

Care versus Justice: Odera Oruka and the Quest for Global Justice ¹

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Abstract

The Kenya-born philosopher Henry Odera Oruka (1944 - 1995) persistently, and consistently, made proposals for a different moral approach to addressing, and possibly solving, some of the root causes of human conflicts across the world. I will call it “taking suffering seriously” as the basis of his idea of a global-level collective justice which, for him, raised the idea of the ethics of care to the level of global justice. I propose in this paper to show that this concern can be found to be pervasive in Oruka’s works, connecting many of his well known positions as well as less known ones, and to discuss its philosophical merits.

Key Words

Odera Oruka, Justice, Care, African philosophy

Introduction

Common sense often leads us to assume that when conditions of the world change, humans will adopt the best means of adjusting to such changes, including designing and applying moral principles best amenable to different times. Shrunken by developments in communication science and technology that essentially have enhanced migration and permanently transformed the idea of home and neighbor, adjustments in relations at both public and private levels have brought about pluralistic views of culture to go with a growing sense of cosmopolitanism. But other senses of responsibility that would go with this pluralistic recognition have not taken root. Specifically, recognition of the once-distant populations as our neighbors has not led to modification in distributive principles to go along with a needed collective social justice required by our shrunken world. As a result, our contemporary world continues to be defined by many contradictory and polar-opposed characteristics, among them, on the one hand, the amazing levels of advancement in science and technology whose objective is to combat most known threats to humanity in the domain of health and, on the other, the most glaring and worsening state of global poverty, disease, conflict and suffering. And while the idea of justice has risen to the top of the list of philosophical preoccupations as a way of addressing some of the social fragmentations that lie at the root of such conflict and suffering, it has become obvious that old ideas of exactly what that justice means keep many thinkers from defining and addressing contemporary

problems effectively.

In his works, the Kenya-born philosopher Henry Odera Oruka (1944 - 1995) persistently, and consistently, made proposals for a different moral approach to addressing, and possibly solving, some of the root causes of human conflicts across the world. I will call it “taking suffering seriously” as the basis of his idea of a global-level collective justice which, for him, raised the idea of the ethics of care to the level of global justice. I propose in this paper to show that this concern can be found to be pervasive in Oruka’s works, connecting many of his well known positions as well as less known ones, and to discuss its philosophical merits.

Divergent Conceptions of “Community”

While we all are likely to agree that caring about the welfare of other people is a good thing, we probably differ about whether we should or ought to. We may also disagree about whether there are limits in this regard, and if so, what they are. In other words, is caring about other people’s welfare a virtue, or is it something only commendable (praiseworthy), an act that may add to one’s honor and public standing but not required, that is supererogatory but not obliging? Considering questions like these can be difficult. They stem from how we consider, as traditions have taught us, our relations with others, and whether relating to others adds anything to what our nature is believed to be. The great Western philosopher Aristotle, for example, talked of ends, the final cause of all things whose existence was guided by processes of change and becoming, or whose character was grounded in action. For humans, Aristotle wrote about what he called *eudaimonia*, achieving one’s potential (*Ethics*, X,7, 1177a11). The question then is: does relating to others add to one’s attainment of *eudaimonia*? And if so, what kind of relations have that value? At another point (*Ethics*, I, 4, 1095a,19) he says that at least everyone agrees that happiness is somehow “living well, “doing well”. What does it mean for a person to “live well”, to “do well”, to “live a fulfilled life” or, said differently, to attain contentment or happiness in the sense of *eudaimonia*?

Aristotle was a brilliant philosopher who thought carefully about matters. So while the exposition of the idea of *eudaimonia* gives the impression of his interest only in what individuals can do to fulfill their being persons, just like a Jacaranda tree attains its end when it attains its full growth and blossom *as it was meant to be*, which might be right too, he also considered relations between people, because humans live and interact with each other all the time under many varieties of relations. These relations

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are guided by what Aristotle called *philia*, getting along with others, such as colleagues of a disciplinary department, members of the Senior Common Room, of an academic class or trade union, club, etc. It is in this vein that he talked of some kind of *philia* as abiding in a community and connecting its members (*Ethics*, VIII, 9).

However, it would be grossly misleading to think that Aristotle thought of community the way many African peoples do. He thought of community more in the sense of people who live in a fairly small village or town, so that they share a post office, hardware store, or the pub where those who care for its offerings meet with such frequency that they know each other or discuss their elected leaders. Most people today, on the other hand, tend to think of community as a geographically or genealogically connected individuals who are bound to each other by mutual expectations of care.

So how did Aristotle think people in a community should relate to each other ethically? To be sure, this is an ambiguous question as it relates to Aristotle. The term “community” is understood differently in accordance with the cultural norms that inform it. Often, people think of a community as the set of individuals who, by virtue of the proximity of their abode, share a post office, market or general store where they get their procurements; they share a police station for security, a fire station, and so on. These people need not know each other at the personal level, and do not have to care for each other beyond the general and detached sense in which we feel for someone else when they have been robbed, or when their dog dies, or just the common feeling or desire that there be peace in the neighborhood so everyone could mind their business without disruption. In other words, people in such a community “get along”: they may greet each other in the street, or discuss an upcoming or past soccer game, etc. In that kind of “community, someone we know – because we happen to live in the same “community” would not come to ask us for salt if they discovered at a late hour that they had run out, or come to say “*pole*” (Kiswahili expression of sympathy) if a neighbor across the ridge broke their leg or had some other little misfortune, let alone a big one like losing a loved one.

Because Aristotle thought of community in these composite senses of detached individuals whose relations were regulated only by sharing institutional services, he likened individual-community relations to the relations of a person’s bodily limbs to each other in their self-constituting roles: for anyone to consider her-or-him-self in well being, not only must her or his limbs be in good health, they also must perform the functions they were made for - each one to themselves for their respective

and complementary activities to cohere in making up the active health of the body and of the person as such (Aristotle 1941, pp.1081-3, Bk. IX, Ch. 4, 1166a - b).

These are some of the elements of Aristotle's view that community, or society for that matter, is but an individual writ large. For the true and interactive relations, Aristotle's focus went to friendships: personal relations, governed by attractions that bring two people together on the basis of something shared between them. It is for this reason that he talked of those relations that went beyond merely "getting along" only in terms of friendship. This, he said, can be observed to be of three main kinds, corresponding to the three objects of love, each of which, in turn, he said, has a corresponding type of mutual loving, combined with awareness of it. The three species of friendship are:

- (a) Relationships based on mutual advantage;
- (b) Relationships based on mutual acknowledgment;
- (c) Relationships based on mutual admiration (Aristotle 1941, pp. 997-8, Bk. IV: Ch. 6, 1126b 12- 1127a 13).²

Whatever their circumstance, these relationships are based on choice or private attractions or interests, always mutual according to Aristotle, and may be the only ones that define the direct mutual exchanges within a community. The interests that bind those involved carry the sense of special relations that may not be extended to others. The last kind, for example, specially binds two individuals who recognize some intrinsic value in each other's character that is mutually admirable and attractive to them.

Furthermore, in Aristotle's view, the third type of friendship appears to not have direct or obvious interests involved between any two friends, but even there, loving someone because she/he has the character you like can cause gratification, especially when and because it is accompanied by awareness by each party that they are held in esteem by someone, and that reciprocation is expected. In Book IX, under the discussion of benevolence and friendship, Aristotle claims that benefactors do not wish well to their beneficiaries for any reason other than that they may live to give them acknowledgement, which is a kind of pleasure or gratification associated with social standing or public image that one gains in society. For that reason, obviously, the benefactor "produces" the

² The discussion on friendships is taken up again in Bks. VIII and IX.

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beneficiary for his/her own gain, and so “likes his/her product more than the product likes its producer” (Aristotle 1941, p. 1085, Bk. IX: Ch. 7, 1168a 2-10). In accordance with Aristotle’s general metaphysics, this is all natural since, like all natural things, humans too attain their fullness in activity, not in passiveness like, in his view, is the state of every beneficiary of the benevolence of a benefactor. Hence, a benefactor does not attain anything more by giving than his own calculated interests.

It is easy from reading Aristotle to see the foundation of later Western moral theory, especially as found in Kant’s work, and more recently in the work of the American philosopher John Rawls (1973), especially as it relates to the concept and requirements of justice. Primary to the objective of morals in these works are, among other related points, the following values: the autonomy of the individual and union with others; liberty, unity, congruence or integrity, and moral worth of the individual; self-respect, and equality. They are discussed in the already mentioned Chapters of the *Nicomachean Ethics*, in the Preface to Kant’s *Grounding for the Metaphysic of Morals* (Kant 1981, 2-4), as well as in Rawls’s *A Theory of Justice* (Rawls 1973, Chapters VII, VIII, and IX). In Kant’s famous but now widely criticized position, it just happens to be the case that human life is lived in community with others, which provides ample occasions for practical judgements or wisdom, but the latter, that is, the social circumstance of human life, is only the “field” in which each person carries out what is actually only her/his integral metaphysical constitution, namely the obligatoriness to act in morally meaningful ways, where both the obligatoriness and meaningfulness of the act - the goodness of acting or doing good - are directed at, or are driven by the metaphysical make-up alone, without the well-being of others as part of the consideration.

Aristotle’s position that the actions of a benefactor must stem solely from her/his metaphysical requirement appears to be consistent with Kant’s own position that doing what is right must be viewed independently of its possible practical consequences as the moral law is present *a priori* in reason. The well being of the beneficiary of a benefactor’s actions is not and must not be the object of a benefactor’s action, nor should a benefactor’s action be driven by the unacceptability of a prospective beneficiary’s condition. In this sense, then, Aristotle’s idea of friendship is one that defines only the “point where” the moral action of a moral actor in giving, part of her/his metaphysical requirement, an obligation in Kant, happens to “land”. In their views, moral actions ought to be driven by duty alone, not by what is deemed or even known to be their possible consequences. In this picture, which, as we shall see, includes John Rawls’s idea of justice, there is no “care” the way we tend to understand it.

Rather, it privileges the idea of the autonomy and freedom of the individual whose actions ought to be directed toward the promotion of her/his own interests. The three prominent Western figures concur in thinking, in a manner that directly connects metaphysics with morality, that the basic tenets of human rights is the right to life, to freedom, and to the pursuit of one's own happiness.

Individualist ethical theory claims that self-promotion ought to be the primary daily preoccupation of everyone except in cases of dispensing social duty toward those who depend on us. The latter cases would naturally be limited to children below the age of legal onset of adulthood, after which they would be expected to start their own self-promotion. But this position is descriptive first before it turns into a normative one. At the descriptive level, it asserts what one is brought up with, namely that "you matter first, over, above, and before anyone else". To this position, individuals matter first because, in a reductionist metaphysics, humans, like all things, are reducible to their basic composite parts which ought to be understood as standing on their own except in those cases where their dependency is paramount. To this view, individuals are not only born as such, they also grow to attain and perfect this autonomy. To the dominant Western mode of thought, autonomy is the metaphysical foundation and goal of human life, hence the obligation to cultivate and protect it. In this respect, the observation by some scholars that neither individualism nor communitarianism can assert or justify itself without recognition of the other happens therefore to be descriptively uncommitted to the recognition of the real and important differences between the two. It only leads, at best, to the limited view of communitarianism in Western social philosophy which, for the same reasons, traces its origins back to Aristotle, and has some expressions in Christian philosophy.

Theorists who pursue or take the individualist and duty-driven view for normativizing moral law and political policy will argue, like Aristotle and Kant did, that doing what is right is all that matters. And they will argue that such duty-based morality preserves both the individual and society at large. It is on this basis - the Kantian ethics' as well as Rawlsian justice's idea of impartiality - that they further argue that because the expectation that people focus on others' welfare, especially where there is no connection to the benefactor, is unlikely to be met by many, it cannot make a moral difference, and hence cannot be morally significant. In response, critics – whom, for lack of a better term, I will call communitarians – argue that because individualism is learned, so people can, and ought, to learn to care. Communitarians share the concept of "relational self" as a way of instituting an alternative axiom to that which starts with "care of the self", but they see differently how the self connects with others.

To many Western anti-individualists, the self connects with others through love as the engine for the promotion of good and caring in personal and social relations. The basis for this idea of otherness as driven by empathy is the alliance in Western thought between the ethics of care and feminist ethical theory, (see e.g. Hekman 1995), but it embraces elements of pragmatist philosophy, especially in the brand of John Dewey's moral philosophy³, the idea of continuity between all inhabitants of nature. This idea can be stated generally thus: that humans, as part of nature, develop, in the evolutionary sense of the term, aspects of the self that enable them to connect with the rest of the inhabitants therein, including connections with each other. The pragmatist call is, then, that we should inquire carefully to identify those aspects of human behavior which enhance this integration and connection. Because it embraces and demands attention toward others' well-being, love must be a good thing because its purpose is to guarantee, besides itself as a value, also other goods like peace, collaboration, and others. Because love sits right at the point that separates the experience of suffering from that of happiness and satisfaction, its value ought to be seen as empirically intertwined with the positive desire for survival and for an acceptable quality of human life.

To be sure, love is describable only as an inclination, meaning that it is a drawing toward something or someone for reasons that are usually subjective and unreplicable. Acts of love are performed on one's volition, such as Aristotle recognized of the bonds of friendship. In other words, it stands in sharp contrast to duty or obligation, to obedience of a law. The latter is what generates and guards justice, not love. So, one may ask, how did Oruka conceive care? Or did he really talk of care, or of something else altogether? Put another way, what is there in Oruka's thought about "otherness" that would warrant the view that caring about the welfare of those in need is a matter not of love or empathy but of obligation, duty, justice?

Oruka and a communitarian sense of moral obligation

In what follows, I wish to show, however only briefly in view of the limitation of space imposed by the nature of the document which these observations are to be part of, that the late Henry Odera Oruka (1944-1995), one of Africa's most influential recent philosophers, thought about considering other

³ See his *The Quest for Certainty*, New York, Minton Balch Publishers, 1929.(especially important is chapter 10, "The construction of good").

people's welfare in radically different ways from how, say, Aristotle, or Kant, or Rawls, have influentially led philosophers to believe we ought to do.

Whether the ethics of nurture or care is sufficient for convincing people to take the welfare of others seriously in a progressive moral and political sense is yet to be seen. In fact, care, in the form of empathy, stands in contrast to justice. While care is good, as is evidenced by the many works of charity that have transformed the lives of millions across the globe by improving their conditions or saving them from death, such acts lack the sense of duty that justice entails, nor can their beneficiaries demand such benefits as their rights. It is therefore a completely different matter to argue that giving to those in need is the right or just thing to do, and not merely the good thing to do on grounds of empathy. Oruka viewed the general principle of care, namely the concern for others' welfare, such as undertaking to eradicate poverty, as a more serious moral and political matter than a mere or only an occasional act of generosity. He saw it as a moral obligation that is consistent with the principle of justice. In accord with Aristotle, Oruka feared that emphasis on empathy as the reason for giving to those in need is likely to reduce a beneficiary into an appendage of the benefactor (Oruka 1997, 83-90).

According to Aristotle, a beneficiary exists in her or his own right, as someone who, except for the circumstances of need they are trapped in, should be taken to bear most other aspects of human dignity. Such a person would not care less about the benefactor. By contrast, a benefactor's status is conditioned by the existence of the beneficiary. With such realization, a benefactor may seek a beneficiary so as to forge the relations by which to augment her/his own public standing or status. The nineteenth-century philosopher, Friedrich Nietzsche, once observed that the master-slave relations reveal far greater dependency of the master on the slave for his status than is usually assumed. Thus, by acting or behaving toward the master in those manners as are prescribed for a slave, the slave affirms and sustains the status of the master (Nietzsche 1966, 1967). In the context of the emergence in Africa of the new socio-economic elitism against the backdrop of the poverty of the masses, Oruka worried about the erosion of the human dignity of the less fortunate - Aristotle's beneficiaries - and he worried that there was an imminent risk that the poor would turn into modern slaves to their own kin or fellow citizens. At the global level, he argued, richer nations would strive to sustain the gap between them and poor nations as a way of sustaining the circumstances of inequality and dependency from which ensues their status as benefactors. While relations of inequality such as intimated by Aristotle in his analysis of benefactor-beneficiary relations appear to exist everywhere, including

within the more affluent global north itself, it is also true that in the language of socio-economic and political blocs, the global north, or the Western world as it is variably called, wields unchallenged power over the poorer global south that it once colonized.

While Oruka was not known to have referred to himself as a socialist, his practical mindfulness of others' welfare, especially those in need, and his strong philosophical belief that disadvantages such as poverty, local or national, regional or global, were kept in place by unjust politics, do not portray him as any less progressive a thinker than those who have pursued those arguments explicitly. His views present a strong case for a better sharing of world resources at different levels of the stratum of social life and organization, that is, at the family level, national level, and at the global level (see esp. Oruka 1997).

Oruka and the idea of the minimum

Here is how Oruka sets off his critique of Rawls:

John Rawls introduces an egalitarian formula in the concept of Justice. But he does so on the plane of a liberal-capitalist conception of justice which corrodes the formula and the theory turns out as a subtle defence of Welfare-Capitalism. Rawls' claim, that his theory could be accommodated within both the private economic system and the socialist oriented one is therefore incorrect (see Oruka 1980, 77).⁴

Oruka set out to show in the essay that although there were ways of adjusting Rawls' theory by salvaging egalitarian elements therein to make it suitable to "a modern underdeveloped country", Rawls' theory was by and large nothing less than a liberal-capitalist theory of justice. Let us again consider Aristotle's idea of "action", of which "giving" was illustrated as part, as thus soliciting the question: how does a person fulfil her/his metaphysical self-realization, or, in Aristotle's own vocabulary, happiness? To this question, a possible answer could run as follows: by developing and using in their fullness the various capacities that such (kind of) a being - humans - is endowed with:

⁴This essay was subsequently published under a slightly modified title, "John Rawls' Ideology: Justice as Egalitarian Fairness", in a collection of Oruka's essays, almost all of them previously published or presented at meetings, and published posthumously under the title of *Practical Philosophy: In Search of an Ethical Minimum*, Nairobi, East African Educational Publishers, 1997. Due to my familiarity with both versions of the text (the second version had no alterations other than introduction of subtitles for sections in place of Roman letterings in the original one), I have taken the liberty of using both sources with occasional cross-referencing.

physical, intellectual, moral, emotional, and psychological. Other, and more specific capacities may be attained as sub-categories of the listed general ones, or as manifestations of different combinations of the general ones. For example, the capacity to be an excellent dancer may be developed as the result of a combination of physical, intellectual, and psychological developments. Thus the capacities listed above enable humans to pursue that ideal prototype human existence. Under them lie specific attainments whose values in turn lie in the general condition in which human life is consummated: in society.

Each individual person has one cardinal obligation: to do all those things, as commanded by her/his specific capacities, that lead to her/his final end, fulfilment, or happiness consistent with the defining capacities of the species. The idea of basic rights is derived from this Aristotelian metaphysical view of specific ends. Because these capacities can be realized only in society, the regulation of the extent to which everyone *can* continue to pursue their self-realization without denying or impeding the same for others leads to the simple ideas of social justice as irrevocably grounded on the primacy or priority of *liberty* under which alone individuals are not trapped in the potentiality of realizing the rights, but actually engage in those pursuits. This train of thought comes down from Aristotle, is reworked by Kant at the height of enlightenment against institutional authority of any kind, and is finally and strongly reaffirmed by Rawls at the height of debating across the world types and modalities of arriving at post-WW II political organizations as cognates of new and stable social and political policies.

Ethical questions that arise from the broad socio-political conditions of those times may include, but are not limited to the following: one, considerations of the degree, and under what sort of circumstances it is ethically sound to enable people to pursue the greatest happiness for the greatest number of people. Put in interrogative terms, is it ethically defensible to restrict the freedom of people by making them sacrifice such liberty for the benefit of the less advantaged? Or, is egalitarianism a higher good than liberty? If so, why? And are there some specific liberties and rights in respect to which people are equal, and others in respect to which they may not be? In one view (although the degree to which these principles were applied to perfection may be only by speculative assumption), people have equal liberty and right to vote and to hold public office; they have liberty and right to freedom of speech and of assembly; they have equal liberty of, and right to thought. But they may not have the liberty and right to acquire personal wealth to the degree that their abilities allow them. In another view, that held by Rawls and people of like-minds, individuals are to be free in

all aspects, such that, in Rawls' words, "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of equal liberty for all" (Rawls 1973, 302).

So, what does Rawls mean when he argues that what the less fortunate get in the system of inequality that he defends would be far less were they not to accept those conditions? It is obvious that he is considering the arrangements in a capitalist system where, in his view, even the less fortunate, the poor, are still better off than those people who live in circumstances where their freedoms are curtailed such that they would not have even the little they now have under the capitalist system. As Oruka observed in the opening sentences we quoted above, Rawls' text was written as a formidable ethical defense of the capitalist system whose biggest gift, he argued, was the inviolable liberty.

In other words, Oruka observes, "Although their liberty may in practice be worth far less than that enjoyed by the rich, Rawls argues that this loss is nevertheless compensated for by the very nature of the [capitalist] system" (Oruka 1997, 116).

One can draw an illustration of Rawls from a famous incident in African history, specifically the famed declaration by Ahmed Sèkou Touré of Guinea to President Charles de Gaulle of France. As historians put it, in 1958, after realizing that the agitation by Africans for independence from their colonizers was going to be unstoppable, Charles de Gaulle, then President of France, took trips aimed at requesting leaders of independence movements in French colonies to remain members of a global organization of Francophonie – to be similar to that of the British empire named the "Commonwealth Association". In their encounter, Sèkou Touré is reported to have defiantly told de Gaulle: "My people have no desire to join your organization, for they prefer liberty in poverty to riches in bondage" (see Hallett 1974 for exact quotation). So it appears, at least on the surface, that, like Sèkou Touré, Rawls believed that the price of liberty was worth the degree of poverty that one experiences as a result of the inequalities it engenders, except for the fact that Sèkou Touré and Rawls had contrary views of liberty, making the contrast between them serve as representations of the bi-polar character of liberty that came to define global politics in the post- WW II era.

While Sèkou Touré viewed liberty as a collective value that is enjoyed only when members of society through instruments put in place and controlled by them keep individual pursuits of happiness in check, Rawls, by contrast, views individual human beings as autonomous moral agents, each

independently pursuing a freely chosen course of action with reason and dignity. True to its Aristotelian roots, the Rawlsian individual bears her/his own duty toward her/his self-realization (happiness) commensurate with her/his endowments. Thus, although he would have agreed with Sèkou Touré in regard to the primacy of liberty, he nonetheless would have repudiated the (socialist) conditions under which Sèkou Touré's individual would have to live in as worth far less than the liberty in poverty under a liberal system even if supported by a paternalistic colonial power.

The rhetoric in American political ideology that it is right to tax the wealthy proportionately less than those at the bottom of the income ladder because such inequality is to the advantage of the latter group seems to have been borrowed straight from the pages of *A Theory of Justice*. According to Rawls, "Men share in primary goods on the principle that some can have more if they are acquired in ways which improve the situation of those who have less" (Rawls 1973, 94).⁵ But what are those conditions in real life? In their opposition to taxing the rich more, American Republicans have countered that such a measure will force the rich, especially those who own small businesses, to ship their businesses and American jobs abroad to avoid higher taxes and to seek cheap labour. In the wake of the global economic crisis that started roughly around 2007, this argument appeared plausible to the conservative American constituencies, even as it unveiled the ugly and inhumane side of unchecked capitalism, namely that exploitation may look bad, but the exploited are far better off with a job that exploits them than they would be without one. Put another way, in the eyes of conservative capitalism for which *A Theory of Justice* could be seen to serve as a blueprint, a rotten fish is still better than no fish at all. Translated back into an anti-Sèkou Touré analogy, neo-colonial bondage would still be a far better situation than liberty on an empty stomach.

Oruka sketched Rawls' fairness formula as follows: "... distribution of social goods is to be equal to the extent that the less fortunate receive no less than what they can obtain given and using their own capacity in a free market competition" (Oruka 1997, 117). Assume, for example, that, each person who lives in Nairobi is free in principle to compete to live in the best housing in the best neighbourhood that their capacity can allow them. May be this is true, in principle. Therefore, as I say also later, it is in service of fairness that those who either live in make-shift shacks along Nairobi River or can afford only a room in Mathare No. 10, or Korogocho, have got their fair share because

⁵Also quoted by Oruka, see "Rawls' Ideological Affinity and Justice as Egalitarian Fairness", in *Justice: Social and Global*, p.79.

that is what free competition has allotted them. It would be unfair only if they were caused to have less than this by reason of someone else, or a group of people, who opted to want to live in Muthaiga or Lavington. In other words, unfairness would arise only in those circumstances, as we are just too often accustomed to seeing, in which someone or a group of individuals, or the government, razed Mathare, or Kibera, in order to create room for a neighbourhood like Muthaiga or Lavington from which the original residents of Mathare or Kibera were not only excluded, but their circumstances were made worse than they had been.

It is not hard to see that Rawls' biggest concern was the curtailment of freedom for individuals to exercise their capacities to attain for themselves whatever they possibly could under "open market competition". In other words, Rawls accepted that egalitarianism was the nemesis of freedom which he regarded as the inviolable supreme value of the human condition. Yet he was quite aware that freedom was not given to all in equal measure, and he seems to have come to terms with this as a reality: slavery improved the lives of its victims, hence, it would appear to go, it was justice that slave owners deserved to be free, and to own their slaves because the lives of the slaves were thereby improved. And, to complete his train of thought, it would not have amounted to justice for slaves to demand and obtain freedom if their lives under freedom were going to be worse than under slavery.

Besides, it is difficult, and almost at the risk of being unfair to history, not to read *A Theory of Justice* with reference to the American historical scourge. So, while Rawls' focus may have been clouded by the need to defend the American ideological choice by fending off what he and those who thought like he did saw as a modern form of slavery that appeared to sweep across the world in the post-WW II period, namely the socialist political economy as a form of "enslavement of the majority" under the power of the state, he wrote *A Theory of Justice* as a Manifesto of the brand of economic theory advanced by Adam Smith in Britain. The preferable social order envisioned by the free market model of Adam Smith, as Oruka saw it in his hypothetical SUWJ (Society of Unbalanced or Wild Justice) (Oruka 1997, 118-121; see also Rawls 1973, 81-84), is one in which a few individuals, usually just one percent of society, embody the freedom that the majority only desire and idealize.

Autonomy and individualism

It is clear enough that we are individuals in our persons – in our bodies and in relation to many of our interests, especially those interests that relate directly and obviously to our bodily care such as our

health, our aesthetics, and to some degree, our belongings. Our individuality is equally manifested in how we process stimuli from our surroundings. But it is also clear that we live in communion with others, in families of all kinds, and in our interactions with them in sharing the services of institutions, which, incidentally, are themselves products of our recognition of common needs and the need for collaboration to address them. But differences about which of these should dominate how we consummate and create the principles of our relations based on the measure of the relations between individuals mark separations between the value systems across the globe – at the socio-political levels, and more subtly at the level of everyday cultural experiences. Formally, such differences are the basis of movements of theory and practice. As Isaiah Berlin writes, such “great movements began with ideas in people’s heads: ideas about what relations between men have been, are, might be, and should be; and to realise how they came to be transformed in the name of a vision of some supreme goal in the minds of the leaders, above all of the prophets with armies at their backs. Such ideas are the substance of ethics. Ethical thought consists of the systematic examination of the relations of human beings to each other, the conceptions, interests and ideals from which human ways of treating one another spring, and the systems of value on which such ends of life are based. There beliefs about how life should be lived, what men and women should be and do, are objects of moral inquiry; and when applied to groups and nations, and, indeed, mankind as a whole, are called political philosophy, which is but ethics applied to society” (Berlin 1990, 1-2).

Emphasis on inviolable individual autonomy, and obligation to attend to the cultivation and protection of the properties that define such autonomy, such as providing or adhering to the conditions or provisions that promote the enjoyment by each person of such autonomy pervades and underlines the historical progression of Western societies as we have come to know them in their historical formation and expressions. The Enlightenment entrenched the idea of individual autonomy in moral, political, and legal theory, extricating him/her from collective social control either in the form of traditions or state oversight, before the social movements of the Twentieth century. According to David Harvey, the life of the social movements was cut short by a global re-emergence of neoliberalism in the 1970s, especially in the pivotal two-year period, which he refers to as the “revolutionary turning-point in the world’s social and economic history”, between 1978 and 1980, such as is evidenced by ascendancy to political power of three influential figures, namely Deng Xiaoping in China in 1978, Margaret Thatcher’s take over of the British premiership in 1979, and Ronald Reagan’s American presidency in 1980 and, as a fourth button in the world political-economic order, Paul Volcker’s assumption of his position at the US Federal Reserve in 1979 (Harvey 2005, 1). China may seem to be in odd company

here, but, according to Harvey, they were all movers toward “Deregulation, privatization, and withdrawal of the state from many areas of social provision [which, in his view,] have been all too common.

As recent examples of attempts to curtail the powers of labor unions, or to eliminate them altogether, as in recent Tea-Party-driven legislations in some US states may have indicated, the push is to eliminate any form of collective responsiveness to and responsibility for common welfare, preferring instead, in the logic of the push, to premise the creation of social good on the maximization of competition in the open and self-regulating marketplace. Of course the implications can be seen easily even by such untrained eyes as mine or those of Onyango in the streets of Nairobi, namely that to maximize the gains of the open marketplace, the geographical reaches of the market must be made greater, and the market contracts shortened for efficient performance.

The socio-economic implications of such a new world order are some of the matters that preoccupied Oruka. Without explicitly espousing what has come to be commonly referred to as the communitarian ethic, the grim consequences for the majority of humanity worried Oruka deeply. Sometimes he may not have seen the implications of this newly proposed order, such as when he critiqued Kwasi Wiredu’s theory of truth⁶, but both in his life and in his attention to the ethical principles of a preferable social order, there could not be a mistake as to how Oruka thought of the inequities in human life at different levels. The threads of his discomfort with liberalism, if we may restrict it to the socio-ethical domain only, can be found in both his essays as well as in the interviews and conversations with some of the sages.

In conversation with Paul Mbuya Akoko, Odera asks for clarification of the reason for communalism (see Oruka ed. 1990, 141-3). In response, Mbuya Akoko clarifies, first, that communalism must not be confused with the idea that “people ought to share everything” as no sane society will fail to recognize a certain measure of individuality, or the notion and value of individual uniqueness such as can be manifested in intelligence, creativity and originality in dance or other skills such as orature,

⁶See, for example, his “Truth and Belief”, in *Universitas*, Vol. 5, No.1 (November, 1975), pp.177-184; Wiredu’s response can be found in Wiredu, Kwasi, “In Defense of Opinion”, *Universitas*, Vol. 5, No. 2 (March 1976), pp. 197-210; Finally, Oruka’s essays on the theme appeared as seven chapters of Part I of his *Practical Philosophy: In Search of an Ethical Minimum*, Nairobi, East African Educational Publishers, 1997 (posthumously).

leadership, and hard work. But these do not trump the underlying reality that even with such expressions of individuality, all persons are part of an organic order of community. That this latter aspect of human reality is chronologically basic to everyone can be demonstrated by the fact that an organic theory of selfhood as rooted in every person's relations with others is what makes it possible for individuals to cultivate those qualities with which their individuality is associated. For example, orature is a skill only in the context of the judgement of other people in terms of its appeal to them in respect of aesthetic standards of use of language.

In Mbuya's view, then, the first call to all people of responsibility is toward the protection and sustenance of a community of responsible individuals, meaning persons who recognize the debt to others as members of the community they share. This, Mbuya Akoko further argues, is done by requiring that every person in the community has the minimum amount of those benefits without which they are not likely to live such life as will enable them to become responsible members of the community. Among such requirements were material needs for the sustenance of life (everyone needs to get from the community life provisions such as food, clothing, and shelter if they cannot provide for themselves), and for the fulfilment of a dignified life expected of all normal persons who were judged to have acceptable grounds for not being able to fulfill such expectation on their own (every member of the community deserved to have a shot at marriage and to raise a family of their own, because marriage gave an individual social values beyond merely having company).

Back to Oruka's critique of Rawls's liberalism

As a result of the communitarian ethic, people confronted major threats in life collectively with others as members of a community, thus lessening the effects or visibility of such conditions as famine and poverty. While discouraging laziness and other causes of exploitative character traits, communities were often blamed for failing to meet their expected responsibilities toward their deserving members. In Mbuya Akoko's explanation, people need to be given the opportunity to prove themselves, for even hard workers will need in-put of capital to start and finally be able to stand on their own. In concurrence with John Rawls, and with Mbuya Akoko's rejection of totalitarian or doctrinaire socialism (in which there is no private ownership of property in the form of wealth), wealth - at least some reasonable amount of it - and income are such primary goods that no individual should be denied them. But that is probably the extent of the shared values. From there, divergences rip systems apart. Emerging from a liberal perspective, Rawls' view stipulates that the individual has inviolable

rights, and must therefore want to have such rights as the basic civil liberties (freedom of speech, freedom to vote and to stand for public office, freedom of assembly, and freedom of thought and conscience) and the freedom and right to hold personal property. For Rawls, the other principle of justice addresses social and economic freedoms and rights, according to which access to wealth, while recognizing an arrangement that gives “greatest benefit to the least advantaged”, is nonetheless to be attached to offices and positions open to all under conditions of fair equality of opportunity (Rawls 1973, 302).

Oruka worries that in Rawls’s system the least advantaged are actually not taken care of, as Rawls argues that they can be taken care of only to the extent of what they themselves would be able to obtain on their own capacity in the free market, thus they must not receive less than such a level. In this system, there is no equality – whatever this may mean, but the poor, or least advantaged must be grateful under the arrangement that they have anything at all, because their condition would be far worse if they do not accept such an arrangement. There is a mirage of benefit to the poor here, namely that while the well-off may not get the maximum of their wants that their capacity could get them, the less fortunate must. Thus, in Rawls’s view, a society acts in line with the principle of justice if the improvement in the condition of the rich helps to improve, or at least does not diminish, the condition of the poor. The overriding principle is the freedom of all to pursue whatever lifestyle they wish to under equal opportunity. Equality is judged by “benchmarks”, not flatly across the board, thus allowing “Inequalities [to be] permissible when they maximize, or at least all contribute to, the long-term expectations of the least fortunate group in society” (Oruka 1997, 117).⁷

Here is the core of Oruka’s dissatisfaction with Rawls’s “Republic of Justice”: it does not address what the “own capacity” of the least advantaged is or can allow them. Hence protecting such persons by simply sustaining them at the level where their own capacity would take/bring them may be far less than what human dignity would allow (Oruka 1997, 117-118). Hence it may be considered acceptable under Rawls’s theory that a homeless person is to be sustained at the homelessness status because their own capacity would not allow them to have a better standard of living, so long as she/he does not sink deeper or get worse than she/he already is, especially as an effect of the self-improvement of society’s rich. You can clearly see the moral groundings of the differences currently driving the divide

⁷Oruka makes reference to Rawls’s *A Theory of Justice*, pp.94 and 151.

in American politics in regard to proposed differentials in taxation policies and practices. The moral of the argument by those who oppose taxing the rich more is that the only thing individuals can control is to legally apply themselves to producing anything, and everything they possibly can based on their capabilities, and no one should take even a dot of it from them more than their fair share.

As we said earlier, recent political events in the United States, as well as developments in contemporary liberal theory, underscore the extent of the influence of Rawls's theory. Rawls argues that citizens are rational enough not to allow the emergence of "unacceptable differences" between the haves and have-nots. But we have seen that this is not always the case. It may be the position of only a small group of the ultra-right wing, but opposition to government guarantee of a certain minimum access to healthcare for the poor by limiting the control of health insurance companies not only unveils the absence of such reason, it also signals the lack of care among liberals for a social order. In fact, in this matter, liberals and conservatives find themselves to be unlikely bedfellows as supporters of the removal of any form of social control of the liberty of the individual to pursue as her/his reason allows within the limits of the law. Never mind that the push by ultra conservatives, such as their push to repeal delegalization of certain forms of discrimination (under the principle of the liberty of individuals or businesses to do and pursue as they deem to be in their economic interests) may finally put the odd bedfellows on a shoving relationship. Sometimes, however, concomitant circumstances may put ideological strangers on the same path without them necessarily sharing the principles of the course.

One major weakness, not just of the ethical theory advanced by Rawls, but also generally of the human psyche, as suggested by critics of Rawls, say, Robert Paul Wolff (1977, 11), for example, is how to lead the rational self-interested, pleasure-maximizing individual to substitute general happiness for their own as the object of their actions. This is similar to Oruka's own position. The preservation of one's own legally acquired interests may be a good principle, but, in Oruka's view, the general well being of society is a greater good, so long as individuals' contribution to the attainment of such general well being does not adversely affect the well being of contributors. Oruka would therefore vote with those who propose the taxation of the "super rich" at a higher rate. As the popular parlance puts it, it does not make sense to tax a billionaire at a lower rate than her/his Secretary is taxed. This, as we just pointed out, is the point that Oruka aims to make in his discussion with Paul Mbuya Akoko about social responsibility and the ethics of care in *Sage Philosophy: Indigenous Thinkers and*

The problem is not about merely convincing someone to think of others' welfare, for they may do so once or a few times because "it is a good thing". Ultimately, however, there needs to be a context that makes such conviction warranting, plausible, and possible. Those of us who live and work away from our indigenous cultural environments may encounter examples of this rather frequently. For example, if you want to make your American students to think about how matters they often take so much for granted that they are a "no brainer" are indeed not so obviously "no brainer", then ask them about how they would react to thinking about the welfare of other people, a friend, a relative, or just an acquaintance, for instance, not just as a side-issue but as something far more serious and obliging. You are likely to see them frown, as though you had just side-stepped the "obvious" course of moral reasoning. Of course, the molding of cultural habits, built on some unquestioned or axiomatic cultural assumptions, have all combined to make the "fact" that everyone has the sole obligation to her/his own interests the "obvious" view.

Philosophers are neither blind to nor exempt from these perspective formations of themselves and how they think of the world. Like everyone else in the line of cultural descent, they too are heirs. In Rawls's case, the defense of the rights and liberties of the individual are part of the Anglo-American heredity of the moral theory erected by Immanuel Kant - with applications to conditions evolved out of very specific historical, social, economic and political circumstances. They inform his models of analysis and argument. Moral psychology is developed through a process of what the German philosopher, Jürgen Habermas (1984), has called communicative action. In other words, the formation of the ideas of and sensitivity to right and wrong, good and bad conduct, as well as the variety of types of conduct that fit into any one of the categories, are acquired processes whose growth and entrenchment are culturally conditioned. Their transformation over time occurs on the matrix of societal discardment, modification, or adjustment of norms in order to credibly and strongly locate itself within some order, both internally and in relation with the rest of the world. The only thing that is firmly universal about morals is that we are morally teachable.

⁸ For a discussion of the communitarian context of these views, both Mbuya's and Odera's alike, see my *Self and Community in a Changing World*, Bloomington, Indiana University Press, 2010, pp.222-254 (Chapter Six).

Two things are questioned by people who think of the making, not only of the personality of agents, but also what they come to regard as plausible, possible, or in any other sense part of a discursively meaningful world. First, they question the view that persons bear characteristics that are transcendentally molded outside the context of their social conditioning. Rather, they argue, humans are naturally geared to develop their capacities in social contexts, and that without the communicative relations with others they are unlikely to develop into persons capable of performing acts that characterize them as agents.

Secondly, in specifically moral terms, communitarians criticize the intuitionist view which purports that persons are directed toward moral law by virtue only of their transcendental (metaphysical) nature on which the social context plays no significant role besides offering itself as a testing or practice ground. They contend, instead, that moral principles are the result of negotiated norms to reconcile interests, especially where conflict is real, possible, or imminent. They contend, then, that moral rationality cannot be reduced to a purely formal procedure for the calculation of costs and benefits for maximizing utility, as such a view ignores the reality of agents as located in concrete historical, social and political contexts. Rather, rationality is a process of reflection, deliberation and rational evaluation of possible consequences of actions and state of affairs for both self and others, because moral ideas stem from and are meant for practice in social contexts. Kwasi Wiredu has referred to the guiding principle in the formulation of moral norms as *sympathetic impartiality* (Wiredu 1996, 29-33), an idea that stresses the relational nature of moral and political ideals as aimed primarily at establishing the norms of personal and collective relations between people.

From village to global contexts

Let me leave aside for a moment the communitarians' conception of the self as well as their conception of community, and instead go back to the idea of distributive justice advanced by Paul Mbuya Akoko, although they clearly have bearings on each other. His recognition that there are certain individual characteristics that need to be both cultivated and celebrated as such suggests that not all social goods can be distributed in exactly the same manner: different goods will need different distributive principles based both on how people understand the goods themselves, and how they understand their own relations.

The late A.B.C. Ocholla-Ayayo, himself an illustrious alumnus of Uppsala University and a

contemporary of Oruka there, wrote an excellent text on the Luo distributive system based on the rankings of lineages, families, and individuals within them (See Ocholla-Ayayo 1976). The first criterion in this system was that everyone had a right to primary resources for a decent human life, and these were distributed according to the system of seniority of the lineage and family one belonged to. Hence one could not do as they chose merely because they enjoyed other material benefits - which, if they did have, must have been acquired through means extraneous to the system. Such extraneous means would therefore not count as an advantage over those with whom she/he was in the distributive system. But, as Mbuya explains (Oruka ed. 1990, 141-2), if any individual, or family, enjoyed advantages over their kin, they would be expected to use such means to raise the life conditions of such needy kin through a system that finally would lift them out of poverty, so long as they put in their own efforts.

The difference between liberalist and communalist or communitarian aspirations are evident. In Rawls's view, it is enough for a just society to provide the neutral framework (ruled by the principle of the veil of ignorance) of basic rights and liberties within which individuals can pursue their plans and attain their own values, consistent with similar liberties for others. Communitarians, by contrast, aspire to create an atmosphere that promotes a good society. Whatever else it might be, a naturalist approach to seeing the value of community should begin with an observation of the role community plays in enabling and enhancing the development of the capacity of its members. The responsive endowments of our bodies await the stimulation of others to turn us into agents, that is, functional members of our communities with different levels of competency.

I propose that it was Oruka's contention that the realization of the basic mutual dependency of humans cannot be abandoned suddenly when it comes to acquisition of social and material goods. The concept of right, as articulated in recent liberal ideology at least, bears the weakness of visualizing an abstract individual whom it extricates from the social context upon which the goods of her/his own self-interest depend. In Oruka's view, it is precisely because of this abstraction that the capitalist framework on which Rawls's own theory was based permits "an infinite socio-economic gap between the rich and the poor" (Oruka 1997, 117). But (and I can almost visualize Oruka arguing both firmly and passionately) the pretensions of capitalism must be morally bizarre, as no accumulation of wealth can happen without the commission of some wrongs along the way. Hence, in his view, it bears an intrinsic evil in the form of social and economic inequality (Oruka 1997, 118). For this to be true, Oruka must envision an accumulation practice that is based on more than the sacrificial capital build-

up from personal savings alone as described by Rawls.

To say that the conflict between right and good is a difficult matter is probably an understatement, as often people who stand on either side of the two values appear to be resigned to irreconcilable opposition. Those who ascribe to the liberal ethic, for example, regardless of their economic status, do not always appreciate the prioritization of good over right even when they stand to benefit, hence their opposition to any form of welfare promotion if, in their perception, it reduces their individual freedom to control decisions about how to live their lives as is well exemplified in the raging American debate on healthcare reform. According to Oruka, liberals support what he calls “a society of unbalanced or wild justice” (Oruka 1997, 118 ff.),⁹ meaning a society where the system has a built-in mechanism by which certain people are condemned for extinction as they are excluded *a priori* from the benefits of general social, economic, and scientific progress.

Now translate the above into an international perspective, or, as Oruka preferred, a global one, and ask yourself: why should I be required to worry about the welfare of people far away across the oceans, people I have not and probably will never see?” But, surely, thinking about people and cultures far away from home is not new. Indeed, we engage these distant fellow inhabitants of the globe in many other ways everyday. Some of my readers will remember the now classic statement by Muhammad Ali, the American boxing legend, then Cassius Clay, when he was opposing his drafting into the US army, probably in preparation for shipment to fight in the Vietnam war. He said, and I only paraphrase, “I will not go fight the Vietcongs; they have not thrown no stone at me...” Yes, it is easy to ship out young men and women to go fight distant people in the name of political causes, yet we debate far more eloquently about whether we should care to promote human good across our borders.

This is not about helping people struck by tragedies of earthquakes, or tsunamis and other natural calamities from time to time. Instead, it is about establishing norms for a consistent and sustainable practice among the citizens of the globe, whether as nations, organizations, or individuals, but particularly the first two, to enhance human well-being by enhancing the capacity of everyone. Politicians have remarked for a long time, especially when scrambling for explanations behind acts of

⁹See also “Rawls’ Ideological Affinity and Justice as Egalitarian Fairness”, in *Justice, Social and Global, op. cit.*, pp.81-84.

violence, that “such and such people carry out acts of violence against us because they are envious of our values”, and things like that. In the same breath, it has been suggested, also in political discourse, that hatred across the globe is engendered by economic inequities and the pervasiveness of poverty. Liberals, and nationalists of certain brands, have argued that help to distant people can be warranted only by commensurate or greater benefits from doing so, whatever the nature of the gain. I count those who offer aid for religious reasons to be among these, because their action is not based on exactly a moral norm.

Oruka and the ethics of global care

What, then, is a plausible argument in support of global caring? Is it enough to regard it merely as an extension of the norms that sustain a community? There are at least two tracts that have tried to address this issue. One, let us call it cosmopolitanism, suggests that the flaw in the lack of a sustainable global ethical system lies in patriotism, the mindset that makes us think of ourselves as members of specific nations or communities distinct from others. This, Martha Nussbaum has argued (Nussbaum 2002, 3-17), mitigates against the classical Greek notion of *Cosmos* and *Cosmopolis*, in which all people were citizens and which, she argued (at least in the early stages of her development of this idea), we should all return to. Patriotism, she contended, creates an atmosphere, under the protection of sovereignty, that engenders relativism and makes it easier for oppressive regimes or factions within national borders to target those they do not like, and harder for people and nations considered foreign to intervene in political ills across the globe such as we witnessed in the case of Rwanda and the Balkans a little later. Instead, cosmopolitans argue, the world should push for the erasure of national borders, thus making the world a continuous global community, a unitary *polis* as an unmarked (boundaryless) jurisdiction.

The other view, while not defending political crimes, holds the position that there must be respects in which our patriotism ought to be defended, such as in cultural nationalism that aims only at advancing those practices, so long as they are rational in themselves, and rationally respectful of other similar ones, which give us a certain way to do as we may rationally choose to do. Sometimes I want to think of only the latter view as adhering to liberal norms, but they both do. This latter view, as defended outstandingly by Kwame Anthony Appiah, argues (Appiah 2002, 21-29), as Rawls would - or so I believe he would - that the only reason for us to intervene in the patriotic domains of others would be if individuals or groups there were being violently targeted, or their lives were being deliberately made

worse by the actions of others for whatever reason; otherwise, they should be left alone. Individuals across the globe should be connected by the rationality of their choices; for the rest, they can be who and what they want to be. Some have criticized this approach to international relations, calling the reasoning justificatory, such as we saw spark the American intervention in Iraq, or Libya most recently. Questions are almost always raised, however, regarding the real objectives of such interventions. In Iraq, questions abound regarding the benefits accrued to the ordinary Iraqi citizens as a result of the American intervention.

Tentative conclusion

I have indicated that, in Oruka's view, liberalism is unacceptable precisely for its apathy toward the human condition where there is no deliberate harm perpetrated by anyone, whether an organization or individual. This raises the question whether one should intervene in cases where nations use social isolation and economic deprivation of some groups of their own citizens as means of political victimization. Who, in such cases - and they are numerous across the globe - determines the punitive nature of such conditions? And who takes the initiative of intervention? Oruka did not build a detailed account of how a global distributive system would work, but he was nonetheless unflinching about the unacceptability of claims over natural resources based on territorial boundaries which, as we all know, serve primarily an exclusionary role. Perhaps - and I emphasize "perhaps" - he visualized the migratory nature of human spread and occupation of the world, and argued that no one should in fact make permanent claims over resources other than those that they have developed by their own investments. It would follow, then, that there needs to be a format for the distribution of natural resources either in their crude form, or, with proper methods of compensation, as refined products to those societies which did not have them. His view is that world migrations and expansions were hardly the result of knowledge of the location of the world's resource reservoirs. The discoveries came later, and still continue in our own times.

The suggestion would appear to be, then, that we apply the same analytic models for understanding the social and psychological processes of identity as grounds for appreciating the socio-psychological groundings of morals at the personal levels to international relations. In other words, it is in the wide world web of economic and political relations that we realize both that other people are indeed other than us, but also that they are like us, and that it is the latter, our similarities in certain crucial respects, that push us to establish norms that reflect these basic similarities of us and of our claims. Such

realization may catapult care not just into the ranks of moral theory, but also into how we think of justice differently from a global perspective. Doing good, not for the occasional humanitarian ground based on sympathy, but in service of a moral norm that aims at uplifting others, each other, toward a common human good. This is the net worth of a community, any community, local, national, regional, or global. The political ramifications of this principle suggest a critique of the so-called *laissez-faire* policies and, above all, of corruption or politically-driven kleptocracy at the expense of the ordinary folk whose lives, both individual and collective, are made worse as a result. It is no wonder, therefore, that Oruka defended political positions that aimed at protecting the interests of those who had no public platform. I am thinking, for example, of the theme of Oruka's *Punishment and Terrorism in Africa* (Oruka 1976; Second edition 1985), his far less discussed book, *Oginga Odinga: His Philosophy and Beliefs* (Oruka 1992), and of his defense of the concept of law as a moral idea (see Oruka *et. Al.* 1989).

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