moral relativism (1991: 163).

[13] I follow here Michael Root's characterisation of interpretation principles as regulative and constitutive when he contrasts our attribution of beliefs to people in radically different cultures, in contrast with our attribution of properties to things in the physical world, in his very useful "Davidson and the Social Sciences" (1986: 276-277).

[14] Gratitude is owed to Daniel H. Levine, Maryland School of Public Policy, for sharing his theoretical proposal based on research in Liberia, in the talk "Threat/Negotiation/Appeal and Civilian Protection," September 28 2011 during his tenure as Fulbright Scholar in the Department of Philosophy and Classics, University of Ghana, Legon. 2011

[15] Wiredu. (1988). *op.cit.* pp. 242-243.

disagreement, there can be no progress in understanding the direction of that change, no way to restore a harmony or balance[15] that has been lost in the inequities of gross injustice, the contours of which change over time. The camps in Dachau, the castles in Cape Coast, the oil rigs in the Niger Delta, the barbed wire throughout Palestine's West Bank, the blood stains all over Kilali in Rwanda, all look very different, and require different kinds of judicial preventive measures or restorative responses – but in the violation of human integrity that they all display, and by virtue of the demands for restitution that they all provoke, they are the same.

Is consensus a pretension of modern democracy?

Before closing these considerations, attention must be drawn to the ease with which African interests are distorted and camouflaged by facile dependence on models of local representation jacked up to include global interventions, rationalised by romanticised references to traditional rule by consensus in Africa. There is not adequate scope in this paper to properly illustrate this phenomenon, but it is widely documented in literature concerning the politics and ethics of market-driven development economics.[16]

Intercultural forums, formally sustained by world bodies and regional consortia in West Africa, typically do not include traditional leaders. Normally, it is only the modern elite members of every region of Africa who are selected as representing their populaces at the level of global agency. Traditional institutions of governance are regarded summarily as ornamental relics of an ineffectual primordial past. Yet as we have observed so far, this is not because traditional leadership is defunct or anachronistic in the region. Despite the norms that persist in West African societies at large, they prevail unmonitored by the international gaze, and it is modern elites who control national proceedings in the global arena. So it is the local elites whose orientation is chiefly external, acting as representatives of corporations on the ground in African national economic structures, who are in fact serving the needs of foreign investors who pay their salaries and sustain those structures, who monopolise the local voice of authoritative experience in the process of international decision-making. Their purported responsibility to speak for Africans has in many situations constituted a pretence. Unless measures are taken to protect against this elitist monopolisation by agents of foreign power who hold local nationality status, the classic methods of consensus and deliberation in political arrangements will systematically and procedurally discount those traditional or grass roots voices of authority operating at the social levels of African nations whose interests are genuinely conflicting with transnational corporate agendas.[17] This is why some progressive activists advocating social and economic redress regard testimony *prior* to deliberations by council key to the delivery of justice.[18]

Elected officials in modern African democracies are regarded among the worst offenders in the respect of suppressing interests that might conflict with multi-national corporation profits. In response, modern states in Africa are perpetually subverted by the ordinary citizen on account of their geographic boundaries being anachronisms of former colonial intrusion, their inherited Western bureaucratic apparatus being sluggish and corrupt, their fiscal management policies being foreign imports, their compulsively distracted loyalties being monopolised by their dealings with greed-motivated foreign venture capitalists. Africa's central states lose credibility insofar as they must deal with multi-national corporation rather than confining their focus to custodianship of their citizens. Africa's modern state leaders lose credibility through the mandate they are obliged to fulfil by number eight of the Millennium Development Goals.[19] It is contentious whether central state governments of post-Independence Africa are adequate to represent those sectors of their populations who are most often victimised or have most to lose by multi-national corporation policies in general or through the impact of particular initiatives (e.g. oil drilling in the Niger Delta, export of poultry and rice to markets in Ghana, mechanised trolling, and dredge-fishing of Senegal's waters). Political philosophers dispute whether the problem of good representation in developing economies is rooted in the method of government composition via multi-party electoral politics.[20] Modern state structures make the ancestors furious[21] because in large

16 See e.g. Cutler (1999), Tabb (2002), Táíwò (2010). A very vivid example of this pretence, for which there is no space here to provide details, is the global HIV/AIDS initiative to boost public health in Africa. See e.g. Lauer (2006; 2011b).

17 Lance (2005).

18 Sanders (1997). I am grateful to Daniel H. Levine, Maryland School of Public Policy, for drawing my attention to the literature critiquing the elitism and hegemony prevalent in many consensus-based systems. Quoting Levine in email correspondence: "the official denial of power is a mask for the operations of fairly rigid power hierarchies" which exclude those for whom access to juridical redress is denied systematically, University of Ghana, Legon November 2011. A similar concern is demonstrated in the abuses of land tenure rights committed in chieftaincy systems, decisively by Kojo Sebastian Amanor (2012). See also Kojo S. Amanor's "Custom, Community and Conflict: Neoliberalism, global market opportunity and local exclusion in the land question in Africa," presented to the International Symposium: At the frontier of land issues: social embeddedness of rights and public policy in Montpellier France, May 17-19 (2006). Accessed online Nov.2007: http://www.mpl.ird.fr/colloque_foncier/Communications/PDF/Amanor%20TR.pdf.

19 It may be speculative but not wholly misguided to imagine that the remote, invincible and elusive power of General Motors and Exxon, Anglo-Ashanti Gold and Dutch Shell Oil Company today make roughly the same impression upon contemporary residents of West Africa as was imposed by the giant slave forts of Elmina, Cape Coast and Gore Island upon ordinary residents along this coast four hundred years ago.

20 On the counterproductive effect of multi-party electoral politics in African countries undergoing economic development see Kwasi Wiredu, "The State, Civil Society and Democracy in Africa," *Quest,* Special Issue: *State and Civil Society in Africa,* June, vol. 12, no. 1, (1998), pp. 240-252.

21 Paraphrased from a quotation of Ali Mazrui, *The Africans: a triple heritage.* (London: BBC publishers, 1986) p. 11; featured by Damian Opata, p. 135 of "The beautiful interpreters are not yet here: the poverty of a metaphysics of state and civil society in Africa," Quest vol. 12, no. 1 (1998) Special issue: Proceedings of the international interdisciplinary colloquium: State and civil society in Africa, July 13-18, pp. 135-150.

22 Recently broadcast remarks of President Ellen Johnson-Sirleaf, if in earnest, suggest that Liberia may become a singular exception to the general rule within the next decade. *BBC*

measure, successive governments in Africa have designed their commercial and tax laws, domestic labour policy, emigration procedures, and centralised public services to serve foreign capital interests.[22] About this there is no dispute: central government agents in West Africa are compelled to act as reliable borrowers and accommodating business partners with multi-national corporations in the global arena. For this priority, they sacrifice their obligations to provide their constituents with social services (healthcare delivery, education, basic utilities, decent affordable housing, minimal wage). So the job of defining and fulfilling the stewardship duties of government most often falls to traditional authorities. Africans hold radically divergent views about the integration of indigenous governments into the central state apparatus of their constitutional republics and federations. This aspect of African political culture and heritage requires the attention of international relations theorists who purport to advise Africans on the subject of good governance.[23]

Conclusion

There is one feature that exhibits the propriety of a characteristically West African capacity for serving the needs of a council that deliberates global justice. This historical fact about West African nationals generally escapes the consideration of those vehemently opposed to deliberative politics as it has developed in the Western tradition of classic liberal democratic structures. Schooled in the international languages of their former colonisers, citizens of post-colonised West Africa typically adjudicate between divergent procedures of justice, conflicting norms of feasibility, incompatible senses of propriety, contrary moral codes and multiple definitions of family. African intelligentsia assesses current events in Africa and in other regions of the global South from a wider, richer repertoire of political experience than do their counterparts, whose experience is mediated by the perception management of capital-controlled interests that monopolise the production of images in the electronic worldwide media. Thus, the various African understandings by which today's global inequities can be viewed at least in part as the perpetuation of historical injustices, serve as a foundation upon which to build protocols that can serve the goals of a council devised for deliberating global justice.

One such incorporation of divergent frameworks is the West African familiarity with contrasting notions of justice. I am grateful to the Ghanaian historian Divine Amenumey for explaining the following purpose and structure of legal arbitration in un-centralised, non-state polities. This shifts the very notion of justice away from the competitive model of juridical process that dominates Western legal systems. When two or more parties in a West African primordial public are in conflict, they seek a neutral party to mediate. If this fails, a formal hearing is sought in an established legal structure presided over by a recognised authority, who might be a chief. When called upon to resolve the conflict, this authority is not expected to establish which party is the winner and which the loser. Judicial process is not a competition; justice in this system is not served by determining who is legally 'right' and who is 'wrong'. Rather, conflict resolution through these procedures of justice is the "restoration of an equilibrium that previously prevailed before the conflict arose."[24]

In this light, it becomes clear why classic Western neo-liberal criteria are inadequate, if not irrelevant, for building the potential structures for pursuing justice globally. Alternative models and outcomes of judicial procedure and intra-regional diplomacy of Africa's post-colonised societies do provide corrective models of justice and reparation that are pertinent to the inequities existing in the international arena, from viewpoints predominantly shared in the Two-Thirds World.[25] The Western liberal competitive democratic model fails to generate criteria that are relevant for evaluating injustice in the global arena (at least in part) because it sustains the pretensions of capitalist *laissez faire* ideology – and in doing so, protects rigorously the interests of an elite oligarchic minority. According to free market dogma, a strict demarcation exists between the public domain of state accountability and responsibility, and the private sphere of personal pursuits and freedoms. The latter sphere is allocated to the operations of multi-national authorities and their agents. In their profit accumulation activities, this elite trans-national business class command and control the lives and welfare of individuals globally, yet with no obligation whatsoever on the part of invasive firms and business networks to respond to needs or to repair damages incurred due to their activities.

What remains at the top of the current global human rights agenda is an over-riding juridical concern to maintain efficiency in the extraction of resources. Currently, good governance around the world is measured according to its contribution to the feasibility and security of efficient, long-term foreign returns on investments and ventures euphemistically labelled economic aid for development, as enshrined in the Millennium Development Goals.[26] In contrast, justice once concerned itself with individual welfare, human rights (however defined) and constitutional law. This perspective has lost all rational purchase in the global arena. So it is in this respect that Thomas Nagel's cynicism is absolutely spot on, though I do not think for all the reasons he claims. Currently, thanks to those in authority who do control affairs and maintain very robust institutional arrangements in the international arena by use of force, the practicality, if not the very idea, of global justice has indeed become virtually incoherent.

[23] The efficacy and relevance of traditional deliberative politics is a focus of enduring controversy in African political philosophy. Vigorous detractors, for instance, were referred to in this essay; see Amanor (2012) and Ninsin (2007). For a review of some of the concerns and the debate between Eze and Wiredu, see Lauer (2012).

[24] Divine E. K. Amenumey, Professor Emeritus, History Department, University of Cape Coast, Ghana, in conversation, July 2003.

[25] I borrow this improvement on 'Third World' from David Bussau, the founder of Opportunity International (OI).

[26] An excellent, albeit very controversial example of human rights concerns serving the interests of capital investments, is the focus on Darfur and the janjaweed in 2003, which justifies militarising the Western Sudanese border, now heavily patrolled by foreign troops, to protect foreign interests. The pipeline's construction has attracted storms of escalating outrage in its own right, attracting considerable attention since its completion in 2001, about the time when the violence in Darfur is reported conveniently to have begun. However, Daniel Levine, Maryland School of Public Policy, who was involved in the NGO Human Rights Watch's monitoring of Sudan, rigorously challenges my reading of the context and motivation for global human rights discourse about Darfur circa 2001-2004; in conversation December 2011, University of Ghana, Legon.

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