



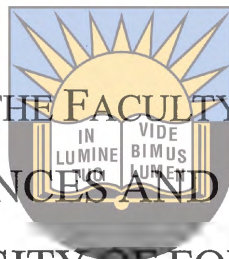
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**A comparison of ethical models for
conflict resolution in the African context**

BY

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SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS (PHILOSOPHY)



IN THE FACULTY OF
SOCIAL SCIENCES AND HUMANITIES

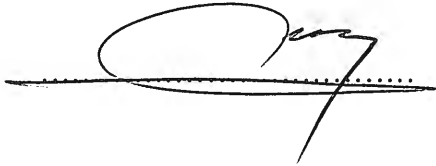
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DECLARATION

I, Mr. Mbangu Muyingi, hereby declare that this research work is my original work and has not been previously submitted to another university. Information extracted from other sources is acknowledged as such.



Alice



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DEDICATION

To my wife, Mrs. N.M. Lorraine Muyingi, and my son, Boece Muyingi, for their support, patience, encouragement, endless love, and understanding, my deep gratitude.

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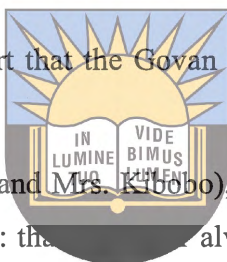
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Thanks to Prof. Brouwer for taking time to proof read this dissertation. It is much appreciated.

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To my parents (Mr. Mundondo and Mrs. Kibobo), brothers and sisters, whose pride and joy it is to support me in whatever I do: thank you for always believing in me. You have made me strive to be a better person in life.



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To my grandmother Lukanda and my uncle Wally Kipasa: thank you for all your sacrifice towards my education.

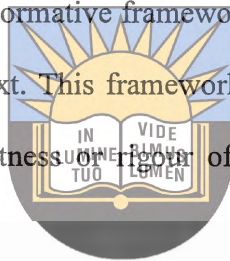
To my big brother Talwanga Matiki Bisuku: thank you very much for all you have done for me.

To Pastor Emmanuel Dodo and Brother Tunde Sunday and the leadership of the Redeemed Christian Church of God Love Assembly, Alice: thank you very much for your positive influence that helped me to discover my purpose in living.

Last but not least, a hearty thanks to my wife, Lorraine Muyingi, my son Boece Muyingi, my cousins L. Mabanza, M. Munienge, R. Bubu, R. Vala, M. Vothy, for their undying support and encouragement. I glorify God Almighty for giving me strength, courage, and wisdom to carry out this work.

ABSTRACT

Remarkably little research has been done about the potential of ethical models for violent conflict resolution in the African context. I will argue here that ethical models such as Utilitarianism, Deontology, Virtue ethics, and African ethics can exert influence to help resolve conflict situations peacefully for the sake of African civilians generally and the DRC civilians in particular. This influence firstly becomes visible in the fact that ethical models can guide conflict resolution attempts to bring about conditions of peace, justice and freedom among African civilians in whichever nations state they find themselves. Secondly, ethical models can be established in the resolution of conflict for a lasting peace in the African context, and lastly, ethical models can be proposed as a guideline for all African leaders to lead their countries in peace. The conclusion I draw is that a normative framework of ethical models can be applied in conflict resolution in the African context. This framework draws on all four models, but leans toward deontology because of its strictness or rigidity of universal rules or principles in any situation.



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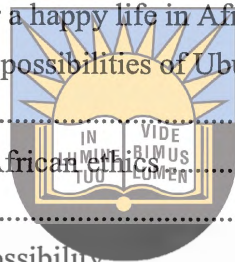
Table of Contents

Introduction.....	7
0.1 Statement of the problem	7
0.2 Aim of the study.....	8
0.3 Objectives of the study.....	8
0.4 Research methodology.....	8
0.5 Narrative of chapters.....	9
Chapter 1: Conflict and the need for ethics	10
1.1 Defining conflict	11
1.2 Conflict in philosophical perspective.....	13
1.2.1 Analysis of the conflict of opposites.....	13
1.2.2 Determinism and conflict.....	15
1.2.3 The inevitability of social conflict.....	17
1.2.4 The root causes of violent conflict in society	21
1.3 The need for an ethics of peace in Africa	24
Chapter 2: Utilitarian ethics: conflict and the calculation of costs and benefits.....	28
2.1 The example of the DR-Congo	28
2.2 Utilitarianism	31
2.2.1 Bentham's argument	32
2.2.2 Application of Bentham's principles	33
2.2.3 Discussion of Bentham's argument.....	34
2.2.4 Mill's argument.....	35
2.2.4.1 Application of Mill's principles of liberty.....	37
2.2.4.2 Discussion of Mill's argument.....	38
2.2.5 Act- and rule-utilitarianism.....	39
2.2.5.1 Act-utilitarianism.....	40
2.2.5.2 Rule-utilitarianism	40
2.2.5.3 Application of act- and rule-utilitarianism in conflict resolution	41
2.2.6 Criticism of utilitarianism from an African perspective.....	43
Chapter 3: The Kantian imperative for lasting peace	46
Introduction.....	46
3.1 Kant's philosophy in general	47
3.2 Kant's ethical theory.....	49



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3.3	The absolute good will	49
3.4	The concept of duty.....	51
3.5	The categorical imperative.....	52
3.6	Lasting peace.....	56
3.7	Peace in Africa?	60
3.8	Critical remarks.....	61
Chapter 4: Virtue ethics: conditions of a happy life in Africa.....		64
4.1	Happy lives according to Aristotle.....	64
4.2	Practical elements of the Aristotelian approach.....	68
4.3	Virtue ethics in the contemporary period.....	70
4.4	Application of virtue ethics for a happy life in Africa.....	73
Chapter 5: African ethics and the moral possibilities of Ubuntu.....		76
5.1	Traditional African ethics	76
5.2	The change of the traditional African ethics.....	81
5.3	The significance of Ubuntu.....	84
5.4	Ubuntu as an African moral possibility	87
5.5	Application of Ubuntu to the case study of RRC.....	88
Chapter 6: A critical comparison of legal concepts.....		91
6.1	The utilitarian approach	91
6.2	Kantian deontology.....	94
6.3	Virtue ethics	97
6.4	Ubuntu ethics	99
6.5	The comparison in brief.....	101
Conclusion: Towards a normative framework of conflict resolution.....		104
Bibliography		110



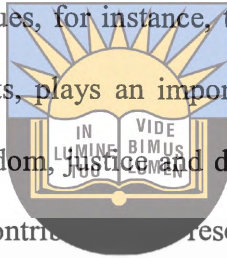
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Introduction

0.1 Statement of the problem

The impact of conflict in Africa has been devastating for many Africans as it has threatened the existence, safety, security and moral dignity of people in many African countries. A telling example is that of the DRC. As will be spelled out in more detail, these conflicts have taken protracted periods of time and on the whole are extremely detrimental to human development. In such conflicts ethical reflection on values, for instance, the consideration of the importance of human life, freedom, dignity and rights, plays an important role. After all, conflict in Africa undermines ethical values such as freedom, justice and dignity. My contention is that a critical reconsideration of ethical models can contribute to the resolution of such conflicts.



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From a philosophical perspective it would seem that conflict is part and parcel of being human. Therefore we first need a critical analysis of the concept as such. For our purposes we particularly need to determine the meaning of *violent* conflict, that is, conflict that undermines ethical values. Only by elucidating the concept of violent conflict shall we be able to consider the way ethics could possibly assist in resolving it. The first chapter will explore the concept of violent conflict in some detail by taking conflict in the DRC as a major example. The remaining chapters will then consider different ethical concepts as possible means for the resolution of violent conflict. Our guiding question thus is: how can ethics possibly contribute to the resolution of violent conflict of the kind found in the DRC?

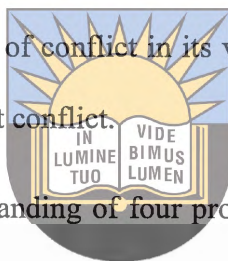
0.2 Aim of the study

The study is as indicated a comparative analysis of concepts from both Western and African ethics. The aim is to demonstrate, critically, the possible applicability of these concepts to actual situations of violent conflict such as in the DRC.

0.3 Objectives of the study

More concretely our objectives are the following:

- to critically analyse the concept of conflict in its various forms and more particularly to determine the meaning of violent conflict.
- to develop a conceptual understanding of four prominent ethical conceptions: utilitarian ethics, deontology, virtue ethics, and what may be called Ubuntu ethics.
- to make systematic proposals for the possible application of these concepts to violent conflict-resolution.



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0.4 Research methodology

Our approach is of a second-order nature. Whereas studies of a first-order nature engage in empirical observation, that is, the collection and investigation of immediate experiential data, our approach consists of a critical analysis of *concepts*. Traditionally one of the five main branches of philosophy, ethics enquires into human relationships in terms of the values and norms directing human actions and interactions. As such it moves on a second-order level of concepts, methods and practices and only from this perspective it provides, as it were, first-order insight into the context of such enquiries. It is thereby shown that conceptual frameworks are vital to explain the meaning of the actions and activities of people in various contexts. It follows that the

critical analysis of such frameworks – in this case the underlying ethical value-sets - will inform the understanding of human relations.

The basic data about the understanding of conflict and core ethical concepts are collected through a study of books and articles relevant to the topic. Though we shall focus on conflict in the DRC, this will only serve as an example to demonstrate the applicability of the ethical concepts we analyse. Thus this study is designed to remain on the second-order level. Again, we will only move to a first-order level as far as we explore the eventual empirical consequences of the discussed concepts.

0.5 Narrative of chapters



Chapter 1 analyses forms of conflict, particularly the meaning of violent conflict. This is concretely demonstrated by means of the example of the situation in the DRC.

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Chapter 2 discusses utilitarianism and explores the relevance of the principle of maximized social benefits within situations of violent conflict as described above.

Chapter 3 explores Kant's categorical imperative as it leads to a conception of lasting peace based upon the principle of reciprocity.

Chapter 4 focuses on the meaning of virtue ethics, more particularly on self-fulfilment and human happiness as a social base to avoid and resolve violent conflict.

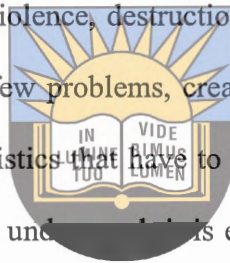
Chapter 5 discusses African ethics, in particular the principle of social solidarity versus violence as expressed by the term "Ubuntu".

Chapter 6 compares these ethical models critically and leads to the conclusion of the study.

Chapter 1: Conflict and the need for ethics

This chapter is designed to give an introductory overview of conflict analysis. It also provides theories and philosophical frameworks for understanding and dealing with conflict.

It would seem that conflict is characteristic of human existence. It is part of the dynamic of life that drives humanity into the future. Because of its nature, it needs to be dealt with constructively. When associated with violence, destruction and killing, it is no longer a healthy part of living. Violent conflict solves few problems, creates many; and breeds more unhealthy conflict. Conflict has its own characteristics that have to be analysed according to its structure, nature and behaviour. When conflict is understood, it is easier to find ways to predict, prevent, transform, and resolve destructively.

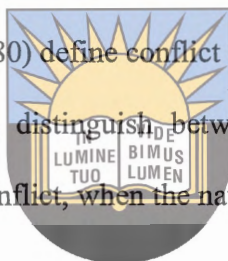


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Our aim in this chapter is to define conflict as an aspect of human existence, to analyse it within a philosophical perspective and to link this analysis to the need for an ethical approach to conflict resolution. We shall first propose a definition of conflict in terms of a struggle between opposing or contradictory tendencies, elements, or forces. Then we shall analyse the relation between determinism and conflict. Our contention is that conflict is intrinsic to the human condition and that it is inevitable in so far as we as natural beings are part of the natural order of things in the universe. Finally, we shall study the root causes of violent conflict and the need for an ethics of peace, specifically within the African context.

1.1 Defining conflict

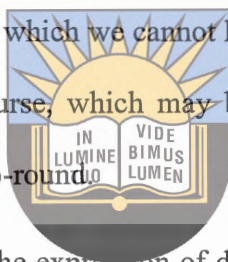
The idea of conflict, so Rummel argues rightly, is basic to our understanding and appreciation of reality and human action (Rummel, 1963: 1-2). Conflict can be treated broadly as a philosophical category denoting the clash of power against power in the striving of all things to manifest and fulfil themselves. Conflict can also be seen as a distinct category of social behaviour of two parties trying to get something they both want but cannot both have. Moreover, conflict can be apprehended as a potentiality or a situation, as a structure or a manifestation, as an event or a process. Miall et al (2005:80) define conflict as the pursuit of incompatible goals by different groups. Commentators often distinguish between social conflict, which refers to conflict between groups and political conflict, when the nature of the incompatibility is political.



Indeed; the concept of conflict is multidimensional; it envelops a family of forms. Conflict can be understood as a social phenomenon where reality comprises multiform and interwoven potentialities, dispositions, and powers. What aspect becomes manifest depends on the dialectic, the moving back and forth in a field of confrontation between reality and our perspective. Our perspective can be described as an outward directed vector of power. What we perceive is the result of the conflict between this vector and reality's inward bearing vector of power (Rummel, 1963:10).

Hence we can describe conflict as a balancing of vectors of power, of capabilities to produce effects. Yet, it is a clash of powers, not a balance or equilibrium of powers (Rummel, 1975:320). It is not a stable effect or state of affairs. Conflict is the pushing and pulling, the giving and taking, the process of finding the balance between powers. Most fundamentally, conflict is correlative to power. Power is the capability to produce effects (Rummel, 1975:320); conflict is the process of powers meeting and balancing. To understand which powers succeed

requires comprehending their conflicts; to understand conflict involves untangling the powers involved. As such, as Heraclitus already stated, conflict is universal (Rummel, 1970:250). Our experience presupposes conflict in its generation. So, in addition to the its *apriori* categories based on such development of conflict. On the other hand, our learning about ourselves, others, and reality, our growth and development, and our increasing ability to create our own heaven or hell, comes through conflict. Thus, the desire to eradicate conflict, the hope for harmony and universal cooperation is the wish for a frozen, unchanging world with all relationships fixed in their patterns with all in balance, one in which we cannot hope for, or plan for a better tomorrow, but can only follow our inevitable course, which may be likened to the determined ups and downs of a wooden horse on a merry-go-round.



Finally, conflict can be defined as the expression of disagreement over something important to both or all sides of a dispute. In this case the important thing to grasp is that it is entirely dependent on the people involved. It depends on their having a particular point of view, which may or may not have independent facts and evidence to support it, and on how they behave when they encounter an opposing point of view. I shall deal with the definition of conflict in terms of the clash of power belonging to human nature in more detail in the following sections from a philosophical perspective.

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1.2 Conflict in philosophical perspective

1.2.1 Analysis of the conflict of opposites

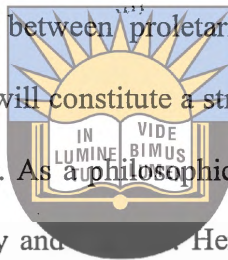
For ages philosophers have been captivated by the observation of the conflict of opposites in nature, and by the consequent belief in reality as a manifestation of an underlying struggle between opposing or contradictory tendencies, elements, or forces. An insight into the nature of these oppositions was believed to provide an essential understanding of all things, and of harmony, strife, and change.



Greek philosophers under the influence of Anaximander and, especially, of Heraclitus, believed that reality comprised opposites whose unity was manifested by all things (Rauche, 1994:19-28). For Heraclitus, the formula for understanding reality was the perpetual strife of opposites (Rauche, 1994:27-28). No simple empirical opposition is meant, but a structural connection between opposites such that the one cannot exist or be perceived without the other, as with the oppositions of day-night-, up-down-, and hot-cold. Humans who do not know what is at variance argue with themselves. It is an attunement of opposite tensions, like that of the bow and the lyre, and wisdom is to perceive this underlying opposition.

This philosophy can also be found in the pair of opposites of Buddhism (Humphreys, 1955:317), in the blending of the two antagonistic forces (the life-monad and matter) in Aryan-Indian philosophy (Zimmer, 1969:211), in Medieval Christianity, in Contemporary neo-Marxist philosophies (Nishida, 1958:136) and Hegelians, as evidence in writings on Hegel by Marcuse, Gadamer and others. A belief in a fundamental opposition inherent in all things has had its greatest modern influence through Marxism, and especially in Engels's interpretation. For

Engels (1934, 1954:19), the unity and struggle of opposites was one of the dialectical laws through which change is understood. Without a tension between opposites, things would be unchanging. The overcoming and being overcome of opposing forces explain all natural and human history. Contemporary Maoism (Mao, 1965:35) combines the Western dialectical view of opposites with the classic Chinese perspective. The contradiction is the unity of opposites, which is a universal principle explaining change. Things must be studied from the inside, because their development is a self-movement, an imminent causation due to internal contradictions. One must grasp the principal contradictions, as between proletariat and bourgeoisie in capitalism, to understand the course of change, for it will constitute a struggle between these opposites and the eventual triumph of one over the other. As a philosophical principle, the unity and struggle of opposites is decisive for human society and nature. Hence, social reality is the outcome of a struggle between opposing forces (the polarity of reality) bearing upon us perspectives directed both inwardly and outwardly, thus between opposing vectors. For societies, the struggle is the balancing of powers among people, the manifest determination of their interests, capabilities, and wills: the harmony is the structure of expectations (Mao, 1965:35-50). Thus, conflict - the process of dynamic balancing, balance and disruption - is a unity of opposites through which society changes and evolves. Conflict transforms itself into harmony and harmony into conflict, in other words, war into peace and peace into war. Both are aspects of the same process, an inseparable unity in what reality is perceived to be, and as a result also reflected in our psychological and social experiences.



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be negative, passive, weak, or a destructive element existing in all things, just so when Africans act to be protected from misfortune, or from a diminution of life or being, or in order to protect themselves from those influences which annihilate or diminish them, or their life force. The same Force can be seen as allowing for the coexistence of positive, active, strong, and constructive elements when Africans are to make life stronger, or to assure that Force shall perpetuate itself in future. Force thus implies the duality of being both a life-giving and life-diminishing possibility. All change manifests the continual interaction between this duality of forces. Harmony is their equilibrium and conflict their opposition.



1.2.2 Determinism and conflict

In his book, *The Dynamic Psychology of Field* (1963:50) follows Kant's analysis in his *Critique of Pure Reason* (1789), argues that freedom is a necessary hypothesis of reason. He considered the issue of free will and determinism. As he puts it, we are free to decide to act and to initiate new causal series, so we can be a first cause (*op cit:23*). Rummel shows that this freedom lies at the level of potentialities, of things-in-themselves. In the world of manifestations, social interactions, distances, rules, and natural causes, humans appear determined, bound inexorably in the process of conflict, in the formation and destruction of structures of expectation. Even though the struggle of opposing interests is ultimately a struggle of independent wills, the elements within that struggle trigger events, capabilities, wills, and interests which seem to allow the human capacity for willing the "space" of a leaf floating on the stream of events.

According to the above argument, the difficulty is to simultaneously view a given event at two levels. The first is the level of phenomena, of triggers, manifest behaviour, specific capability, and determinant distances, where human behaviour appears to be causal and rule-bound (determined within the conflict). The second level is that of underlying potentialities, dispositions, and powers that we can know only through their transformation into the world of experience. At this level human reason figures as potentiality, i.e. relatively independent of the phenomenological world with the power to conceive of analytic ideas and moral oughts. At this level man can conceive of himself as free. One and the same phenomenon can be viewed, therefore, as either free or determined.



Located in the ontological realm, freedom is seen to be determined by the process of conflict. However, as a manifestation of our underlying reason and will, conflict may reflect our freedom. These are not inconsistent viewpoints; and each can be presented as having validity in its own right.

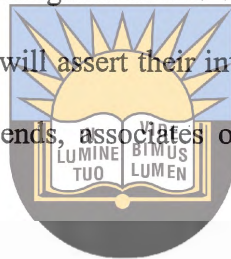
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Whether we see an action as free or determined depends on our intentions as a social human. If our focus is on the empirical field, of determining processes, and understanding these, can be expressed in terms of concepts such as force, cause, condition, and so on. If, however, our interest is in the moral aspects of the process, in what ought to be, we can take the concept of our underlying freedom as point of departure. Thus, human reality is a struggle of powers between the opposites of freedom and determinism. Strife and harmony may flow into each other like the seasons.

1.2.3 The inevitability of social conflict

Conflict is intrinsic to the human condition, as is demonstrated by the social environment humans find themselves in. This is both an empirical fact as well as part of the foregoing analysis of historic positions that indicates conflict as a universal structural feature of human nature and societies.

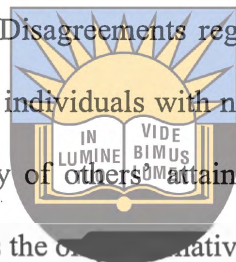
However, people may be free to decide the how, when, and where of specific instances of conflict, e.g. violent conflict, and free to ignore events that would plunge others into strife. If people wish to be part of society, they will assert their interest and realize their power, whether with, through, or against lovers or friends, associates or colleagues, antagonists or enemies. Conflict is the process for doing so.



The way conflict structures society is particularly apparent in the form of *coercive conflict*. Coercive conflict is manifested when threats, deprivations, and force are used to determine a balance with regard to experiences such as bringing up children, union strikes, political struggle, military coups, revolutions, and various kinds of warfare.

Rummel (1963: 32) argues that coercion involves two interlinked negative interests. The first is, where an individual fails to do something he does not want to do, the second is where he is threatened with sanction. This condition of coercion is very much a part of contemporary society. For example, in raising children, parents generally prohibit them from playing with matches. Another example is from education: lack of studying might cause failure. Such requirements are also part of modern society's organization, e.g. in everyday regulation, and in academic work.

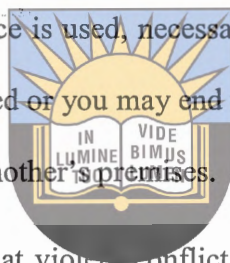
Coercion seems to be pervasive. It (coercion) cannot be avoided in society. Legal regulations and moral norms enforced by sanctions will always be essential to maintaining order in society and to protecting individual rights. Those who would eliminate all governmental coercion and laws, relying exclusively on exchanges between individuals to order society, still need to make provision for the coercive control or deterrence of actual or potential law breakers. So coercion becomes an element in the formation of all structures of social life. Outside the small circle of friends and relatives, it can be found in the larger society with an increasing differentiation of interests and values. Disagreements regarding the proper allocation of rights are inevitable, as is the development of individuals with no moral inhibition against taking what belongs to others. Selfishness, jealousy of others' attainments and possessiveness are human traits. The external threat of sanctions is the only alternative to a lack of internal inhibitions.



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Restraining criminals is an obvious and necessary application of coercion. What is not recognized is the degree to which a modern society manifests coercive social conflict unassociated with law-norms. The principal example is the union strike. A strike is a coercive instrument, a means of applying pressure to an employer until he (employer) yields to the strikers' demands. Collective bargaining is a balancing of coercive powers that establishes a structure of expectation (a contract). Yet like taxes and social security contributions, strikes have become accepted as a necessity. All societies exercise coercion, but in doing so there is a meaningful difference between exchange, authoritative, and coercive societies. As Rummel (1975:351) argues, authoritative and exchange societies apply coercion to protect accepted principles or rights. In coercive societies they usually apply coercion to organize society toward a superordinate goal. At any rate, coercion cannot be escaped; but in creating society people can determine the scope, amount, and direction of coercion.

Moreover, as conflict is inevitable in human society, a measure of *violence* is also inevitable. Indeed, violence is the use of force, when gentle pressure fails, or the application of deprivations attendant to coercion. If one accepts the need for coercion, even on a minimal basis to protect people's rights, the use of force seems to be inevitable. Force is the *ultimo ratio*. Unless occasionally used, the threat of sanctions undergirding at least the *law*-norms of society is empty. If those who prey on others could do so with impunity, they could protect their illegal gains simply by using force. Every instance of violence may be expressed through the use of force, but not every instance where force is used, necessarily involves violence. For example, a strong argument ("stop this criminal deed or you may end up in jail") may convince a perpetrator to cease his attempt at illegal entry of another's premises.



This brings us to a closer look at violent conflict as such, as well as at the borderlines between acceptable and unacceptable force, e.g. when it turns violent and exceeds reasonable limits. Violence takes many forms (Rummel, 1970:35). Some acts of violence accompany the functioning of law-norms such as the force applied by the police to restrain a prisoner. Others ensue from collective conflict, such as terrorism, guerrilla warfare, riots, revolutions, or war.

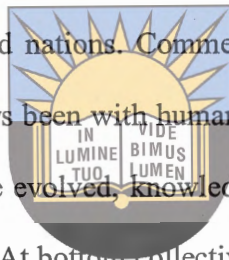
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Considering all kinds of violence, it must be concluded that it is inevitable that some kind of violence will be used at some time. Based on unavoidable social differentiation and differences among people in their values and interests, a kind of violence attendant on enforcing even minimal law-norms is a social inevitability. Hence, at the outset, people must understand that some types of collective violence are limited to certain societies. For example, war is violence between states in the international society; revolution is a violent, direct attempt to change the elite and their policies within a state-society; civil war may be an attempt to violently create a separate state-society, or an attempt to wrest the overall power from another. As

Rummel (1975:444-480) puts it, “thus although we could eliminate one form of violence by altering the social system within which it is defined (as by, some argue, eliminating war through the institution of world government), we may create another form congenial to the new society (such as civil war or revolution under a world government)”. The upshot is that people must deal with collective violence, for if the occurrence of one form is avoided, some other form may not be.

Indeed, revolution, uprisings, riots, war, coups, assassinations, terrorism, etc. have been the lot of all civilizations, cultures, and nations. Commentators (Abramson et al, 1958:15-22) show that collective violence has always been with human beings. More often than not violence has been part of the way societies have evolved, knowledge has grown, science has developed, technology has expanded and matured. At bottom collective violence comes from a group’s need to protect its interests. Interests are the needs that motivate the bulk of people’s actions, and they can be viewed simply and superficially or in great depth. People who share similar interests about how society ought to be structured, about the best policies of government, or how to improve their lot, organize into groups protected eventually by violent means. Whether ideological, theological, nationalistic, or racial, violence between groups seems to be a characteristic of the way humans protect the interests of their groups and so balance powers.

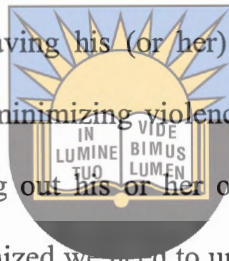
This balancing of violently opposing forces thus seems a necessity for humans as social animals. It connects their fundamental needs, morality, and will. People are willing to risk death and deprivation for what they deem right and will organize to fight for these beliefs. Therefore, it is reasonable to think that collective violence in one form or another will always be among humans. It is a necessity of practical reason, a necessity of individually perceived justice, a necessity for the evolution of society. This is not to say that the degree of violence in whatever



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form will remain the same. In some societies violence prevails more than in others. The point is that collective violence cannot be totally eliminated from human society. People can only minimize it. The key to doing this is recognition of the variety of conflicts people in a society can engage in, the role of interests and of willing in them, and how these function in different kinds of societies.

While to argue that violence is inevitable may seem pessimistic, this analysis holds out hope for a much less violent future in the world in general and in Africa in particular. Given the diversity of humanity, each person having his (or her) different and subjective perceptions, interests, capabilities, and willpower, minimizing violence is a practical matter of maximizing the possibility of each human working out his or her own structures of expectations. Yet to understand how violence is to be minimized we need to understand more of its roots. The *causes* of violent conflict will be explored in more detail in the next section.



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1.2.4 The root causes of violent conflict in human society

It is widely accepted that understanding the root cause of violent conflict in human society is essential to its successful and lasting resolution. While there is no unified theory about the causes of violent conflict, there are a number of factors that have been cited as explanation.

The observation that less developed countries tend to experience higher levels of violent conflict has led some scholars to assume a causal link between poverty and war (Alcock & Alan, 1970:335-343). However, it is accepted that poverty *per se* does not cause conflict. The role of structural inequality that is, economic and social inequality and access to political power, is considered one of the central causes of violent conflict. Often, analysts focus on differing group

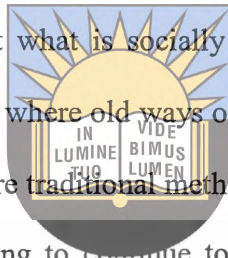
identities such as ethnicity, religion or economic class as a source of conflict. Such identities may also be seen as an idiom through which other interests are expressed. Other factors that have been cited for the propensity to conflict include the relationship between military expenditure and economic growth, a debate located within the field of development economics, and the prevalence of small arms, highlighted by think tanks such as to seek a safer world (op. cit: 339). Finally, the scarcity or abundance of natural resources as well as the role of economic agendas has been explored by a number of scholars (Alcock & Alan, 1970:335-343).

Analysts often locate the origins of violent conflict in broader historical or development processes and look at issues such as state formation in the post-colonial era or the role of rapid market-orientated economic reforms and structural adjustment policies in generating instability and, in turn, conflict as such (Storr, A. 1968:120). Recently economist commentators have started to look at issues such as unequal trade relationships between “developed” and “developing” countries and the role this plays in generating economic decline and conflict.

In addition, most writers about conflict seem to agree that the causes of violent conflict include, among others, competition for scarce resources; differences in terms of goals, value systems, and interests; structural imbalances and ambiguity in coordinating social structures. Violent conflict thus emanates from socio-economic inequalities, ethnicity, absence of opportunities for political participation, differences in religious inclinations, fragile government structures, inadequate civic structures, differences in political ideologies, and competition over scarce resources (Klingebiel, 2002:8-11). In the same vein, violent conflict is also caused by actual or perceived inequality of control, use, ownership and distribution of scarce resources. It takes place in a heterogeneous society where the dominant group, using its power, enforces its own value systems, symbols, culture and language over other less dominant groups (Anstey,

1991:13-19). As Anstey puts it: violent conflict is caused by "...relative deprivation where a dominant group attempts to enforce its own symbols, culture and language over others in a heterogeneous society." The lack of an equitable share and control of resources and access to social services among and between societal groups gives rise to power struggles and contributes to rising levels of mistrust and disagreements which ultimately lead to violent conflict.

Another source or root cause of violent conflict is ambiguity. According to Anstey (1991:13-19), conflict normally occurs where there is social change resulting in uncertainty with respect to the boundaries of authority, and about what is socially and politically acceptable behaviour. Ambiguity is common in social settings where old ways of doing things are no longer acceptable to a section of the community, and where traditional methods of exercising authority are rejected by a section of society that is unwilling to continue to relate to the group in authority in a subservient way. The consequence of this type of relationship is a prolonged struggle of testing new boundaries in authority-relations between the dominant group and the subservient one. Predictably, members of the group in authority feel threatened, and seek new ways, or do whatever is in their power, to ensure that they retain authority. On the other hand, members of the subservient group do whatever is in their power to ensure that their concerns and interests are addressed. Invariably, with the passage of time, conflict escalates, sometimes into violence resulting in the loss of life and destruction of physical facilities and communication infrastructures. (Anstey, 1991:13-19).



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1.3 The need for an ethics of peace in Africa

From one perspective, conflict in general may be described as inherent to the human condition, as clearly seen in societal context. However, conflict tends to become violent. Violent conflict has caused misery for millions of people throughout the world, not just in Africa. Indeed, millions of people died in the First- and Second World Wars (respectively 1914-1918, and 1939-1945). Since conflict among and between social groupings tends to escalate into war which, in turn, results in loss of life and destruction of infrastructure and facilities, a natural consensus may be presumed to exist generally as to the need to find lasting peace and harmony in the world as a whole, and in Africa in particular. It is not by accident that after the two World Wars, the United Nations (New York) established the Security Council with a mandate to promote and maintain peace throughout the world through mechanisms such as diplomacy, and the United Peace-Keeping Force. It was evident then, as now also with African countries embroiled in war, that violence is not the best strategy for attaining peaceful-coexistence. Similarly, it is not by default that the African Union required African member states to pledge to settle all disputes among themselves by peaceful means. To this end the African Union established a commission for conflict resolution between African countries in war (Umozurike, 1981: 905).

The question is how ethics could contribute to such strategies of conflict resolution. This brings us to a closer look at conflict in Africa, with a focus on the conflict in the DRC. A more detailed description of this conflict will be provided in the next section. First we will comment briefly on Africa in general.

In Africa conflict has periodically exploded into violence and war despite numerous attempts to manage and control it. Indeed, the ubiquity of large scale social conflict, such as civil war, in Africa is depressing; it sets about brother against brother, neighbour against neighbour,

and children against their parents. Africa seems to experience a disproportionately large share of this tragedy (Mwajiru, 2001: 30).

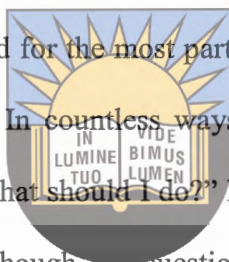
Africa, when compared with other continents, has been deeply traumatized. It has been robbed, massacred, degraded, discriminated against, and brutally exploited, not just once, twice, or thrice, but successively over generations, and for centuries. In fact, African countries have generated much violent conflict and misery because they have failed to regulate conflict as healthy states are supposed to do. Holders of state power have been brutal and unaccountable, and governments have been corrupt and exclusive of many social groups (Cross, 1999: 48-60).

Modern African countries mimic the colonial states they have succeeded. In the colonial system, the state subjugated the entire country. Too often the entire economic, political, religious and cultural system was used for the benefit of one ethnic racial group at the cost of Africans. The political leaders of most African states under this system which fostered conflict. They turned states into instruments of oppression for the benefit of their own ethnic groups at the expense of others. Many conflicts have erupted around competition between ethnic groups and the state is seen as belonging only to those that are in power. Hence, there is not much of a sense of public accountability while internal checks and balances are lacking. As a result, there have been endless wars between those that are in power and those that have been excluded from control in the state (*op cit*: 48-60).

As Cross (1999:48-60) argues, several approaches or strategies for conflict resolution among and between aggrieved parties in Africa have been advanced. These include arbitration, mediation, reconciliation, bargaining, problem solving, and peace-keeping through the use of force. We shall not focus on such strategies in this study. Rather, we will reflect on African conflict and the failure of its resolution from the perspective of ethics. We will consider four

ethical models in their relevance for conflict resolution, namely: utilitarianism, deontology, virtue ethics, and African ethics. Each will be discussed in relation to conflict resolution within the African context. We will attempt to show how ethical models can enhance conflict resolution in the African context.

Now, from the beginning of this chapter our discussion was focused on two questions: is conflict, more particularly violent conflict, inevitable in human societies? If not, what can be done about it? I argued that conflict is inevitable in human societies, but also apt to lead to violence and war that is, potentially, and for the most part, avoidable. We shall look at ethically acceptable ways to deal with conflict. In countless ways, virtually every day, each person is faced with simple ethical questions: “What should I do?” How ought one to act? What is a good act? What norms guide an action? Although the question “what should I do?” appears to be simple, the answer to it is not. If for example, the question takes the form “should I tell the truth?” even the most rigorous moral philosopher will agree that there could be exceptional conditions in which the truth is best not told. To decide whether one should or should not tell the truth in a particular situation involves further analysis of what really constitutes an ethical or moral situation.



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Ethics is concerned with actions that can be called right or wrong, good or bad, desirable or undesirable, worthy or unworthy. Furthermore, ethics is concerned with one's personal responsibility, duty, or obligation for one's behaviour. As is common knowledge, theories of ethics do not provide answers to every conceivable question of “right or wrong”. The concern of ethics is not so much with listing good actions as it is with the reasons why actions can be called “good”. Moreover, we find that ethics provides quite different reasons for calling human action good. If, for example, it is assumed that human nature has a specific purpose, or end, it follows

that actions which fulfil this purpose are “good” while those which frustrate this purpose are “bad” (Buller, 2005: 428).

According to which moral norm is an action judged to be good or bad, seen from the perspective of ethics as such? Is it the action that is consistent with a rational principle, thus conforming to human reason, which is a good act? Is it the action which springs spontaneously from the passions or emotions that is a good act? Is the test for goodness to be found in the consequences of an act so that an act can be called good if it produces pleasure and bad if it produces pain?



Underlying all such questions is still another problem of ethics, namely, whether human actions are the product of forces outside the control of a person or whether a person truly has the freedom or the power to choose his action. It would appear that there can be no moral responsibility if a person can in no way control his actions. There are various ways, including environmental and genetic forces, in which behaviour is influenced by more than the “will” alone.

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In the course of its history, different ethical theories and moral debates have typically been distinguished according to different types of arguments. Some judge the moral worth of an action by the relative goodness or badness of its consequences (what happens as a result of the action); others judge the moral worth of an action with regard to some feature of the action, rather than its consequences, usually by some measure of the intrinsic worth of the action. A fuller examination of several such approaches to moral thinking will make this abstract point clear in the next chapters. These approaches are: utilitarianism; deontology; virtue ethics; and African ethics.

Chapter 2: Utilitarian ethics: conflict and the calculation of costs and benefits

The first chapter inquired into the nature of conflict and suggested the need for ethics in resolving violent conflict. It was argued that conflict is characteristic of human existence, that humans are inclined to violent conflict, and that when conflict is understood, it is easier to find ways to anticipate, prevent, transform and resolve it.

The inquiry in this second chapter is informed by the hypothesis that ethical models are potentially useful for resolving violent African conflicts. First the DRC (Democratic Republic of the Congo) is presented in some detail; thereafter different utilitarian theories will be assessed as to their relevance towards its possible resolution.



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2.1 The example of the DR-Congo

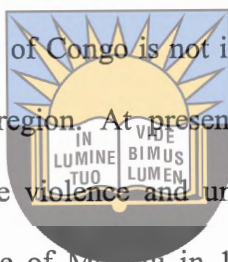
The choice of the DRC as an example is not accidental¹ The DRC is an African country which has experienced protracted conflicts since independence in 1960. It is a country in which serious conflict resolution processes have been, and continue to be pursued, yet the violent conflicts remain (Mpangala, 2002:17). The following description relies on Mpangala's helpful presentation of the conflict in the DRC.

The DRC, formerly called Zaire is a nation in central Africa, a vast country of dense forests traversed by the powerful Congo River. Rich in natural and human resources, the country has

¹ The author originates from the DRC and writes from first-hand experience.

long lacked stability due to colonial oppression, but also ever since the assassination of Patrice Lumumba in 1961, the first prime minister of Congo after independence in 1960. Lumumba was a national leader capable of providing unity, and with progressive programmes for the independent development of Congo. Then began a period of political ethnization. Since the end of colonial Belgian rule (1960), the people of DRC have suffered an unbroken succession of abusive political administrations, military authorities, immoral leaders, and armed political groups that have looted the region and committed human rights abuses with impunity.

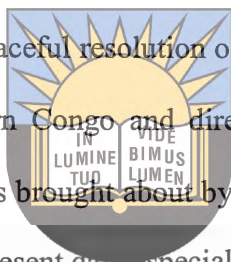
Moreover, the Democratic Republic of Congo is not immune to the widening battlefields in the Great Lakes or Central African region. At present, the country is recovering from a devastating civil war that followed the violence and unrest resulting in the downfall of the corrupt, despotic and tyrannical regime of Mobutu in 1997. The war, seen as Africa's First World War, on account of the involvement of Uganda, Rwanda, Burundi, Zimbabwe, Namibia, Angola and Sudan each on the side of different groups in the country, claimed an estimated four million lives and depleted vast mineral resources there. From the sombre and dire picture of catastrophic armed conflicts in Africa's Great Lakes Region, one cannot dismiss the suggestion that the pernicious ideologies of Hutu supremacy and the Hima-Tutsi Empire, which have found vent in the fierce communal rivalry in the putative states of Rwanda and Burundi, could have convulsive impact on the region and beyond. Notably, the seemingly intractable crisis has already spawned a culture of xenophobia, deep-seated resentment, extremism and ethnic cleansing in the neighbouring DRC, where the Banyamulenge (Tutsi of Rwanda extraction) who provided the bulk of the fighters that ousted the Mobutu regime in 1997, reside. In Congo's north-eastern Ituri region, the Hema and Lendu tribesmen have been entangled in mutual killings and destruction. These crises include maladministration, political repression and instability,



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election fraud, virulent ethnic conflicts, civil unrest, armed conflict, proliferation of illicit arms, violent crimes, famine, hunger, poverty, emergence and re-emergence of diseases (AIDS, Ebola, Malaria, and Tuberculosis), environmental degradation and underdevelopment (Mpangala G. P.,2002:17).

Furthermore, the war in the DRC has drawn wide-ranging involvement by other states. The DRC has become a setting in which numerous foreign players have become involved, some from within the immediate sub-region and some from much further afield. That only serves to complicate the situation and to make peaceful resolution of the conflict that much more difficult. The war cantered mainly in the eastern Congo and directly affected the lives of 60 million Congolese. Despite the hope and dreams brought about by the election (2006, July 30), there are some rebel groups still fighting in the present day, especially in the eastern Congo.



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Salient points about violent conflict, emphasizing for our purposes are:

- 1 The failure or lack of will of leaders or their supporters to cease armed conflict and negotiate peacefully.
- 2 Maladministration, election fraud, virulent ethnic conflict and so on.
- 3 The rise of individualism that has led leaders to focus on their own benefits, that is, the benefits of their family or ethnic groups rather than the interest of the community as a whole.

From the above sketch it would appear that the most common spreading of conflict in the DRC is through maladministration, virulent ethnic conflict, the pursuit of individual rather than communal interests, and leaders' tendency to promote only themselves, their family and/or ethnic groups. Clearly policies must be devised to result in modified leadership behaviour. This thesis does not deal with existing political conflict resolution practices but with a moral

approach. There is no approach known to me that compares the applicability of different ethical concepts to violent conflict resolution in the DRC. Thus the inquiry into such applicability seems to be worthwhile.

2.2 Utilitarianism

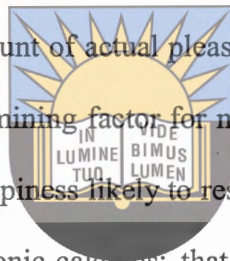
Let us begin with a general description of the utilitarian approach. Utilitarians believe that an action is right if it conforms to the “greatest happiness principle” (the principle of beneficence). Using the utilitarian principle, one appeals to the greatest good for the greatest number. The aim of the utilitarian is to help the maximum number of persons to flourish (Bandman and Bandman, 1995:69). To the utilitarian, actions are right if they tend to promote happiness, wrong when they tend to produce pain. This means the greater the happiness that an act promotes the greater the moral merit of the act; furthermore, the more persons are made happy, the more praiseworthy the act. This is classically formulated by Mill (1957/1861:10) as follows:

“The creed that accepts as the foundation of morals, or the greatest Happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness are intended pleasure, and the absence of pain; by unhappiness, pain and the privation of pleasure.”

In the following we shall concentrate on Bentham’s and Mill’s understanding of utilitarianism as well as Act and Rule utilitarianism and their applicability to the conflict in the DRC as described above by Mpangala Gaudens (2002:17).

2.2.1 Bentham's argument

As a utilitarian, Bentham argues for the greatest happiness or pleasure for the greatest number of people involved (Atkinson & Field, 1995:65). However, Bentham states that the greatest happiness for the majority is “what people say they want” or prefer. The actual pleasure for the greatest number can only be determined by the expressed majority preference. The majority should be given the opportunity to express their choices. Whatever the majority's choice is should be promoted because that would be morally right. Bentham believes that the majority would benefit if a greater amount of actual pleasure is promoted (*op cit*, 1995:65). The quantity of actual pleasure is the determining factor for morality. Although Bentham gives us a complex calculus for predicting the happiness likely to result from alternative actions, in the last analysis Bentham believes in the hedonic-calculus: that a lower kind, but greater amount of pleasure, is better than a higher qualitative pleasure of smaller amounts. If people prefer spending time partying rather than reading books, let them enjoy partying to avoid conflict of preferences.



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According to Bentham, the end and aim of a legislator should be the “happiness” of the people. For him, in matters of legislation, “general utility” should be the guiding principle. The science of legislation consists, therefore, in determining what makes for the good of the particular community whose interests are at stake, while its art consists in contriving some means of realization (Bentham, 1879/1992:65-66).

2.2.2 Application of Bentham's principles

As noted, Bentham's way of identifying the majority preference is by the use of what he calls "the hedonic-calculus" (Donald, 1980:69). For instance, if the majority of people in the situation of conflict in Africa generally and in the DRC in particular prefer the violence of being saved by dictatorial authority instead of resolving it, this decision should be respected because it will produce the greatest happiness among them. On the other hand, if after applying the hedonic calculus, the majority feels that all conflict must be resolved by seeking peace, justice, and freedom for conflict resolution then this would be the morally right and good thing to do.

It was noted that the violent conflict in DRC was largely due to maladministration, virulent ethnic conflict, and the pursuit of leaders' private interests. According to Bentham, the greatest happiness for the majority is "what people say they want or prefer" (Atkinson & Field, 1995:65). Accordingly, the DRC citizens would like the public administration to be handled by everybody or by their representatives who must be properly elected as it would contribute to the greatest happiness of the greatest number of the Congolese. In other words, the fruit of the country must be shared by the majority of the citizens to avoid violent conflict. Conflict in the DRC is particularly protracted because leaders' behaviour is to look out for their own interest, the interest of their family, or their ethnic groups, instead of the interest of the majority of the community. Bentham would argue that to end conflict in the DRC leaders and their supporters must seek the interest of the majority of civil citizens through conflict resolution since, according to Bentham, the end and aim of a legislator should be the happiness of the people (Atkinson, & Field, 1995:65-66) and this principle must guide people to live together.

Conflict resolution efforts must raise the real problems which divide the Congolese, and peace-keeping must play a good part to stop violent conflict instead of ensconcing people in

positions for their own interest. Bentham would claim that to avoid conflict, and for conflict resolution to achieve its goal, DRC leaders must seek peace by satisfying the majority of the civilians. The leaders must look to unify the country for the sake of the majority and so avoid ethnic conflict. Without the interest of the majority according to Bentham, there will be no way to resolve conflict. What could be inferred from this is not that the DRC needs to hold a referendum, and if the majority votes in favour of war and genocide of the opposition, then that would be the morally acceptable answer. Rather, it means that leaders in the DRC acted immorally by not consulting the majority and instead favouring violent conflict as a means by which to suppress the interests of most people by pursuing their own sectoral interests.



2.2.3. Discussion of Bentham's argument

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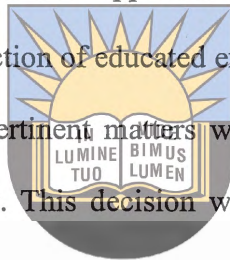
Against Bentham's argument Mill would propose that the morally right action is such as results in what ought to make every person happy rather than the majority. Mill, so we shall see, (Jonathan, 1990:25) argues that morally right conduct requires that we ought to give people what they morally ought to prefer rather than to give them what they say they want.

This prompts the question: How would one know what people ought to prefer to do in conflict resolution? Mill and his proponents might argue that there is substantial agreement amongst educated people about the quality of conflict resolution actions that would produce the greatest pleasure or, more to the point, which if rejected, would give rise to the greatest pain or suffering in the community. Mill also believes that the educated would be able to differentiate between acts and rules that would promote higher pleasure and those that would advance lower pleasures since these experts have knowledge of both. He says (Mill, 1910:65):

“On the question which is the best worth having of two pleasures, the judgment of those who are qualified by knowledge of both, or if they differ, that of the majority among them, must be admitted as final.”

Mill argues that if there is a difference of opinion among the educated, then and only then the issue at hand should follow the view of the majority.

Briefly, Mill argues against Bentham’s point of view of “majority preference” as a method for settling a moral problem. Mill’s supporters would argue that it is paternalistic to subject majority preference to the correction of educated experts. To defend themselves, Mill and his supporters argue that only some pertinent matters would require majority decisions to be referred to the educated for settlement. This decision would be final and considered morally right.



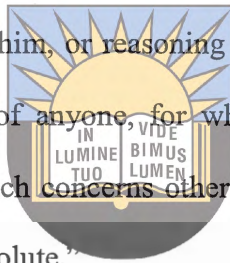
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2.2.4 Mill’s argument

According to Mill (1992/1859:128), a utilitarian theory of morality applies only to those areas of behaviour where our actions affect other people. This is what Mill refers to as “other-regarding conduct”. Mill proposes that one has a moral right to do what he/she likes where behaviour merely affects oneself. He believes that general happiness is maximized when each person’s self-regarding conduct is recognized to be simply that person’s business. For example, one might not agree with another’s religious views, but for the sake of general happiness one must learn to tolerate differences. If we tolerate each other in matters that relate to self-regarding conduct, the greatest happiness will be achieved. In effect, what Mill is arguing for is the right to privacy of all individuals. He believes that non-interference with the conduct of self-regarding

actors is not an issue under moral consideration, because societies that respect the self-regarding of other people are, at the end happier. This is morally right because it conforms to the “greatest happiness principle”. Mill (1992/1859:73) argues in his essay *On Liberty* that:

“The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good - either physical or moral - is not a sufficient warrant. He cannot rightfully be compelled to do so, because in the opinion of others, to do so would be wise, or even right. These are good reasons for demonstrating with him, or reasoning with him but not for compelling him. The only part of the conduct of anyone, for which he is amenable to society to be constrained by laws, is that which concerns others. In the part which concerns himself, his independence is of right, absolute.”



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Mill, while defending the individual's right, states that morality and law should be restricted only to individual conduct that is other-regarding. To put it differently, Mill (1910:73) argues that people should be free in self-regarding areas and conduct and that law should only constrain aspects of our other-regarding conduct. Mill demands freedom of expression, trade, and privacy for the individual's self-regarding conduct. He argues that people have an absolute right to be free from constraints such as political laws or moral censure with regards to their actions that do not want to harm others, because the greatest happiness is being maximized. To put it differently, he argues for the right to do as we like in our self-regarding conduct, provided that we do not harm the interests of others. Mill proposes that the right to be free from constraints is unconditional (it is absolute). He claims that general happiness is maximized only if this right is respected. He supports this contention with the following arguments:

1. Generally each person is the best judge of his own interest (this he believes is self-evident);
2. Restraints on self-regarding actions are impractical because people will not bear them for long. If people are told that they cannot behave in the way that they like to, and this kind of behaviour is made illegal, people will only behave in this way in secret;
3. Self-development of any kind is desirable for the growth of an individual, even in an undesirable direction.



As long as their behaviour does not harm others, just because one would not behave in a way seen to be appropriate by others, is no reason for saying that one should be forced not to behave as one likes to. Society is better off if it tolerates eccentric or unconventional behaviour, so long as this does not harm others. Society is happier when we are tolerant of a variety of characters. Mill believes that the great enemy of self-regard is the dictatorial approach. This approach is held by those who believe that others should believe their way or as convention requires. Mill's argument is to avoid conflict among humans, achieved once self-regarding enjoys respect (Mill, 1910:104).

2.2.4.1 Application of Mill's principles of liberty

Mill argues that the principles of liberty with respect to self-regarding actions do not cover those acts that harm or probably will harm another (Donald, 1980:75). This means that conflict in Africa or in the DRC, for example, should be restrained through conflict resolution because there is a high probability that people will be harmed by violent conflict or war. Congolese should cooperate instead of fight. In other words, human conduct in those conflicts does not count as private self-regarding action. Mill, as any other utilitarian, aims to maximize

the benefit or guarantee the civil liberty of the citizens, and their protection against interference by an abusive authority. So, Mill is likely to support conflict resolution by seeking justice and freedom in favour of civilians.

Mill's argument furthermore seeks to make the case that individuals should be permitted to say and do what they want as much as possible to avoid conflict among them, subject to only one limitation, namely that they should inflict no direct harm on other people. Individuals should be left free to say and do what they want, with no legal or social barriers (Mill, 1859/1992:118).

So, human action should arise freely from the character of individual human beings, not from the despotic influence of public opinion, custom, or expectation. No matter what patterns of behaviour may constitute the way we ought to be, Mill (1859/1992:118) argues that, each person

must choose her/his own path in life, even if it differs significantly from what other people would recommend. On the other hand, Mill does also constrain this freedom by the condition that it ought not to harm others. Mill (*op cit*) emphasized that individual citizens are responsible for themselves, their thoughts, feelings, their own tastes and pursuits, while society is concerned only with social interests. In particular, only the state is justified in limiting or controlling the conduct of individuals. This is the only way to prevent them from doing harm to others by violating their rights or lives. Thus, according to Mill, legislation that attempts to promote good conduct or to prevent people from harming themselves is always wrong.

2.2.4.2 Discussion of Mill's argument

The problem with the suggested self-regarding conduct is that since humans are apt to violent conflict, self-regarding action will easily lead to harmful acts not controlled by an authority. So it seems best that the society or the authority of government must in some way control public or individuals' behaviour or conduct, even if the individuals could then claim that

their liberty has been interfered with. At bottom, human beings are determined by their social and political environment (Gantheir, 1970:120) and not by private initiatives. The promotion of privacy at the cost of other-regarding behaviour is potentially dangerous, because it might cause violation of social interest, and result in violent conflict.

Moreover, from Bentham's perspective, the government will not know all cases of private conduct that will eventually create harmful conflict in society. Hence, Mill's opponents might argue that no one is able to make transparent all individuals' conduct so that the government has to take care of the majority. They (opponents) might go on to argue that the moral decision should rest with a majority who require freedom and justice. It means that self-regarding conduct is only what the majority will let it be. Per implication there is no area of conduct that is immune from interference.



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2.2.5 Act- and rule-utilitarianism

Further forms of utilitarianism are act-utilitarianism that basically goes back to Bentham and rule-utilitarianism with its roots in Mill's approach. Both determine the rightness or wrongness of an act according to actual consequences achieved.

Act-utilitarianism holds that, when faced with a choice, we must first consider the likely consequences of potential actions, and then, choose to do what we believe will generate the most happiness. A rule-utilitarian, on the other hand, begins by looking at potential rules of action. To determine whether a rule should be followed, he looks at what would happen if it were constantly followed. If adherence to the rule produces more happiness than otherwise, it is a rule that morally must be followed at all times (Barrow, R, 1991:45).

The distinction between act- and rule-utilitarianism is further based on a difference as to the proper object of consequentialist calculation. I shall discuss this in more detail now.

2.2.5.1 Act-utilitarianism

According to Act-utilitarianism, one needs to consider the consequences of each individual action according to its impact for happiness or pain on those involved. To put the point differently, act-utilitarians would determine what kind of acts are right by calculating the net sum of good consequences minus the bad ones for civil citizens affected by the conflict (violent conflict for instance) so as to find the total net good or bad.

Act-utilitarians would stand for the preferences of those involved as a way to discover general happiness. For example, violent conflict-resolution with the benefit of protection of the majority of individual citizens would be considered morally right because this action would lead to the majority's happiness and avoidance of pain. Thus, conflict resolution should be calculated very carefully. Using act utilitarianism in the case of DRC, leaders should calculate if they behave so as to bring conflict for their own interest and so as to know what the result or consequences of that conflict would be. Maladministration, ethnic conflict, election fraud, political repression and instability, violent crimes etc. will bring about bad consequences. Thus, according to act-utilitarianism, DRC's leaders will be judged according to their ability to avoid these acts as sources of violent conflict.

2.2.5.2 Rule-utilitarianism

As said above, rule-utilitarians would consider that there are general rules, which determine what kinds of actions result in happiness and are therefore right or wrong. Rules are thought to be universal. The rule-utilitarian (Donald, 1980:55) argues that only if the rule and act

promote happiness would a particular action be considered morally right. In the case of conflict in DRC, the rule-utilitarian would say that Congolese should choose a rule, which will guide them in the resolution of conflict, a rule that must be general or universal. And the rule-utilitarian would ask if the rule chosen to be adopted would result in the greatest happiness for the greatest number. So, for instance, a rule for good public administration, a universal rule for the protection of civilians, a rule to deal with the public economy would result in the greatest happiness for the greatest number of the Congolese.

2.2.5.3 Application of act- and rule-utilitarianism in conflict resolution

People in conflict can easily harm others by their behaviour. According to act-utilitarianism, the full consideration of individual acts would be the most adequate moral approach in a complex situation such as in DRG to ascertain peace, justice, and freedom to everyone. The rule-utilitarian would agree, but would add that it seems fairly certain that in conflict resolution the greatest happiness for everyone will result if the mediator or the facilitator in conflict operates in terms of general rules that should guide all individuals. Hence, moral intervention by means of a mediator accepted by all parties may prove to be the best way to protect individuals and promote conflict-prevention and -resolution. Applied to a situation such as in DRC, rule-utilitarians would be committed to a belief in universalized rules that entail a compulsory moral principle which will lead immoral leaders and ethnocentric groups to live after the same principles for the sake of the general well-being of all individuals. Rule-utilitarianism seeks a science of ethical decision-making, a means of resolving conflict by testable practical methods, which ultimately may be quantified and measured. Above all, rule-utilitarianism claims to be a rational theory: it follows a strategy of pursuing the best available option as standard of



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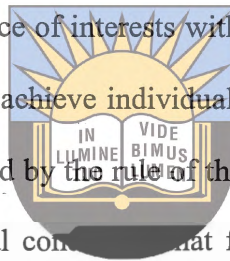
rationality. This makes rule-utilitarianism the ethical code most likely to appeal to law-makers within chaotic social circumstances such as in DRC.

The act-utilitarian would argue that universalized rules or laws constrain freedom. According to rule-utilitarianism (Borchard, 1957:55), universalized rules do not constrain but rather promote individual freedom. How? Each of us has his subjective world, his own perspective, his unique interests and values. Others cannot know my wants and values, and what affects my self-esteem. Our priorities, ordering of desires, are personal. Only through interaction and individual adjustment, through trial and error can each of us estimate what another wants, can, and will do so as to establish some kind of mutually reliable expectations, a structure of cooperation, in short, a universal rule of peace. It means, according to rule-utilitarianism, to accommodate individual freedom in the framework of already accepted universal rules by developing a guideline of actions that promotes individual interests. Conversely, ethnic conflict, maladministration, political repression and instability, election fraud, poverty, emergence of diseases (HIV/AIDS, Malaria, Ebola, etc.), civil unrest, and armed conflict brought about and exacerbated by Congolese leaders can be best dealt with in terms of the rule- rather than the act-based approach. Only general rules can guarantee the kind of freedom of individuals that could be called a maximization of happiness. Practically this requires that the political administration is handled by people who represent the Congolese population as ruled by law on the basis of an inclusive constitution. On the basis of such a constitution, law can restrain leaders from political repression, armed conflict and the hindrance of health services. However, conflict resolution in the DRC can produce good consequences according to the rule-utilitarianism approach, if and only if, the causes of conflict are very well defined, and precisely known.



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The above analysis leads to a paradox in that rule-utilitarianism seeks to constrain freedom in order to advance and ensure its growth. The search for a universal rule presupposes freedom, the kind of freedom that allows for maximal trial and error adjustment. It enables individuals to best use what they know to achieve the greatest balance with others in terms of conflict that will mutually satisfy their values, purposes, and their justice. This freedom to learn, to adjust our learning, to assert ourselves, and to establish our own social equilibrium with others, is reasonably that which provides the greatest happiness in the sense that each of us will be free to pursue and achieve the balance of interests with others. Such freedom will eventually empower each person to best seek and achieve individual and social happiness (Rummel, R. J., 1963:65-73). This is freedom guaranteed by the rule of that kind of moral law which maximizes social justice in that it promotes social conditions that foster the welfare, quality of life, and equality of groups. As a consequence, this freedom might stimulate and drive social and economic development, reduce inequalities of wealth and rank, help overcome discrimination, and further the progress of knowledge and understanding. Clearly then, rule-bound freedom promotes justice and peace. The resulting prescription is the grand master principle: if you wish peace, promote freedom by law.

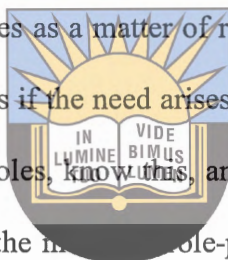


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2.2.6 Criticism of utilitarianism from an African perspective

Many points of criticism have been raised against utilitarianism. It is not our intention to deal with these here. From an African perspective one point requires our attention. We argued above that rule-utilitarianism contends that universalizable rules are needed to safeguard

individual autonomy. In his book, *Foundations of African Philosophy*, Sogolo (1993)² argues that there are two kinds of conceptions as to what constitutes an autonomous moral agent: one is an *idealistic* conception of an agent that takes independent moral decisions and acts accordingly. Sogolo counters: various factors, biological and socio-cultural factors, impinge on our independent decisions, thus total independence is illusory. Another is a more *realistic* conception of agents that act according to certain internalised principles. Sogolo argues for this conception. Internalised principles refer to beliefs of standards of behaviour embodied in traditional institutions. We act upon these principles as a matter of routine without giving reasons. Yet we are able to give reasons for these actions if the need arises. The latter model suggests that agents play roles in society, internalise these roles, know them, and make decisions based on reasons as such role-players. The assumptions of the internalised role-playing are that as autonomous agents we (a) are constrained by biological and social imperatives, which are not always transparent, so that it is illusory to idealise a moral agent independent and standing above such imperatives and (b) do not always reason out moral decisions, but rather act upon internalised values like role-players that act without reflecting on their roles. This does not mean that we play our roles without knowing what we do or why we act morally, rather we do not always give reasons for playing our roles; we just play them while knowing what we do. The point is that, unlike rule-utilitarianism seems to suggest, autonomy cannot be thought to be a rational enterprise of calculating costs and benefits according to universalizable rules, free from biological and societal constraints. The individual is not free to decide and to invent universal moral roles and rules, but is rather free to decide upon given roles and rules and to question these. This is particularly relevant in a country such as the DRC in which conflict has turned society into a very complex

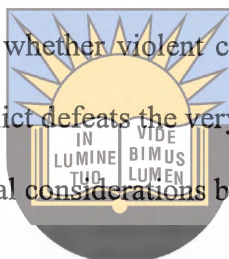


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² Discussion drawn from the unpublished lecture notes by Olivier, A. (2007), on Sogolo's book.

jungle of violent parties in which it is not transparent at all how to "rule" the freedom of the persons involved in a generally acceptable way.

Are no general rules possible in such societies? Rule-utilitarians would object that general moral rules are there to promote rather than constrain freedom also in different societies. Instead of going into this point again, it would be better to deepen it from within another approach – namely that of Kant, who believed that, as rational agents, people are authors of moral rules. Kant argued that reason is really the same for all people, thus they will all discover the same rules. For example, when anyone asks whether violent conflict is permitted by the moral law, he/she will discover that as violent conflict defeats the very rationality of human nature, it will be ruled out by a universal law. Such critical considerations bring us to the third chapter.

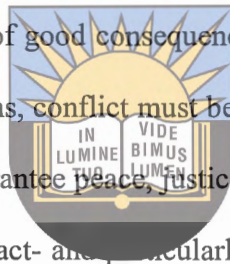


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Chapter 3: The Kantian imperative for lasting peace

Introduction

In the previous chapters it was argued that conflict is a characteristic of human existence, and is as such inevitable in human societies, but also that it is apt to lead to violence and war. We contend that ethical theory can be used to help resolve violent conflict. Utilitarian ethics prescribes the quantitative calculation of good consequences or happiness as a means to counter violent conflict. According to utilitarians, conflict must be resolved by calculatingly determining acts or rules of happiness that will guarantee peace, justice, and freedom for the greatest number of the population. The applicability of act- and particularly rule-utilitarianism was questioned in the last chapter. We will now consider the question of the applicability of moral rules by examining Kant's ethics.



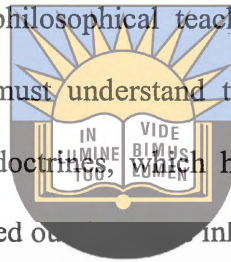
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In his well-known book, *Perpetual Peace*, Kant argued for a voluntary league of states, which should be established on a universal law as a means to avoid violent conflict and to establish lasting peace. The idea of a league of states acting according to a universal law is based on Kant's ethical theory. After some general remarks, this chapter will examine Kant's ethical theory in detail. First his concept of the good will, the basis of other concepts, will be discussed. Next his concept of duty and the categorical imperative will be scrutinized. The categorical imperative is the yardstick by which to identify universalizable moral laws and also the basis for Kant's idea of perpetual peace between states. It will be asked at the end of this chapter how far Kant's view of the categorical imperative is applicable to our example of the DRC as sketched in

the previous chapter as well as to other African countries as far as they perhaps should consider a kind of "league of states" as a political organization in order to end violent conflict among them.

3.1 Kant's philosophy in general

Kant is undoubtedly one of the most influential figures in the history of Western philosophy. His contributions to metaphysics, epistemology, ethics, logic, and aesthetics have had compelling influence on subsequent philosophical teaching. For a better understanding and appreciation of Kant's position one must understand the philosophical background he was reacting to. Two main philosophical doctrines, which had a significant impact on Kant, are empiricism and rationalism. Kant pointed out the inherent in their positions as they address the epistemological question of how we can know. He rejected the extreme empiricist position of using only *aposteriori* reasoning to explain all we can know and he also rejected the extreme rationalist position advocating pure *a priori* reasoning. In his critical philosophy as outlined in his *Critique of Pure Reason* (1781/1956:15), Kant tried to prove the impossibility of constructing a system of speculative philosophy or metaphysics without a prior study of the forms of cognition and the bounds of man's cognitive abilities. This enterprise led Kant to agnosticism as he taught that the nature of things as they exist of themselves is in principle inaccessible to human knowledge. We can only know things as they appear (the phenomena). Supra-sensible realities are inaccessible to human reason. God, the soul, freedom, eternity and so on, cannot be known, yet are of practical significance in that they regulate our concepts and direct our actions.



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Kant's ethical theory has been as influential as his epistemology and his metaphysics. *The Foundations of the Metaphysics of Morals* (1785/1991) is a search for the establishment of a supreme principle of morality, while his *Critique of Practical Reason* (1787/1956) is an attempt to unify his account of practical reason with his work in the *Critique of Pure Reason*. According to Kant, ethics has no empirical aspect, but rather it is metaphysical. This separation of ethics from anthropology, which has an empirical aspect, helped Kant to ground obligation *a priori* in practical reason. This also gave Kant's ethical theory the character of necessity and universality, which would not have been possible if it had been exclusively grounded empirically. Hence, this ethical theory of obligation is not dependent on any empirical factors such as consequences. Kant insists that the rightness of actions is grounded *a priori* in practical reason.

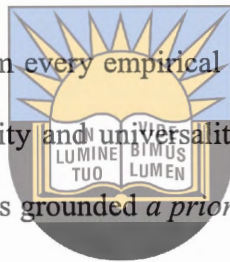


As will be shown in more detail, Kant's ethical theory proclaimed the categorical imperative as the universalizable basis of moral acts. This imperative demands that man should be guided by a rule, which being absolutely independent of the empirical content of an action, could become a universal principle of behaviour. Thus, by Kant's reasoning, what gives an action moral worth is not the outcome achieved by such action but the motive behind it. Nevertheless, Kant did put forward the principle of the self-value of each individual, which must not be sacrificed even for the good of the society as a whole. This chapter will consider the Kantian imperative for lasting peace in relation to current ethical issues such as "conflict" within the African context, especially the conflict in the DRC.

3.2 Kant's ethical theory

Kant's ethical theory is deontological. Deontology is the study of duty. It is Kant's view that what gives an action its moral worth is the motive behind it, not the consequences or outcomes of it. Thus it is the view of Kant that the rightness or wrongness of actions depends on certain formal moral criteria such as rules or principles. The rules and principles in turn, do not depend on empirical consideration of the consequences of obeying them (Blocker & Hannaford, 1974:213).

By removing his ethical theory from every empirical consideration of consequences, Kant's ethics assumes the character of necessity and universality, which gives it greater force. In his ethical theory, the rightness of actions is grounded *a priori* in practical reason, which in turn has as its basis the freedom of good will.



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3.3 The absolute good will

Kant's ethical theory hangs on the unqualified goodness of the good will. (*op cit*: 1974:213). One of his best-known formulations about the good will is that nothing in the world, indeed, nothing even beyond the world, can possibly be conceived which could be called good without qualification except a good will (Kant, 1785/1959:9).

Kant claims that apart from a good will all other things that appear to be intrinsically good are not unconditionally good. All things are relative to the good will. Desirable things like courage, health and intelligence can be employed for evil purposes just as they can be used for good purposes. Hence, they are not intrinsically good, i.e., good without qualification. Kant argues that it is only the good will that is good absolutely without qualification or

unconditionally despite all encroachments. It is possible that the changes and chances of life may frustrate one's designs and prevent one from achieving one's goal, yet the goodness of one's will still remains. It must be understood then that the good will is not good because of its accomplishments or because it possesses certain inclinations to do what is right or because it acts out of self love. The good will is good in itself as far as what is good is willed and is in this sense always good.

Kant denies that goodness could arise from acting on impulse or natural inclination even if these coincide with duty. According to Kant (1785/1959:390) conformity to the law is not enough to establish the morally good; the morally good must be done for the sake of the law. For example, Kant argues that a shopkeeper might do what is in accord with duty and not overcharge a child. According to him, there is a difference between a shopkeeper who does so for his own selfish end, or not to attract the anger of customers, and one who does it from the point of duty and the principle of honesty (Kant, 1785/1959:398). Analogously a legislator must protect the citizens out of duty and the principle of honesty; even if and when individual legislators and administrators have the opportunity and the inclination to do otherwise. To Kant, a person's moral worth cannot depend on what nature endowed him with accidentally, or, on the consequences of his or her actions. All effects could be brought about through other causes and would not require the will of a rational being, while the highest and unconditional good can be found only in such a will (*op cit*, 1785/1959:401).

This opinion led Kant to conclude that it is the recognition and appreciation of the free will to act according to duty itself that must drive one's actions. That is why Kant rejected utilitarianism as a totally inadequate ethical theory, because it cannot acknowledge an unqualified good. Utilitarianism concerns itself with the good or right that is always qualified by consequences, or

inclinations (Blocker, and Hannaford, 1974:215). Asked why the good will is good, Kant (*op cit*, 1785/1959:10) answers that the good will is good only because of its willing; it is good because it wills only the good and is thus absolutely, intrinsically and without qualification good. In other words, what makes it good is its very nature of willing the good for the good's sake, not it's willing of consequences or intended effects. The good will becomes manifest as it commits itself unconditionally to the duty of doing good.

3.4 The concept of duty

We saw that the good will is good as far as it principally wills the good and takes the good to be its duty. As Kant (1959/1785: 20) puts it



"...an action done from duty has its worth, not from the results it attains or seeks to attain, but from a love of the principle or motive, the principle of doing one's duty whatever that maybe."

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He insists that an action assumes a moral value only when it is strictly performed for the sake of duty, that is, if it makes duty its law. This has two aspects. Firstly, duty is not the contrary of freedom, but rather based on the free will to achieve the good. If one does not want the good, one cannot be forced to so. In this sense the will to duty is free. Secondly, duty is not contrary to rationality. A *rational* person will want to do the right thing simply because he or she will be committed to will what is thought to be good and right. Thus it will be rational to take the good to be a duty. So, for instance, in the case of violent conflict, the will to resolve the conflict will be seen as a duty as far as one believes that such resolution is what is good and therefore to be willed. Consequently, if leaders believe in their duty to do what is good, they will take conflict-resolution as an absolute duty.

So, for Kant, to take as a duty what one believes is good, is purely and simply a free and rational way to act. By contrast, to act according to duty may entail acting out of prudent consideration of one's interests. According to Kant, such actions have no moral value though they may be good. The same holds for actions prompted by natural inclinations or emotional feelings. Hence, for any action to have moral worth or value it must be strictly performed for the sake of duty. Duty is yet only fulfilled if one acts according to principles or laws that establish the good. To distinguish such principles Kant introduced his concept of the categorical imperative.

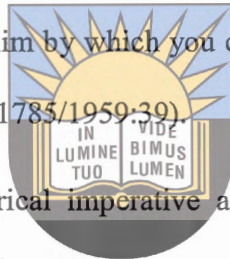


3.5 The categorical imperative

Kant employed the categorical imperative as the basis for distinguishing right from wrong. This imperative, according to Kant, is the principle of universalization. According to him, all imperatives are either hypothetical or categorical. (Kant, 1785/1959:15). The hypothetical imperative is a rule of action for achieving an end. An example could be: if you want peace you must avoid violent conflict. Avoidance of violent conflict through conflict resolution is a way to achieve some desired end, namely peace. The *categorical* imperative is not conditional, but rather, as a moral imperative it is unconditional. Its imperative force is not coloured by the conditional “if you want to achieve some end, then...” It simply states: do X. In other words: resolve violent conflict. In short, as Blocker & Hannaford (1974:216) put it, categorical imperatives do not present actions as means to any other end but as actions objectively necessary in and of themselves.

Since this imperative is “pure”, free from dependence upon any condition or inclination that it is fit to be a principle commanding our behaviour absolutely, not merely relative to certain desires or impulses given by nature (Peschke, 1996:278). Kant calls this moral imperative an “apodictic practical principle” (1785/1959:78). This is because all people are obliged by it without exception. The imperative of the moral law is absolute and categorical and no one can be exempted from it. According to Kant, there is only one categorical imperative. Through many formulations of it in his works the categorical imperative is:

“Act only according to that maxim by which you can at the same time will that it should become a universal law” (Kant, 1785/1959:39).

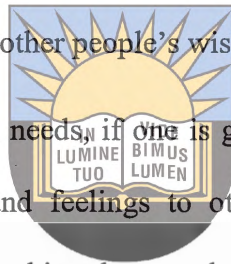


Other variations of the categorical imperative are the following: “act as though the maxims of your action were by your will to become a universal law of nature” (Kant, *op cit*) and “act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only” (Kant, *op cit*: 46).

The categorical imperative requires clearly that one's particular moral decision must be universalizable. According to Dowling (1999:28), there are some practical skills that are presupposed for an effective use of Kant's rule. It is worth mentioning them here:

1. Before we can lay claim to consistency and accept a judgment in question, one must know all the relevant facts that apply to this decision. This will prevent one from endorsing things that one would not be willing to accept if they were done to her/him. One needs to know about social and cultural norms, beliefs, laws and policies that relate to the action that one proposes.

2. To be willing to accept this position for similar cases, one needs to thoroughly consider the consequences of the proposed act. How will the proposed action affect the different interests of the other people involved? Is one still willing and able to accept the maxim when the likely consequences have been taken into account?
3. One needs to consider also how one's proposed course of conduct appears from other people's point of view as well as from one's own, especially how it appears to those affected by one's action. Could one universalize one's proposed action as being morally right when one takes account of other people's wishes?
4. Another practical skill a person needs, if one is going to be consistent, is the ability to communicate one's thoughts and feelings to others in an appropriate and sensitive manner. Is the proposed act something that people could advocate to other people? Or, in Kantian terms: if an intended act cannot be communicated to others in a meaningful dialogue, the action should be refrained from.



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Kant's categorical imperative not only contains the character of universality but also the necessity that maxims conform to this law. Like the golden rule it demands that the good will must have as its maxims only what can be willed to be moral law. The categorical imperative, according to Kant, is a command or duty to act according to an objective principle of reason. Since the will may not always be completely determined by reason, Kant explains that subjective principles of volition should conform to objective principles of reason. He also explains that the categorical imperative is necessary only for an imperfect will. A perfect will aims to do everything that is necessary and has no need of any moral imperatives, because it seeks to do only what is good.

Thus, in using the categorical imperative as a yardstick for determining the rightness of actions or the worth of an agent one has to employ its principle of universalization. From this it can be said that the moral worth of agents and the rightness of actions depend on one and the same criterion, namely the categorical imperative. This categorical imperative, to state it once again, is Kant's first principle of morality and this is proved *a priori*, in a non-empirical manner, by reason. By this categorical imperative we are obliged to act in such a way that the maxim of our actions could be made into universal laws binding for all rational beings. In short, if we can universalize our maxims then our actions are right and we are good, if the maxim is not universalizable then the actions are wrong and we are bad.



One of the many examples given by Kant is that of a man who needs to borrow money and considers making a false promise to pay it back. Employing the categorical imperative, we try to universalize his maxim “when in need of money, borrow it; promise to repay it, even when you don't intend to” (Dowling, K. 1999: 28). Trying to universalize this maxim, were everybody to act like this, the institution of promising will be undermined and trust will wither away. Kant insists that we should universalize as a test to judge the rightness of an action and the moral worthiness of an agent. The categorical imperative should be the standard for measuring the morality of actions.

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Let us use the measure of the categorical imperative in looking at its implications for ethical issues such as violent conflict, and see how such conflict can be avoided for lasting peace.

3.6 Lasting peace

Kant's interest in moral matters was not exclusively theoretical. In *Metaphysic of Morals* (1797/1991:131-175) Kant elaborated on the practical application of the categorical imperative in some detail, deriving a fairly comprehensive catalogue of specific rules for the governance of social and personal morality. What each of us must actually will as universal, Kant supposed, is a very rigid system of narrowly prescribed conduct. In *Perpetual Peace* (1795/1957:93-130), Kant proposed a high-minded scheme for securing widespread political stability and security. Kant argues that we could easily achieve an international federation of independent republics, each of which reduces its standing army, declines to interfere in the internal affairs of other states, and agrees to be governed by the notion of universal hospitality. This, so Kant (1795/1957:93-130) contends, assumes that the civil constitution of every state should be *republican*, that is, ruled by law rather than political opportunism. Only then would laws be binding, internally and externally, for states. Such a republican confederation would be the only means by which to reach perpetual peace, which, for Kant, is the highest good of a society, that is, a good that could be consequently extended to all citizens.



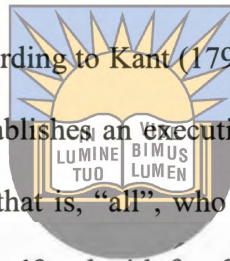
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More concretely, Kant considered several conditions to be necessary to end violent conflict and create a lasting peace. The main condition, once again, is that states be republican. This means, the head of state and other officials are elected as representatives of the people, and must govern according to existing constitutional law that limits the government's power over civil citizens. In a constitutional republic, executive, legislative, and judicial powers are separated into distinct branches and the will of the majority of the population is tempered by protection of individual rights so that no individual or group has absolute power (Doyle, M., 1983:205-353). Doyle (1983:205-353) argues that this constitution is established firstly by principles of the

freedom of the members of a society (as men); secondly, by principles of dependence of all upon a single common legislation (as subjects); and finally, by the law of their equality (as citizens).

On the one hand, the republican constitution seems to be a good universalizable option for a lasting peace, among others, between African countries which find themselves in violent conflict. Besides the purity of its origin (taking its origin from the source of the concept of law), the republican constitution offers a favourable prospect for the desired consequence of lasting peace.

On the other hand, democracy, according to Kant (1795/1957:93-130), is, properly speaking, necessarily a despotism, because it establishes an executive power in which “all” decide for or even against one who does not agree; that is, “all”, who are not quite all, decide, and this is a contradiction of the general will with itself and with freedom. A democracy cannot, according to Kant, be really representative. To be representative one needs a form of rule that can unite in one and the same person the function of legislator and executor just as the universality of the major premise in a syllogism can subsume the particularity of the minor premises (Doyle, M., 1983:205-353). According to Kant, the democratic form of government makes this assumption impossible, since everyone wishes to be master. Accordingly the smaller the personnel of the government (the smaller the number of rulers), the greater is their representation and the more nearly the constitution approaches to the possibility of republicanism; thus the constitution may be expected by gradual reform finally to raise itself to republicanism. For that reason, aristocracy and monarchy, which are not representative, cannot achieve the completely juridical constitution, and it is impossible for a democracy to do so except by violent revolution (Doyle, *op cit*). In short, contrary to most states today, the peaceful Kantian state cannot be democratic, because democracy is not representative enough to be a republican state.

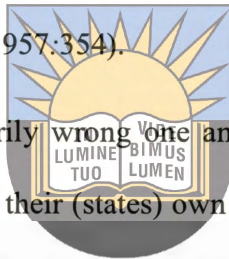


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In *Toward Perpetual Peace* (Kant, 1795/1957:354) he furthermore argues that people should strive to construct a league of nations, which would mediate the conflicts between the states and promote a stable international peace. As he puts it:

"Nations, as states, can be appraised as individuals, who in their natural condition (that is, in their independence from external laws) already wrong one another by being near one another; and each of them, for the sake of its security, can and ought to require the others to enter with it into a constitution similar to a civil constitution, in which each can be assured of its right (Kant, 1795/1957:354).



Kant claims that states necessarily wrong one another in a condition of independence from external laws. In order to promote their (states) own safety, they should leave their state of nature and enter a constitution similar to a civil constitution. The civil constitution among states has a similarity to the civil society. Just as individuals prefer to leave their state of nature in order to establish a civil society, particular states should choose to enter into a civil constitution to guarantee their rights and avoid the permanent threat of conflict (Hannah, A., 1982:193). However, this league of states should not be a state above other states, thus a state of nations. That would be a contradiction. A number of nations within one state would constitute only one nation, and this contradicts the presupposition of many nations and their civil relations to each other. The league of nations comprises different states which are not to be fused into a single state (Kant, 1795/1957:354).

Kant (1795/1957:354) claims that the civil constitution of a league of nations should be thought of as a necessary and universal principle for all civil citizens for a lasting peace. Kant objects to the idea of the right of nations as a right only to enforce power, for instance, in the form of war. For Kant (1795/1957:357) the concept of the right of nations as a right to go to war

is, strictly speaking, unintelligible since it is supposed to be a right to determine what is right not by unilateral maxims. In order to be effective against violent conflict, Kant distinguishes his league of nations from a pact of peace. According to Kant (1795/1957:356), there must be a league of a special kind, which can be called a pacific league, and what would distinguish it from a peace pact is that a peace pact seeks to end only one conflict whereas a pacific league seeks to end conflict forever. The League of Nations is the middle-point between the idea of a state of nations and the idea of a mere peace pact that does not guarantee a lasting peace. As Kant (1795/1957:357) put it:



"...in accordance with reason there is only one way that states in relation to one another can leave the lawless condition, which involves nothing but war; it is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always growing) state of nations (*civitas gentium*) that would finally encompass all the nations of earth. But, in accordance with their idea of right of nations, they do not all want this, thus rejecting in *hypothesi* what is correct in thesis; so (if all is not to be lost), in place of the positive idea of a world republic only the negative surrogate of a league that averts war, endures."

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We see, according to Kant, that states should leave their lawless condition to enter a rational union of nations that will include all the nations of the earth. The surrogate of such a league of nations is a state of nations that averts war but doesn't perpetuate peace (Borges, M. L., 2006:61). Once more, Kant takes a state of nations not only to be no warrant of peace but to be impossible. The state of nations has to extend too far over vast regions, which makes it difficult to protect all of its members from conflict. The consequence of this is that we must concede that we can only have an approximation to lasting peace through an association of several states.

Kant (1795/1957:90) argues that in principle a continual approximation of perpetual peace in the form of a civil alliance of states is achievable. Indeed, since the achievement of lasting peace is a difficult task in practice, we can only have principles directed towards peace that are not to rule over a state of nations, but over a permanent league of states, which each state is free to join. Kant does not and cannot offer any guarantee that there will be a lasting peace or that the states will finally attain their goal of lasting peace. Obviously the practical accomplishment of peace would not be in the hands of the participants of such a pact to act reasonably and morally. Lasting peace is an idea of reason; it has only a regulative role that citizens should act as if this goal were possible. Finally, there is yet another concrete requirement of this progress towards a lasting peace: the civil constitution of states as noted above should become republican in the form of a universal law, which must regulate relations between countries.



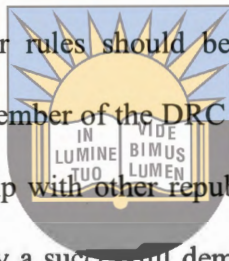
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3.7 Peace in Africa?

How far is Kant's ethics of peace to be achieved in Africa and the DRC in particular? If Kant's position were adopted, the DRC should form part of a league of nations with all other republican states. In principle this should ensure lasting peace, since this league would be made up of states that are, by their very nature and composition, pacifist. This league should be formed by a liberal community of states, which shares a republican form of government. One of the preconditions of such a state is the existence of an effective moral education system so that citizens can learn, from very young, to act from reason and duty, and accept responsibility for their actions, both individually and collectively. Without this moral education, no attempt to erect such a free republican state and constellation of states will be possible. Thus, a lasting peace in the DRC is a moral task for Africa and the world in general. Such peace is not just an

empirical good, but a condition that arises from the will to peace and a rational recognition of duty that condones this (will). Only such recognition will guarantee lasting peace.

A corollary of Kant's theory valid for DRC too is that we should consider persons to be free individuals, ends and not means, and capable of lasting peace. To paraphrase Kant, his theory suggests that leaders in Africa and the DRC too, must treat the interests of their citizens in a way that can be universalized as a maxim for all nations. In fact, law based upon the recognition of universal law should be settled in the DRC for the sake of regional and international peace. To begin with, such universal maxims or rules should be accepted by all the Congolese. No individual citizen and specifically no member of the DRC leadership must be above the law. The DRC should enter into civil relationship with other republican countries around the world, not least with African countries. Concretely a successful democratic election within the framework of a republican rule of law and a league of states should be the cornerstone of peace in the DRC. Finally, we can state that only laws or principles that endorse peace can be universalized, and not, so to say, a rule of conflict. In Kant's terms: if we advocate violent conflict for all as a general principal, we have the contradiction of the impossibility of peace, and in turn of conflict as such. In addition, violent conflict is unbearable, thus a rule (principle) and the rule (reign) of violent conflict is in itself a contradiction. Rather than a rule of conflict, we need the rule of perpetual peace.

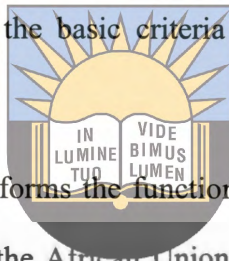


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3.8 Critical remarks

There are many critical questions that can and should be raised in this regard. Does the African Union, for example, represent a league of nations in the Kantian sense? Do the member

states of the African Union conform to the basic principles and conditions of Kant's republican state? Why indeed was Kant severely critical of the notion of democracy, as the latter is indeed appropriated by many modern regimes? How would the deontological approach adjudge the involvement of members-states of the African Union in the many-sided DRC conflict? How close, or how far, are African states from being considered truly republican states in the Kantian sense of the word? Would it not be unfair to expect "lasting peace" if many African Union member states (leadership, populace, structures, internal and foreign relationships, etc.) in themselves are anything but fulfilling the basic criteria for qualifying as worthy of being a republic in the Kantian sense?



In some way the African Union performs the function of the league of nations as Kant has introduced it. Or, to put it differently: the African Union has the potential to act as a veritable league of nations. But why does this establishment not succeed in resolving violent conflicts in and around the DRC? One major problem, as was pointed out in the previous chapter, is the lack of moral integrity among African leaders, particularly in the DRC. It seems that Congolese must know which kind of leader they have to choose, which character he or she must have to bring peace, justice, and freedom among them. So, acting from a sense of duty or out of utility may be done grudgingly or with resentment; a leader for example, in thanking his citizens for good behaviour towards him or her, may eventually do so merely from custom and without much sincerity, and although he or she performs the right act, people would probably not feel that his act is entirely good. This implies that neither the approach based on utility, nor the one based upon rational duty, tells the full story.

Thus, we need to include a third ethical model which is based on the moral worth of the actors or the leaders. This approach in ethics considers whether the person who is in charge of

the state is praiseworthy or blameworthy, admirable or reprehensible, virtuous or vicious in providing leadership. What kind of character should a leader have, which characteristics should he develop and consequently bring to a situation of conflict like the one in the DRC? These questions lead us to the following chapter on virtue ethics.



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Chapter 4: Virtue ethics: conditions of a happy life in Africa

The first chapter argues that conflict is endemic to human societies, but as it leads to violence conflict needs to be resolved through ethical means. The second chapter deals with utilitarian theory. Utilitarians argue that conflict should be resolved by promoting the greatest happiness for the greatest number of people in any situation which in turn means minimizing harm done by violent conflict in the form of political repression and instability, election fraud and crime. The third chapter explores Kant's idea of a universal principle or rule as an objective means to avoid conflict or to direct conflict resolution; the ultimate aim is lasting peace maintained within a league of nations.



I shall argue in this chapter that virtue ethics places less emphasis on calculations or rules for resolving conflict than do utilitarianism and Kantianism and, instead, stresses the importance of developing a good sense of judgment and habits of character such as honesty, generosity, courage, justice, and loyalty in order to avoid or resolve conflict. This chapter starts with a discussion of Aristotle's concept of happiness (*eudaimonia*), which is the basis of virtue ethics. It is followed by an analysis of contemporary virtue ethics. Finally, I show how virtue ethics may be applicable to conflict resolution in the DRC or wider African context.

4.1 Happy lives according to Aristotle

According to Aristotle, the end towards which all human acts are directed is happiness (*eudaimonia*) (Palmer, D., 2005:288-289). Happiness is the highest form of what is good for human beings. This is because happiness is something complete and self-sufficient, something

people aim at for its own sake and not for the sake of anything else. In other words, happiness for Aristotle is not something that comes to people from the outside, but rather it is, so to speak, a matter of the inside. This means, happiness is an activity, that is, it is not something that happens to people or comes to people externally, but something to work toward. When people have reached this end, their lives become as good as possible; they have reached the highest form of self-realization, nothing further can improve their lives in any way. Thus, he calls happiness the ultimate goal of all our actions and a successful life (Aristotle, 2002:26).

Aristotle argues that human happiness (*eudaimonia*) does not equate with things such as pleasure, honour, status and wealth. To begin with, whereas animals are happy to find immediate satisfaction of needs, humans need happiness for its own sake. According to Aristotle, happiness cannot be honour and status either. Although happy people are usually respected by others, honour and status are independent of the opinion of others, whereas the final good for people should be something that is in itself fulfilling, something they are themselves responsible for and that can hardly be taken away from them. Also wealth cannot be equated with happiness (*eudaimonia*) – even though a happy life requires at least a moderate prosperity - since property is fundamentally a means people use for various ends, whereas happiness is something people seek as an intrinsic good for the sake of itself and not for the sake of anything else.

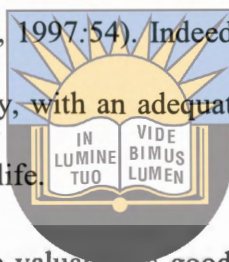
So Aristotle (2002:28) argues that pleasure, honour and ownership contribute to a happy life, but none of them is sufficient to specify what happiness essentially consists in. They are surface phenomena; they are about how the agent is reflected by others, whereas happiness, the supreme good, must be something that belongs to people in themselves. In short, happiness is something that humans are themselves responsible for, something that is sought for its own sake and not for the sake of anything else.

But what exactly is happiness? Aristotle's answer is: the virtuous life. "Virtue" comes from the Latin term "virtus", meaning moral chastity and efficacy which goes back to the Greek word *areté*: excellence. Virtue is that quality of any act, endeavour, or object that makes it a successful act, endeavour, or object (Palmer, 2005:292). To understand Aristotle's definition of happiness, it is important to look more closely at the meaning of "virtue" (*areté*) and see what kind of excellence it means.

The term virtue is introduced in a very prosaic sense as referring to a *disposition* to fulfil one's function in a reliable and appropriate way. To determine the nature of happiness, Aristotle therefore asks the question of the function of the human being (*op cit*, 2005:291). He argues that if, for example, the function of a knife is to cut meat the virtue that makes this possible is sharpness. If the function of a horse is to pull carriages and carry a rider, its virtue is speed and endurance. If the function of a flute-player is to play the flute, her/his virtue is the musical skill. Obviously, according to Aristotle, it is not that the human being as such has a function and a virtue in the same sense as artefacts, domestic animals, or artists and professionals. Rather, Aristotle maintains that the human being has a peculiar function to act in ways only appropriate to being human and not any other species. Most particularly, the function of human being is to behave rationally – man is, according to Aristotle, a rational animal. Accordingly, people can speak of human virtue, or virtues, as a disposition to realize the function of rational human being. Accordingly happiness (*eudaimonia*) can be defined as "the soul's activity that expresses virtue", that is, the kind of rational disposition that expresses our being human (*op cit*, 2005:291).

More concretely, Aristotle divides virtue into two groups. One group comprises virtues of character or moral virtues such as courage, moderation, generosity, and justice. The other group involves virtues of intellect, which are practical reason and theoretical wisdom. Aristotle (Crisp,

& Slote, 1997:56) argues that all the virtues of these types presuppose each other. They are together necessary to achieve happiness (*eudaimonia*). On the one hand, each virtue of character is related to and expressed in its peculiar activities. This requires persistent fostering of particular virtues of character: the continuous shaping of our dispositions or habits of sustainable action. On the other hand, practical reason, nourished and shaped by theoretical wisdom, is the judge of the virtues of character, which we adopt. In addition, Aristotle argues that happiness (*eudaimonia*) requires not only virtue but also external goods such as friends, children, wealth, political power, and good looks (*op cit*, 1997:54). Indeed, for Aristotle a person is happy who expresses complete virtue in his activity, with an adequate supply of external good, not just at particular occasions, but for a complete life.



Aristotle takes external goods to be valuable as goods or conditions that help to make the exercise of virtue possible. This is to say that while virtue is necessary for happiness, it is only sufficient for happiness (*eudaimonia*) with the support of external conditions (friends, wealth, power) that make it possible to exercise it. So, for example, friends are valuable because they make it sufficiently possible for a person to exercise the virtues of generosity and benevolence. The loss of a friend prevents happiness (*eudaimonia*) because it deprives the person of a chance to exercise the virtues relevant in friendship. But, according to Aristotle, people need a proper appreciation of the way in which such goods as friendship, pleasure, virtue, honour, and wealth fit together as a whole. In order to apply that general understanding of happiness to particular cases, people must develop, through proper upbringing and habits, the character that can discern, on each occasion, which course of action is in accordance with the practical judgment of reason. So, practical reason, as Aristotle conceives it, cannot be acquired solely by learning general rules of ethical judgment. Rather, people must acquire, through practice, the emotional and social

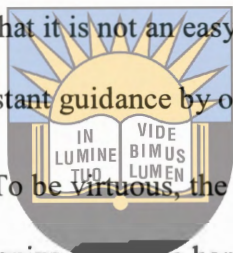
skills of character that enable them to put their general understanding of happiness into practice in ways that are suitable to each occasion.

4.2 Practical elements of the Aristotelian approach

Virtue ethics, as presented above, is about character rather than rules or consequences. A virtue is not simply a tendency or inclination to behave in a certain way; a virtue is a sustainable disposition to act and in this sense a state of one's character. There are character traits, however, which are not virtues. To qualify as a virtue, a character trait must embody a commitment to some ethical value, such as justice, honesty, loyalty, or benevolence. Moreover, this commitment is not merely a matter of performing actions that happen to be just, benevolent or whatever; a disposition, as already stressed, involves a kind of practical reasoning. The virtues are dispositions to be just, honourable, or benevolent and so on, to give others their fair share, treat others in considerate ways, stand up for others' rights. The virtues link people's characters with the world. When people act kindly, it is because they have a reason to act kindly, that is, because they have taken into consideration the feeling of others as part of the motivation behind their actions (Palmer, D. 2005:308). In short, virtue is a *disposition* to act in certain ways.

More particularly states of character are virtuous for Aristotle if they result in acts that are in accordance with a "golden mean of moderation" (Palmer, 2005:293). For Aristotle, a "mean" is a position taken between two extremes; he calls one extreme "deficient" and an opposite extreme "excess" (*op cit*, 2005:293). In everyday life we encounter a number of different virtues; for example, fairness, generosity, courage and so on. What makes such diverse virtues as courage and generosity dispositions which are ethically admirable? Once again, virtues are dispositions

of people to act in a sustainable way, so they require a golden mean of judgment. This amounts to careful measuring or moderation. To measure good habits of character, virtue ethics holds that people should avoid acquiring bad character traits, or vices, such as cowardice, insensibility, injustice, and vanity (James, W., 1978:160). For example, in response to natural feelings of fear, we should develop the virtue of courage which allows us to be firm when facing danger. As such virtues are also dispositions to regulate our inclinations in a sustainable way (Foot, P., 1997:163-177). So Aristotle argues that most virtues represent a mean between more extreme character traits. However, Aristotle also stressed that it is not an easy task to find the perfect mean between character traits. Therefore, we need constant guidance by our practical reason.



Man is happy when he is virtuous. To be virtuous, the senses need to be under the control of reason. Reason enables humans to recognize the tense harmony between opposites that exists in all things, which natural harmony we also need to keep in step with and attune our own character to. Negatively, happiness requires avoidance of extremities. Positively, happiness is achieved when the extremes (vices) are balanced by the virtues of character.

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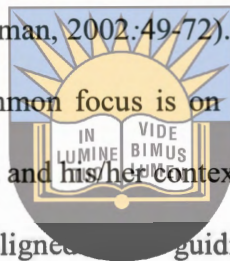
A happy person is a person of balanced character, not easily giving in to excess in either direction. Balance requires observation of the *golden mean*. Rauche (1994:63) concludes as follows: “Thus bravery lies between cowardice and reckless boldness, generosity between avarice and waste, noble pride between humility and uppishness, etc.” A virtuous person, who acts cowardly in a specific situation, may be said to be “out of character” and will as a consequence be unhappy. Note that balance will not be achieved by acting out the opposite extreme, e.g., by recklessly risking one’s life against all odds! Happiness will be regained through the restoration of this imbalance, e.g., through an act of bravery.

4.3 Virtue ethics in the contemporary period

A discussion of virtue ethics is not just relevant to the world of academic argument only; it also has its place in the public arena, as political leaders of whatever persuasion seek to improve the standard of daily living. Virtue ethics is about being, not doing. The reason why virtue ethics can be popular and make an important contribution to our understanding of morality today is that it (virtue ethics) emphasizes the central role played by motives in moral questions. To act from virtue is to act from some particular disposition. Only certain dispositions are necessary for correct moral decisions. Hence, virtue ethics holds that once people have become the sort of person they want to be, they will take correct moral decisions naturally. Indeed, Aristotle (Swanton, C., 2005:23-25) argues for the virtue of self-fulfilment as a sustainable foundation of norms and acts, also and particularly in conflict situations. As argued above, the focus is person-oriented rather than act-oriented; it is on the moral disposition of the person rather than on the consideration of moral strategies of conduct as in the theories discussed earlier. Although the analysis may be complicated, Aristotle's ethical doctrine is meant to avoid extremes of all sorts and to seek moderation in all things. Moreover, virtue ethics looks not for an instrumental good, but a good that is intrinsic.

Often virtue ethicists base their concept of virtue on the notion of flourishing, or *eudaimonia* (happiness), though this is not universally so. While the ultimate intellectual roots of this tradition are to be found in the writings of Aristotle, the contemporary re-emergence of virtue ethics as a genuine alternative moral theory to traditional consequentialist and deontological positions traces its origins to Anscombe's widely reprinted paper, named: "Modern Moral Philosophy". Anscombe (1997:33-34) argues that modern moral philosophy is misguided because it rests on the incoherent notion of a "law" without a "law giver". Accordingly, the

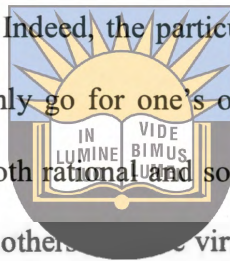
distinctive character of contemporary ethics is to be found in its Aristotelian focus on character rather than isolated acts and on examples rather than rules. Utilitarianism and deontology, as we have seen, tend to focus moral evaluation on acts that must conform to certain fundamental principles, or universal rules, in order to be judged as right or good. As formulated in contemporary terms, virtue ethics is always more agent-centred than act-centred (Palmer, D. 2005:304). According to Michael Slote (1992:30), all forms of virtue ethics are at the very least agent-focused, agent-prior, and agent-based. They all underline the importance of the virtuous agent over rules or laws. (Storh & Wellman, 2002:49-72). In all three variations - agent-focused, agent-prior, and agent-based - the common focus is on the exercise of the good within lived human experience. As a result the agent and his/her context is never abstracted away. This means that for most virtue ethicists, the oft-maligned guiding role of virtue-ethics will admit of a wide pliability in its answers to moral problems. Per instance, Hursthouse (1997:217-238) argues that an action is right if it is what a virtuous agent would do in the circumstances. According to her, this premise allows for the possibility that two virtuous agents, faced with the same choice in the same circumstances, may act differently. Indeed, this difference is because not all evaluation derives from the agent, but from conceptions of human flourishing (the conception that the agent has about human flourishing), or *eudaimonia* (happiness) as well. As there are different ideas as to what “flourishing” means, there will also be different ideas as to what a virtuous act, a good character and a happy life is.



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I would like to close this presentation of virtue ethics by pointing out some other contemporary views pivoting on and supplementing Aristotle’s notion of virtue ethics. According to Crisp and Slote (1997:13), virtue is “knowledge”, “sensitivity to the requirements placed on one by the salient features of the situations in which one finds oneself”. Sabina

Lovibond (2000:9-10) defines moral virtue as the outcome of a successful process of formation, a psychological trait, a state of character whose possessors can, as such, be expected to display certain consistent patterns of feeling and choice. These views imply that virtue refers to traits of character that are good for people to have (Borchert & Stewart, 1986:219). This raises the question of why virtues are desirable, why it is good for a person to behave courageously, honestly, loyal, or justly. The answer depends on the particular virtue as this reflects a general disposition of virtue. For instance, honesty is needed because without it relations between people would go wrong in a myriad of ways. Indeed, the particular virtues are needed to conduct our lives in general well. This does not only go for one's own life, but life together with others. Aristotle viewed human beings to be both rational and social. As rational social beings virtuous life means to relate harmoniously with others. If one is virtuously then one needs to interact with other people successfully in the Aristotelian sense of harmonious self-realization. Finally, contemporary views have in common that a right action is defined in terms of virtue, not virtue in terms of right action.



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Until recently it was assumed that the two major forms of ethical theory were consequentialism and deontology, an assumption which clearly takes for granted that the central concern of ethics is action- rather than agent-oriented. The resurgence of virtue ethics has not merely provided a third way, but rather it has challenged underlying assumptions. Virtue ethics thus provides an alternative to the other moral theories, as well as resources from which they are being enriched.

4.4 Application of virtue ethics for a happy life in Africa

As virtue ethics is always concerned with the agent's character, it affords us the opportunity to focus specifically on Africans themselves and on such leadership characteristics. Virtue ethics therefore assists us to determine what is good for the happiness and welfare of Africans generally and the DRC too. This approach shows that efforts to resolve problems of conflict in Africa and the DRC can be strengthened by analyses relating to the character and mentality of leadership. Ethical leadership characteristics will promote ethical behaviour, and in turn lead the way to improvement in human living conditions.



Historically, virtue ethics reflected the good standing of a citizen in the Greek city-state and was therefore primarily a theory of the relation between individual character, morality and public life. The relevance of such an approach in today's societies, especially African society, may depend on what moral relations can exist between leaders and the civilians of a given state. It can thus relate directly to the character and quality of the people in contemporary society.

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With regard to Africa too, the virtue ethicist looks for character traits that are good for the continent's people and leaders, so as to ensure public welfare, avoid conflict, corruption, maladministration, and also to resolve conflicts in order to re-establish peaceful conditions. Good character traits are something Africans and their leaders should be allowed to determine for themselves. These character traits should not be influenced by motives of self-enrichment or imposed from elsewhere. Leaders must include a self-critical look at their own character as possible cause of conflicts and seek to resolve it into peace so as to avoid violence in the community for the sake of his civilians. His own virtues must guide his actions, since a good act comes from good character seeking to act virtuously. An African leader should apply his rational

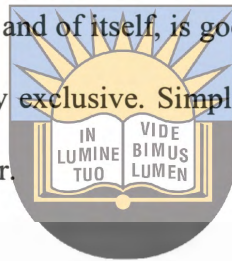
abilities to show that he is educated and he should imitate the example of other leaders in how they solved their conflicts or how avoided violent conflict. When the calculations of utilitarianism fail to yield a good course of action and when adhering to Kantian imperatives for lasting peace becomes unclear or conflicts with people' intuitions of what is the right thing to do, the leader's good character has the potential to determine the most ethical course of action. So in the event of a violent conflict as in the DRC, leadership qualities and character virtues should change matters for the better, esp. if both the utilitarian and deontological approaches prove to be unsuccessful.



Aristotle sees human beings as the only species that have a rational soul that enables them to act rationally. His account of ethical life accommodates complex patterns of morality. The character traits of Africans and their leaders should therefore also be related to the capacity for rational thought and action. Leaders should provide excellence with opportunities to live a better life. Africans and their leaders should be guided by reason. By using their reason African civilians and their leaders will know how to end conflict for the sake of their communities. To be more precise, reasonable leadership and a good mentality of civilians, sustained, will bring happiness among the African community.

To live a happy life, people must all be virtuous, excellent in their behaviour; they must be able to obey the laws and the rules of their countries, not because they have to, but because they are virtuous. To be virtuous means to be educated in morality, in doing the right things in the public sector, and developing the character traits of loyalty, honesty, and being just in what they are doing, by avoiding corruption, murder, crime; then a better life, a life of justice and freedom will be the natural consequence.

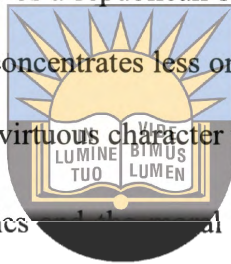
The resources of the country must be shared. African leaders must create an environment where civilians can trust them unquestioningly and without fear for reprisal. The only way for African leaders to become trustworthy is to pursue virtue steadfastly, regardless of consequences to themselves. To do otherwise would make them less than trustworthy. Hence, Africans have reason to be virtuous and they have reason to act virtuously. Rather than to spend time in conflict they should spend it on resolving conflict and making peace, for the sake of their community. After all, to live well people must live in a community where everyone values and expresses certain basic virtues. Being virtuous, in and of itself, is good. Violent conflict is immoral. Hence, virtue and violent conflict are mutually exclusive. Simply put: to live a peaceful and balanced life requires people of virtuous character.



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Chapter 5: African ethics and the moral possibilities of Ubuntu

What does African ethics have to offer towards the resolution of violent conflict in Africa? We have seen utilitarianism to argue that violent conflict should be resolved into peace by bringing the greatest happiness to the greatest number of Africans. Kant, instead, argues for the prevention of violent conflict by means of a republican league of states based on the universal imperative to find peace. Virtue ethics concentrates less on moral acts than on moral agents. The aim is a good and happy life based on a virtuous character that opposes violent conflict.



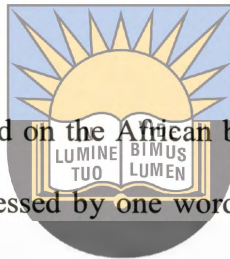
This chapter considers African ethics and moral aspects of Ubuntu as incorporated in African culture and tradition. The first section explores traditional African ethics. The second section deals with modern African attitudes and the urge to revive traditional values. The final section applies African ethics to the issue of violent conflict in the DRC.

5.1 Traditional African ethics

Traditional African ethics considers moral conduct in terms of attitude toward “life”. Good is whatever protects and promotes human life, evil is that which destroys or alters human life (Swindler, L., 1992:45). Life is the supreme value in traditional African societies, and expresses itself in respect for human life. For the African, ethics and religion are fully anthropocentric, so that Mbiti could say: “in Africa, it is as if God exists for the sake of man” (Mbiti. J., 1990:129). Africans are so deeply concerned about the preservation and the promotion of human life that religion itself becomes a tool to reinforce respect for human life. This concern for life gives

African ethics a utilitarian dimension, expressed by Mbiti (1990:109) in the following radical way:

“Africans are utilitarian, not purely spiritual; they are practical and not mystical. The people respond to God in and because of particular circumstances, especially in time of need. Then they seek to obtain what He gives, be it material or spiritual; they do not search for Him as the final reward or satisfaction of the human soul or spirit. Augustine’s description of man’s soul being restless until it finds its rest in God is something unknown in African traditional ethics and religious life.”



This concern for human life is based on the African belief in the “dignity” of every human being. This notion of “dignity” is expressed by one word: Ubuntu (humanity). The concept of Ubuntu, as we will see below, is the key to an understanding of traditional African ethics. It means “weight”, “solidity”, and “consistency” as in the Hebrew notion of the “*Kabod of Yahweh*”.³ In African ethics a person fulfils her/his humanity (humanness) when he/she is capable of respect of own and others’ humanity. Whenever a person does not respect the life and dignity of other persons, he/she automatically loses his/her humanity because humanity is thought to be the essence of being human. It is the notion of humanity that constitutes the foundation of all traditional African ethics. Any conduct that does not respect the dignity of human life is bad. Whatever contributes to the protection and the intensification of human life is good.

What is “good” more particularly? According to Mbiti (1990:116), among the basic principles of “African ethics” we find: truth and rectitude as essential virtues, justice, generosity

³ *Kabod* means glory. This word derived from the word *deb* or *Kabed*, which means heavy or weighty. It is also used for liver or heart, pointing to the internal source of life. *Kabod* can be paraphrase as “awe inspiring Glory, which incorporates, power, majesty, might and wealth. It’s (*Kabod*) often associated with the word *Yahweh* (God) (Gerald, 1968: 555).

(the opposite of selfishness), hospitality, protection of the poor and the weak, giving honour and respect to older people, chastity before marriage and faithfulness during marriage, avoiding hypocrisy, theft, and falsehood, and keeping covenants. All these characteristics are intrinsic to African society where ethics is based upon two poles: Bad (evil, sin, ugliness) and Good (righteousness, purity, beauty). As in virtue ethics, good and bad are seen as traits of character rather than as acts, hence Africans distinguish a good person from a bad person rather than good from bad acts. In the final instance a good person has a plenitude of humanity (dignity) while a bad person characteristically destroys human dignity.



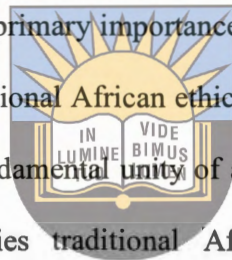
African ethics is as *sociocentric* as it is *anthropocentric*. In the African worldview bad behaviour is not a private matter. Any bad conduct destroys social relations, and for that reason, “African traditional ethics” takes the principle of “reparation” seriously: anyone who has done evil must confess his fault in public and repair what he has destroyed in order to restore the broken order or harmony of social life. This social dimension of human life as “being with”, “being in community with” is what Nyerere (1968:35) calls *Ujamaa* (togetherness, fraternity or family spirit). It is so important in Africa that African languages do not even have specific words to express individual ownership.

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This spirit of “togetherness” entails a spirit of hospitality and solidarity that distinguishes traditional African ethics from the Marxist notion of “class struggle”. Nyerere (1968:35-36) states:

“...the true African socialist does not look on one class of men as his brethren and another as his natural enemies. He does not form an alliance with the brethren for the extermination of the non-brethren. He regards all men as his brethren as members of his ever-extending family.”

Ujamaa, or familiness, describes traditional African socialism. Contemporary Africa, as we shall see in more detail in the next section, does not match this traditional ethical notion very well. “African ethics” today must distinguish traditional African conduct from the abuses of these traditions. The genuine “spirit of the African tradition”, so the African charter (Umozurike, 1981:902-910) rightly states, is expressed by positive values such as dignity and familiness. This is why the African Union appeals for the promotion of these “positive traditional values”. It also explains why the African charter in its preamble states that Africa has “traditionally” accorded “human rights and freedom” primary importance. African traditional ethics is on a par with the charter of human rights. Traditional African ethics requires Africans to protect the right to live together in a relationship of fundamental unity of all human beings. Stated differently, a unity of human relationship underlies traditional African ethics. African ethics places considerable value on conformity by the individual to the social group in order to preserve the unity of human relationship. It could be said that African thought is more concerned with the relationship than with the different entities which constitute the relationship. All African human behaviour is expected to conform to this value to ensure social harmony. Relationships and social harmony are thus vital elements of African ethics. Hence, according to Mbiti, it is only in terms of other people that the individual itself is conscious of his own being, his own duties, his privileges and responsibilities towards him-/herself and others. As he puts it: “I am because we are, and since we are, therefore I am” (Mbiti, 1990:108-109).



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Gyekye, (1996:154) contends that Mbiti’s argument speaks to a social rather than personal morality. It is a morality of social conduct in the sense that one’s sense of morality is determined by the nature of one’s social relationships. This morality differs from the moral approach that emphasises an individual’s sense of self or autonomy, of a self that places less value on social

relationships. Hence, the value of collective existence is held in higher regard than personal responsibility and duty. Collective existence suggests responsibility of the many for the one. The many must look after the well-being of the one. In return, the individual is expected to look after the well-being of the others. The latter reinforces the former. So a collaborative relationship between the individual and the society is what builds and sustains morality. Conversely, morality means social solidarity.

The emphasis in African traditional ethics on social relationships does not negate the significance attaching to the individual human being. The individual human being is perceived as the centre of the relationship, and as an active agent and participant in the relationship. The emphasis is not on the autonomy, freedom, and critical inclination of the individual in the sense of Socratic ethics, but on an appreciation of the status and role of the individual in the ethical and socio-economic pattern, which entails the individuals' active agency and participation (*op cit*: 1996: 154). One could say that whereas European ethics conceives of the individual as an intellectual being, emphasizing a person's reason as the basis of moral conduct, "African traditional ethics" conceives of the individual as a socio-ethical entity. Quite often, however, the ethical individuality of the human being in "African traditional ethics" has been overlooked as authors concentrated on African communalism and gave the impression that human individuality is swallowed up by the sense of communalism (Gyekye, K., 1996:154-168). Mbiti certainly is guilty of doing so. Some go so far as to suggest an authoritarian strand built into the communalistic culture as the almost sole determinant of "African ethics".

This supposed authoritarianism is linked to the education system of the traditional society which emphasized the socialization of the individual into the established ways and customs that were strongly communal. Moreover, as Njoroge and Bennaars (1986:145) observe, education

was socially controlled and in its different forms was consciously and deliberately practiced to cultivate ethical values. So, a tendency to view traditional ethics and custom as synonymous begins to emerge. The authoritarian strand is associated with the conventional and authoritarian nature of custom which must be respected and obeyed uncritically and without question. It also derives from African ethics which places considerable value on conformity of the individual to the social group steeped in African social consciousness.

Nevertheless, while the sense of relationship and community underlies African traditional ethics, and contrasts with the European sense of autonomy, the individual is not here perceived as a mere presence in the community. Rather, the individual is perceived as the centre of the community and thus of a socially based ethical relationship.



As argued, African traditional ethics is both anthropocentric and sociocentric. In the centre stands human dignity and social harmony. This spirit of "togetherness" should generate a spirit of hospitality and solidarity which distinguishes African traditional ethics from the Marxist notion of "class struggle". Nowadays, however, traditional African ethics has changed considerably. This brings us to the next section.

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5.2 The change of the traditional African ethics

As is much discussed in numerous scholarly works, Western colonization began a process of uprooting African culture from its "natural habit", and substituting its own culture, thereby effecting problematic social changes. The process was problematic in the sense that it favoured the European colonizer and marginalized the colonised African through the relationship of forced cooperation. Currently there is much scepticism about what is authentically African and what is

inauthentic. The change also involved an increasing tendency towards social pluralism in the ethnic, cultural, religious, political, and economics aspects of life in Africa.

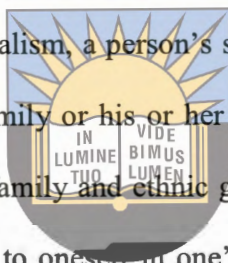
With this dual social alteration, morality in the African society is changing from an emphasis on the collective good (the communalistic characteristic of traditional society) to an emphasis on personal morality. The new personal ethics, however, tends to be a perversion of personal autonomy and inner conviction in that the interests of the individual are favoured at the expense of social interests. Personal morality tends towards boundless self-aggrandisement. Egoism has become so prevalent in contemporary African society that it has caused cultural and moral disruption. This disruption is also manifest in the form of violent conflict of interests that prevails in the DRC. We could speak of a moral consensus in the community in the traditional African culture of pre-colonial times. Such consensus is not possible in the new African social milieu of societies in which diversity has become a source of conflict. This is not to say that the focus on individual interests is altogether wrong. As Ruch points out, there is a distinction between the concept of “individuality” and “individualism” (Ruch & Anyanwu, 1981:324). Individuality is an expression of one’s being and the source of one’s freedom. In its practical manifestation, individuality is the pursuance of goals that are self-orientating, and have the individual as centre of interest. Such self-orientation goals can, and often do, have a moral value which can serve the communal good. Yet, if the fostering of self-interests is negative, and harmful to the good of others or likely to obstruct the realization of communal good, then individuality becomes individualism.

In contemporary African society, the increasing consciousness of personal freedom and personal interests, coupled with an increasing social pluralism and increasing diversity of personal-orientation interests, without a corresponding increase in appreciation of social



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obligation, makes the fundamental moral challenge particularly complex. The individuality of the person and the diversity of interests the person pursues do not hinder the development of a moral unity of individual interests within the universalizable common good. Rather, it is the failure of the mental orientation of the individual to appreciate the moral question and its ramifications that does so. The sense of self and personal interests (the negative sense of individuality) tends to override the sense of being social, that is, to pursue one's interests while at the same time being attentive to the interests of others (those interests that are universal).



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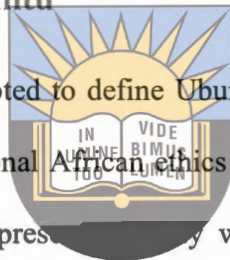
With the tendency towards individualism, a person's sense of moral value tends to focus on what benefits him or her, his or her family or his or her ethnic group, and entails a narrow or restricted sense of moral value. In the family and ethnic group, one anticipates some immediate gain because one's members are close to oneself in one's social perspective and relationships. One perceives in one's closer circle of relatives a sense of identity and belonging. Within the context of a contemporary urbanized society, which is increasingly becoming pluralistic and materialistic, identity and belonging are mainly defined by economic interests of particular groups, such that the sense of the dignity and familiness of society in the broader sense is undermined. Economic goods are pursued without due regard to the rights and interests of others, except where they add to one's own economic advantages.

To sum up, the new social and moral context of Africa consequent to the intrusion of external culture not only began to alienate the African from the traditional ethical orientation but also caused a conflict of interests that has led to violence among African societies. Because external coercion motivated both trends, it did not foster any internal dynamism of African society towards evolving an appropriate ethical consciousness. The personal morality that was the dominant feature of the external culture (and to a large extent in a perverted individualistic form)

has become the dominant moral trend in Africa, and perpetuates the perversion of the African ethical consciousness. The increasing trend towards the materialization and commercialization of human and social life has become a great ethical concern and, in many instances, leads to public calls to return to traditional ethics. This suggests the relevance of African traditional ethics for contemporary African society.

5.3 The significance of Ubuntu

Many African thinkers have attempted to define Ubuntu in an effort to seek the solution to African problems in a return to traditional African ethics with the focus on the idea of Ubuntu: the dignity of the person. Ubuntu represents unity within the community. By examining African thinkers' conceptions of Ubuntu, this study will explore in more detail the concept of Ubuntu below.



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Khoza claims that Ubuntu, human dignity, is the expression of the traditional African worldview, the underpinning of a collective consciousness (Erasmus, D. P., 2000:41). Khoza argues that the distinctive collective consciousness of African traditions is manifested in their behaviour patterns, expressions, and spiritual self-fulfilment, in which the value of the universal brotherhood of Africans sharing and treating other people as humans is concretized. Khoza's idea of universal brotherhood is echoed by Africans as sensitivity towards the needs and wants of others, an understanding of others' frame of reference, and of man as a social being. Chikanda (Erasmus, 2000:42) argues that Ubuntu is a humanist theory, which involves alms-giving, sympathy, care, sensitivity to the needs of others, respect, consideration, patience, and kindness. According to Makhudu (Erasmus, 2000:41), Ubuntu requires the development of humane

features such as: warmth, empathy, understanding, the ability to communicate, interaction, participation, sharing, reciprocation, harmony, cooperation, and a shared world-view. For Makhudu, Ubuntu is a kind of African humanism where people can find a way of life, true humaneness, as existing in every person. More specifically, Makhudu points to the values of empathy, congruence and open communication or open dialogue, which values involve getting into touch with oneself and admitting, *inter alia*, to one's own biases and prejudices about other cultures and ethnic groups. According to Teffo (Erasmus, 2000:42), Ubuntu is the human being's moral nature. For him, morality is acquired during a progressive process of socialization which includes accepting obligations to others, as basis of what he calls social morality. Social morality is manifested in humankind's social setting, for example, in law, in communalism, in nature conservation, and in reconstructive development programs. Moreover, social relations are internalized in the extended family and in contact with distant relatives and friends. Such interaction in the group brings about solidarity between persons. Nobody should be rejected or condemned as worthless in society.



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Yet, African societal life is also apt to adopt contingencies of human character and of social, economic, and political disasters. Traditional African societies are divided into two classes: a class of age and a class of gender that provides a framework for orderly status attribution and social interaction. When a beast is slaughtered the carved portions are distributed according to status (*op cit*, 2000:42). Social responsibility is expressed by harvesting most of the crop, while leaving some to the less privileged. This is an expression of the contextuality of Ubuntu. Shutte (2001:42) argues that Ubuntu is, on the one hand, generally the worthwhile, the good, and the valuable in human life, expressing concern for happiness and fulfilment, and ideas as to how these might be realized. On the other hand, Shutte takes the traditional African family as model

for a wider kinship system. This interpersonal character of Ubuntu is the source of its distinctive virtues such as patience, hospitality, loyalty, respect, conviviality, sociability, vitality, health, endurance, sympathy, and munificence. According to Shutte (*op cit*, 2001:42), the virtue of respect is respect for age, which implies a view of personhood correlated with development. For example, an older person is more of a person than a younger one because he/she has more to offer by way of knowledge and experience, and personal influence and power. This means that the elders played, and continue to play, an important role in African society.

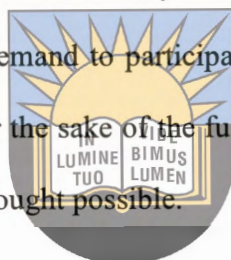
I contend that contemporary African society generally and the DRC in particular should resort to or take recourse to traditional African values. Contemporary African society should cherish what is positive in traditional African society, and reject what is wrong. In traditional African society Ubuntu was taken seriously. The African was basically seen as a social being living in community and sharing everything with others. This means that morality and virtue were derived from the community. In this sense one can speak of a communitarian morality. It is clear that in the African point of view the collective consciousness values universal brotherhood, sharing, and treating others with respect. Hence, in the context of Ubuntu sharing is very important for avoiding conflict and discord. Sharing resources, so we saw in the first chapter, is actually the main source of conflict in Africa generally and in the DRC particularly. I argue in the following sections that African society generally and the DRC in particular should adopt a sharing system to avoid conflict, like that of traditional African society, and so express Ubuntu morality.



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5.4 Ubuntu as an African moral possibility

To recapitulate the argument: Ubuntu stands for a communitarian morality. The goal of that morality is dignity. Dignity is reached through personal growth and fulfilment. The participation of the community is the essential means to personal dignity; hence, this participation is the motive and fulfilment of the process of morality. Thus, everything that promotes personal dignity and participation in the community is good. And everything that prevents it is bad. In other words, the moral possibility of Ubuntu is intrinsically related to human happiness and fulfilment within a community. This means the demand to participate in community, yet not only for the sake of personal fulfilment, but also for the sake of the fulfilment of the community, for only in the community is personal fulfilment thought possible.



Vital aspects of violent conflict are problems related to health and wealth. And vital aspects of Ubuntu too are health and wealth. *Ubuntu* is an essential state of the whole person as a communal being (Tempels, 1959:35). The Ubuntu-attitude towards others is to treat the other as a self (Shutte, A., 2001:31). Here is no distinction between one's own good and the good of the community. As far as possible, everything is shared by the community. This attitude is the source of patience and of tolerance of differences between people. It is also source of the classlessness (*op cit*, 2001:31) of traditional African society. In traditional African society, the leaders were the shepherds of a classless people. This attitude could be call communitarianism in the sense of fostering moral virtues which bring people together to live in respect for each other in a way that defines self-respect. For oneself, Ubuntu takes the form of integrity, solidity or wholeness of character and spirit that is present in one's judgments, one's decisions and one's feelings. This shows itself in confidence and endurance, in joyfulness and vitality, and in a general sense of one's own value and dignity together with others. Thus, ethics is essentially a vision of mutual

perfection and fulfilment. Ethics provides such an insight by guidance in the concrete circumstances of life. Like any moral ideal, Ubuntu provide rules and guides Africans to live a good life daily. If conflict is caused by neglect of the health of the other and unwillingness to share wealth, Ubuntu can contribute significantly to the prevention of violent conflict. This is also true of conflict in the DRC.

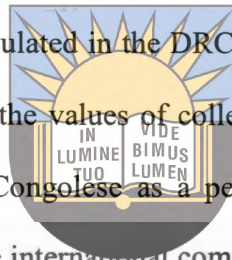
5.5 Application of Ubuntu to the example of DRC conflict

Could Ubuntu in the sense of communal dignity help end the conflict and install peace in the DRC? I venture to say yes. From the moral concept of Ubuntu emerge several demands for peace. First of all, the demand is that Congolese should choose to live together in the traditional spirit of brotherhood: a community where mutual respect and solidarity for the sake of the health and wealth of the other is highly valued. This means a return to the communitarian spirit where the rules of society are observed and obeyed for the harmonious adjustment of the interests of the community rather than individuals. This presupposes settled agreements within the community. No one should be excluded from such agreements. This is the minimum ethical behaviour required from people in support of the community.

Secondly, Congolese should be generous, hospitable, and honest among themselves in fostering the health and wealth among each other. Concretely this means that they must share the resources of their community and no one should be below others. They should be equal, because equality is the most basic principle of Ubuntu morality. Congolese leaders must know that killing innocent people for their personal gain is not permissible. The search for personal gain or interest is not in accordance with Ubuntu. Practically traditional models of conflict resolution aligned to

Ubuntu should be explored. Such models should aim at the reestablishment of relationships between the Congolese. There must be a holistic approach to the process, in which the whole (Congolese) community should be involved, to assist on the road to peace. The Congolese leaders' responsibility is to guide conflict resolution processes towards an agreement which should reflect, as much as possible, the consensus of all the parties involved in conflict.

Furthermore, the Congolese should develop a form of communalism in which all the ethnic groups will find a collective role and space in society. It is most particularly in this respect that the concept of Ubuntu could be re-articulated in the DRC context. The Congolese ethnic groups should share in the values of Ubuntu, the values of collective solidarity, compassion, care and collective stewardship. Actually, the Congolese as a people ought to define themselves in a positive and collective sense before the international community. This sense of a shared identity and fate can be achieved if they focus on their similarities and not on their differences. After all, how different are the Baluba (Congolese ethnic group) from the Bangala (another Congolese ethnic group) or how different are the Bakongo (Congolese ethnic group) from the Bashuahili (another Congolese ethnic group)? Indeed, the Congolese should experience the exciting meaning of humanist communitarianism to avoid conflict among them. Fukuyama (1995:17) argues that societies that are beset by barriers of distrust based on class, ethnicity, kinship or other factors, will face extra roadblocks in their adoption of new organizational forms. Indeed, the Congolese leadership's task is to create inter-ethnic trust and to overcome the tragedy of ethnic conflict. They should create a climate among their civilians conducive to a peaceful negotiation of an end to armed conflict, a climate of social dignity, in short a climate of humane communitarianism. Thus, the Congolese need to develop the spirit of Ubuntu in their society by respecting and accepting the values and principles which should be the basis for creating a



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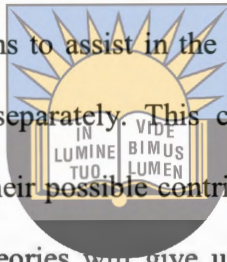
collective shared communal identity. It is also the task of the Congolese leadership to craft, canonize and allow the values of Ubuntu to work in their society. This will help the Congolese to articulate a shared vision of Ubuntu which will act as a compass in the sea of confusion created by armed conflict. That brings us to the next chapter where we will evaluate the ethical models to see which of the four will best serve the goal of assisting in violent conflict resolution.



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Chapter 6: A critical comparison of ethical concepts

Having examined the roles of various approaches in ethics with regard to the problem of violent conflict and the resolution thereof within the African context and the DRC particularly, we now turn to a critical comparison of these ethical concepts. In the previous chapters it was argued that the ethical concepts of utilitarianism, deontology, virtue ethics, and African ethics (Ubuntu theory) can be used as a means to assist in the possible resolution of violent conflict. These ethical concepts were treated separately. This chapter compares and criticizes these different ethical concepts in terms of their possible contribution to violent conflict resolution in Africa and the DRC. These ethical theories will give us a basis for reasoned argument over matters of ethical uncertainty in violent conflict resolution and it will suggest a framework which we can use to develop a code of ethics. This chapter will also delineate these ethical concepts to show how they provide us with a sense of right and wrong, good and bad. Finally, these approaches will be considered to show how ethical decision making can influence views about the resolution of violent conflict.



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6.1 The utilitarian approach

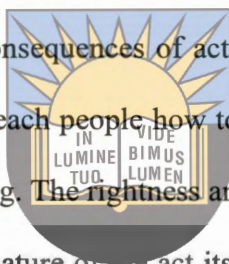
Utilitarianism is the view that the right thing to do is always to approach a decision with a view to maximizing people's overall utility. The utilitarian holds that nature has placed human beings under two masters: pleasure and pain (Kittson, A., 1996:50). According to utilitarianism, anything that seems good must either be directly pleasurable, or thought to be a means to

pleasure or to the avoidance of pain. Conversely, anything that seems bad must either be directly painful, or thought to be a means to pain or the deprivation of pleasure. Hence, utilitarians argue that the words right and wrong can only be meaningful if they are used in accordance with the utilitarian principle, so that whatever increases the net surplus of pleasure over pain is right and whatever decreases it is wrong. Bentham and Mill are classical exponents of this approach; it was they who made the utilitarian principle serve as the basis for a unified and comprehensive ethical system that applies, in theory at least, to every area of life.

Furthermore, utilitarians take the consequences of action to be of paramount importance in ethical considerations. They set out to teach people how to weigh the consequences of an action and so decide whether it is right or wrong. The rightness and wrongness of an act is gauged by its good or evil effects rather than by the nature of the act itself. People should take account of the pleasures and pains of everyone affected by the action, and this is to be done on an equal basis. People should also consider how certain or uncertain the pleasures and pains are, their intensity, how long they last, and whether they tend to give rise to further feelings of the same or of the opposite kind. In other words, utilitarianism holds that a right act is the one where people are able to maximize the good, or minimize the bad, and that a calculus should tell people what is their duty in any given case.

It can be said that the utilitarians' ethical framework for violent conflict resolution is focused on the outcomes or ends of attempts to resolve it. Its objective is to maximize the happy outcome of violent conflict resolution for the majority of people. The demand is to act according to rules fashioned in terms of utility.

This theory may raise some concern in that it assumes that minority rights may be constrained. In other words, utilitarianism seems to give counter-intuitive results where injustice



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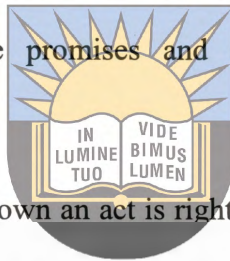
to a small number of people may benefit a majority. The theory seems open to the possibility of oppressing the minority, since it relies on the majority's happiness. For instance, if the majority could be made happy by over-riding the interests of one individual then a utilitarian would consider, on balance, the individual's interests are outweighed. In fact, as shown, this is a main cause of conflict in Africa and the DRC, where ethnic conflict is protracted because of the injustice of the majority ethnic group over the minority. The minority ethnic group seems to be below other ethnic groups.

In addition, Utilitarianism does not of itself contain any clear way to compare the utilities of different people, or ever to measure utilities at all. For instance, while economists may fall back on the idea of preference as a surrogate for utility, there are many clear cases where people's preferences are not for what yields the greatest utility (Solomon, 1994:54). Utilitarians potentially face problems in explaining the force of honesty and fidelity; that is, explaining the full force of people's obligations to tell the truth or to keep contracts (Hodgson, 1967:120). Another problem of utilitarianism concerns the good that is being maximized. Mill, for instance, equated the good with happiness or pleasure. Does the satisfaction of the sadist or the joy in getting away with telling a lie count as good? So those who cause conflict in Africa may be quite happy, while whole African communities are saddened. It is very difficult to compare happiness in terms of quantities and qualities.

Utilitarian theory differs from theories that view the act itself as being intrinsically moral or immoral irrespective of the consequences namely: Deontology or Kantian ethics.

6.2 Kantian deontology

Deontologists since Kant have believed that the value of actions lies in the motives for rather than the consequences of the act. According to Kant, actions resulting from desires cannot be free. Freedom is to be found only in the will to rational action. Moreover, whatever is demanded by reason must be demanded of all rational beings; hence, rational action cannot be based on a single individual's personal desires, but must be action in accordance with something that can be willed to be a universal law. This suggests that people should keep promises and fulfil obligations simply because they are promises and obligations, no matter the possible consequences.

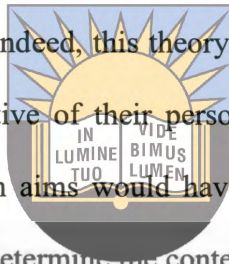


So, deontologists argue that as is shown an act is right when it conforms to a rule of conduct that is dictated by some account of duty. According to Kant, duty ought to be done for its own sake and rules of conduct should be followed by anyone in any given situation.

Deontology's shortcomings stand in contrast to those of utilitarianism. Kant is particularly opposed to the utilitarian principle of judging every action by its consequences. Kant's theory seems to require adherence to a rule even when harm will result. Smart (1956:344-354) argues that if overall long-run benefits would come from breaking a rule, then it is hard to see why the rule ought to be heeded. Although Kant holds that ethical action requires one to make one's own rules, it seems rules easily come to represent external authority remote from the decision maker, raising problems as to the sincerity and authenticity of rule-governed action. Secondly, with any sort of duty-based theory it is hard to make a convincing and rational argument for a remote universal principle that governs acts. Given deontology's emphasis on personal autonomy, it could well be objected that people do not act because of objective or external dictates, but by

reason of internal motivation. Hence, people are responsible for their own decisions and actions in ways deontology would reject in favour of the demands of the universal rule of duty.

Moreover, Kant's ethics distinguishes between hypothetical and categorical imperatives. For him, any action based on desires is called a hypothetical imperative, meaning that it is a command of reason that applies only if people desire the goal. For example, if you want people to think well of you, be honest. In contrast to such hypothetical imperative, Kant says commands of morality must be categorical. These categorical imperatives must apply to all rational beings, regardless of their wants and feelings. Indeed, this theory too poses problems. A moral law that applies to all rational beings, irrespective of their personal wants and desires could have no specific goals or aims because all such aims would have to be based on someone's wants or desires. Because only reason is left to determine the content of the moral law, the only form this law can take is the universal principle of reason. As Kant states: "act only on that maxim through which you can at the same time will that it should become a universal law" (Kant, 1785/1959:41-53).

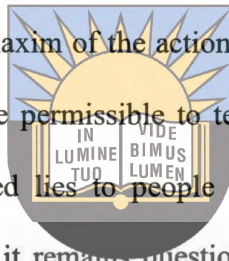


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Kant's theory has other major problems. First, this theory has to explain how we can be moved by reason alone to act in accordance with this supreme moral law, and, secondly, the theory has to show that this principle is able to provide practical guidance for people's choices. One could also argue like Hume that reason is always the slave of the passions. At any rate, Kant's denial of the moral worth of all actions motivated by desires would leave all irrational actions without moral worth (Apel, 1989:66-76). Furthermore, Kant appeared also to be taking a different line. He claimed that the moral law inevitably produces in people a feeling of reverence or awe. If this means that feeling becomes the motivation for obedience, Kant is perilously close to sharing Hume's view that reason alone is powerless to bring about action. It is difficult to

accept that anything, even a moral law, can of necessity produce a certain kind of feeling in all rational beings regardless of their psychological constitution.

Kant holds that it is wrong to tell a lie even to a murderer who seeks to kill an innocent person. This illustrates the difficulty of deontologists in case of clashing principle. Kant apparently believes that his principle of universal law requires that one never tell lies, but it could also be argued that his principle of treating everyone as an end (Kant, 1785/1959:43) would necessitate doing everything possible to save the life of an innocent person. Another possibility would be to formulate the maxim of the action with sufficient precision to define the circumstances under which it would be permissible to tell lies, meaning that people could all agree to a universal law that permitted lies to people intending to commit murder. Such a situation is not explored by Kant, but it remains questionable whether it would overcome the mentioned difficulty of clashing demands.



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However, Kantian theory seems to hold to two principles, which I take to be more worthwhile for violent conflict resolution than anything else other ethical theories offer: the first is that what is right for one person is right for everyone, so it is necessary to do unto others as you would be done unto you (law of universality and reversibility). It means that violent conflict resolution in the case of Africa generally and the DRC particularly should take into account the right of any person as he or she understands it. The claim is thus that Africans generally, and Congolese particularly, should resolve their conflict into peace by abiding by the imperative of reciprocal respect. The second principle is the principle of respect for people to be treated as ends in themselves and not as means to an end. This deontological focus on duty offers a vital ethical shift of perspective. Viewing moral agents as ends rather than means seems to be decisive where violence is at stake. If a person is treated as an end, the justification for violence becomes

very difficult, and the option for peace rather more attainable. Thus Kant's theory proposes several rights to avoid violent conflict: the fundamental right to life and safety, the human right of respect, freedom of conscience, freedom of speech, and freedom to private property (Lewy, 1978:56). These are vital rights also and particularly in the DRC where their absence or neglect is perhaps the main source of violent conflict.

Another point of contribution but also criticism of Kant's views concerns the league of states. The objection to Kant's view is that the league of states could but does not necessarily make a practical difference in promoting peace. The African Union makes this very clear. The African Union is a league of states. Moreover, despite many agreements between African countries people within them still have not given up their armed power. Violent conflict is still there. The claim is that if the league is merely voluntary and non-coercive, then only those states will join it that would not wage violent conflict anyway, moreover, if and when these states change their positions later and do become bellicose, they will simply quit the league (Habermas, 1997:113-153). The league does not necessarily guarantee anything that goes beyond the mere subjective intention of member states not to wage violent conflict. Thus, the league does not necessarily hold what it promises: perpetual peace.



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6.3 Virtue ethics

Our third candidate for an ethical concept of conflict resolution is virtue ethics. In his *Nicomachean Ethics* Aristotle (2002:34) discusses that which is virtuous and that which is mistakenly thought to be so in terms of traits of the agent rather than properties of acts. Virtue ethics, as mentioned above, looks at whether a person is praiseworthy or blameworthy, admirable

or reprehensible, virtuous or vicious. Aristotle as a virtue theorist is responsible for much of the thinking about the virtues one should cultivate; the last several decades have seen a resurgence of virtue theory in ethics.

Virtue ethics does not so much suggest what ought to be done in any particular moment, but rather focuses on the dispositions and habits people should inculcate in order to benefit mankind. Although a person may adopt virtue ethics as an over-arching guide, it may not be systematic or rationally persuasive. Indeed, different people may adopt different heroes, or choose various virtues.



The ethical argument advanced by Aristotle to address individual characteristics and dispositions or virtues has not received much attention from professional students of conflict resolution. In his book, *If Aristotle ran General Motors*, Morris Tom (1998:103) points to: Truth, Beauty, Goodness, and Unity as matters Aristotle would emphasize if he had to achieve excellence for individuals in organizations. According to Morris, corporate excellence is a form of human excellence, because it is produced by the people who believe in what they do (*op cit*, 1998:104). Morris argues that organizational success and personal satisfaction require abundant doses of these four virtues mentioned. He also follows Aristotle in that courage, temperance, liberality, magnificence, pride, good temper, cordiality, truthfulness, justice, and astuteness (*op cit*, 1998:106) are the virtues allowing people to live together in harmony. However, it is important to keep in mind that for Aristotle virtue is not something that is done, it is rather a way to be. But, positive as this focal point might be, it is also exactly the Achilles-heel of Aristotelian ethics. The question is how to determine or foster characters that will avoid violence and seek peace. In politics, how can people know that the person who is elected to resolve conflict will be the kind of character who will lead a country to peace? Thus the

difficulty is how to apply this theory practically. Who will be the character that embodies as Solomon (1993:56) suggests, virtues such as a sense for community, excellence, sustainable roles, holism, integrity, and judgment? In virtue ethics (Pearson, 1995:104), integrity is most important for conflict resolution. Still, it is one thing to elaborate a list of virtues, another to expect a whole political community to enact them.

6.4 Ubuntu ethics

The traditional African worldview of *Ubuntu* is based on the values of humanness, caring, respect, compassion, and associated values ensuring a happy and qualitative human community life in a family spirit (Broodryk, 2004:31). *Ubuntu* could be described as a community-based mindset in which the welfare of the group is greater than the welfare of a single individual in the group (Kwamwangamalu, 1999:24-42). Individuality, the sense of self, is recognized as important in the concept of *Ubuntu*. This differs, however, from individualism, that seeks to promote selfish interests at the expense of others. The latter would not be acceptable to the *Ubuntu* sense of morality. Van Binsbergen (2001:19) argued that *Ubuntu* recognizes four attributes of being human. These are: human dignity, equality, universal brotherhood and sacredness of life; these provide the most desirable state of life in community based living.

The communal African worldview contrasts with the more individualistic and self-centred one of Western culture. Communalism at the core of *Ubuntu* implies that the interests of the individual are subordinate to that of the group. The community will focus on the interests of each individual member and those activities and behaviours that will ensure the good of the group.

Ubuntu is a collective solidarity, meaning that individuals will align their interests, activities, and loyalties to the group's cause and well-being (Mokgoro, 1997:45).

However, an objection to Ubuntu is that its community character is sustainable only at a local village level and not in a whole society, or nation. Also, the concept of Ubuntu does not characterize African society generally or the DRC societies. For today, the tendency is that each and everyone seek his own interest so as to satisfy his own ethnic group or family. Even if this concept of Ubuntu could be applied today in the African situation, it cannot work properly because of the tendency to see the right to privacy as in conflict with the demand of communitarianism. Today the majority of Africans live in urban settings and will dislike sacrificing their privacy to an anonymous community. One might thus argue that the community-centred view of Ubuntu has become outdated.



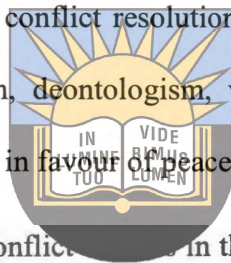
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Ubuntu theorists cannot imagine that their considerations might not offer a good moral basis in a community beset by plural ideologies within urban settings. As they rely on communal evaluation they cannot support the inhibitions of individuals in the community. However, the fact that a specific community affirms specific values does not sufficiently justify these values in that community; leave alone in the broader community. Moreover, Ubuntu represents a superimposed set of values, introduced by so called persuasive dialogues among people in the community, and its introduction would proceed according to specified rules comparable to those of utilitarianism and Kantianism. Finally, global human rights and some self-evident values such as the moral order and personal autonomy might not be in line with particular traditional communities, which would not like these values to be imported. This however points at shortcomings of a community-based ethics. Indeed, one should be suspicious of those Ubuntu theories that advocate the interests of the community as the sole basis for the rights of

individuals. This kind of contextualism is not satisfactory and cannot lay the foundation for individual autonomy. Both individual autonomy and community order must be taken as universal principles with implications that should prevent conflict among Africans. Such a theory of supplementation and combination is more fruitful than Ubuntu as communalist theory.

6.5 The comparison in brief

Ethics is very important to violent conflict resolution in the African context if and only if ethical concepts such as utilitarianism, deontology, virtue ethics, and African ethics can effectively contribute to ending conflict in favour of peace.

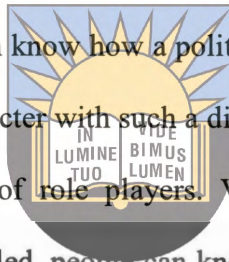


Utilitarianism argues that violent conflict in the DRC should end for the sake of the greatest happiness of the greatest number of Congolese. This theory is right as far as it points at the problem of distributing resources, but it does not account for the lack of, so to say, Aristotelian character prepared to solve this problem by means of sharing. One of the major causes of conflict in the DRC concerns the relation between minorities and majorities. On the one hand, minorities count for less than the majority, while, on the other hand, the majority is often marginalized or neglected by minorities in power who share the natural resources among themselves. While utilitarians rightly claim a fair form of equality, it lacks a constructive idea of how to deal with characters of ill-will that are not prepared to think and act along the lines of the concept of happiness for both the majority and minority.

For Kant, a universal law or rule should be agreed upon to avoid violent conflict in favour of a lasting peace. Thus he proposes a notion of violent conflict prevention on the basis of a universal rule of peace. It is a real problem in the DRC and in Africa generally that there is no

rule thought to be general enough to lead the Congolese and other African countries to live together in peace. The lack of a universal law or rule poses a great problem to the leadership in the DRC. The agreement to a universal law such as Kant has proposed, seems to be of utmost necessity for the Congolese in order to avoid and/or resolve violent conflict. As argued above, I take Kant to be the most convincing candidate for a concept that might assist in violent conflict resolution.

Virtue ethics, as important as its stressing of fostering a sustainable disposition of acting is, also poses problems because no one can know how a political community or person in charge of a country will embody the kind of character with such a disposition. No one can see the inside of the persons who form a community of role players. Virtue ethics can only be applied in accordance to rules. Once rules are settled, people can know what to expect from the persons in charge of a country.



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Ubuntu, to be applied in the situation of Africa generally and the DRC in particular, should modernize its conditions instead of turning back to African traditional ethics. The quest for human dignity is of vital importance, yet to define this dignity in terms of specific communities remains questionable. In order to be able to apply Ubuntu in the African context and in the DRC in particular, it seems inevitable to step back to see which communal values of dignity can also be generalised to serve modern individual-centred plural communities. Thus I do think that the focus on dignity could serve as a powerful means to avoid violence. This means that Africans cannot reject or accept all traditional African rules; rather they have to compare the theory of Ubuntu with other theories to see how Ubuntu can be helpful in a plural situation of violent conflict. Finally, in order to find solutions to the internal problems of Africa and the DRC, the


root causes of conflict among them should be analysed in depth for the sake of the dignity of the persons involved. The ethical concepts should be informed by such analyses.



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Conclusion: Towards a normative framework of conflict resolution

This study investigated a variety of ethical approaches that in turn afforded us with critical insights into the potential for violent conflict resolution in the African context. This included a range of ethical concepts taken from utilitarianism, Kantian theory, virtue ethics, and African ethics. However, these considerations presumed a critical look at the concept of conflict as such.

In this study therefore, the concept of conflict is broadened to show that there is more to it than merely a negative interpretation. One way to improve our understanding of conflict is the insight that it is a natural part of human existence which permeates all levels of nature, society and individual life. The natural balance of  between summer and winter, day and night, male and female is the prerequisite for harmony, indeed in human society too.

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The other side of the coin of the concept was also shown, in that it is commonly human to deviate from the requirement to maintain a healthy balance between opposites and to give in to excess, thereby trying to eradicate the opposition altogether. Then conflict becomes unnatural, and spins out of control and becomes an unnatural confrontation. In human affairs confrontation often turns violent and takes on the form of war. These wars can increase in intensity, from being a localized fight, to erupting into a civil war, even later involving several nations, and might even escalate to involve the entire world.

We used the example of the DRC to illustrate the violent conflict of a civil war that involved neighbouring countries too, with an expectation that specific moral theories will enlighten us as to possible scenarios for resolving this conflict. It was noted that, historically, this kind of violent

conflict has been and remains endemic to African society in general. This realization persuades the critical thinker to keep up the search for constructive resolutions to such conflict.

My thesis has been to show how ethical concepts can contribute to resolving violent conflicts in any African context. The ethical concepts were analysed and thereafter critically compared, and the positive and negative elements of each discussed. This comparison offered a conceptual framework to argue that there is no single way, but rather several ways if not a combined approach, to help to resolve existing conflicts and prevent further conflict. This approach enables us to offer a general normative framework to assist conflict resolution efforts both in theory and in practice.



Peace never falls on a conflict situation from the blue. Therefore a core assumption that guides this normative framework is that peace is the long-term result of the efforts of the human wills, or rather a combination of wills on the broadest possible level, which will require to be morally educated and be allowed continuing self-education, to live a moral life as authentic human beings. Moral education furthermore requires a degree of latitude to incorporate natural differences, but likewise contextualizes perceived differences not as mutually alienating but as mutually enabling and reinforcing facilities for peace, within the broader framework of universally recognized rights and responsibilities.

We need to remain on guard about the shortcomings of each theory, and yet desist from the temptation to blow any shortcoming out of proportion. A perceived shortcoming is but an opportunity to improve and strengthen its argument, and draw further from the potential insights it can provide for the greater good of all. As every theory is a historical creation that responds to specific conflict-experiences of the time, they also need to be viewed as a challenge to each other, so as to give a better account of itself with respect to a given conflict situation. Each moral

theory is constituted from specific contingent experiences of life, and thus poses a clear epistemological limit to others whilst also imposing this limit upon itself. In simple terms: since no single theory (incl. therefore all moral theories) can be justifiably absolutized as the only legitimate theory, the application of these theories requires the recognition of a basic moral ought that equally applies universally. By this conflict of theories we are referred to one another, to differ but also to learn from each other and so develop the basis for peace. Thus, reservations about specific theories and their applicability is part and parcel of the critical and self-critical debate so sorely needed in the African context.

Against the background of the assumptions above, it becomes possible to integrate the positive contributions of the various ethical approaches we have investigated with regard to the need for conflict resolution.

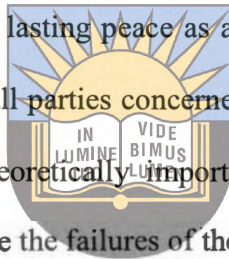


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Our summarized normative framework contains the following core ideas:

- 1 *Utilitarians* contribute the basic insight that the greatest good for the greatest number of people in any given situation provides a set of objective (in the sense of publicly accessible, quantifiable and testable) norms in terms of which all concerned could participate in determining the good. A violent conflict on scarce resources, for example, would be resolved with an equitable distribution of basic goods to benefit the largest number of people in need of those.
- 2 *Deontologists* provide the clarity of moral norms that are firmly rooted in the rational capacity of all human beings, that enables them to act in a reasonable and responsible manner, according to imperatives that are binding to all and exclude nobody; and sets high standards of reason, education and good-will on all levels of individuality and our social person, with definite implications for the manner in which we formalize

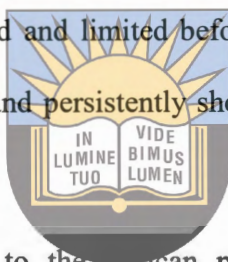
this accord in the public and political spheres, as to ultimately form the basis of a league of nations governed by reason and morality. A violent conflict should be stopped in its tracks and negotiating parties be enlightened to accept as starting point the fundamental principle of the categorical imperative, and required to provide an account of how their actions fulfil this principle, or not. Deontology provides a universal rule of peace based on universal reason, and this accomplishment stands out as an encouraging ideal for all who desire peace in the world. Deontology advocates a quest for a universal rule of lasting peace as a means of conflict prevention. It does require a demonstration by all parties concerned to a fundamental will to peace. This concept seems not only theoretically important but also practically attainable in Africa and the DRC – despite the failures of the African Union to function as a league of nations that establishes peace. Failure to implement a good concept is not necessarily the fault of the concept. The Kantian rule of peace can protect the dignity which the general African concept of Ubuntu entails, a dignity that stands in sharp contrast with the main source of violence: disrespect of the other. The ethical bias of the parties in conflict should be a significant consideration in shaping any establishment of such a rule of peace. Yet bargaining in conflict resolution should be led by the will to install a universal rule of peace. If the will to peace exists, there is all the more reason to make this common will the basis of peace talks.



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- 3 *Virtue ethicists* focus on the development of the potential of virtuous character, that is, a sustainable rational disposition toward the conduct of virtuous acts. This contains the core message that fostering character virtues such as wisdom, justice, temperance, courage, honesty and the like cultivate a society of good people who realize and fulfil

the good life both as individuals and responsible members of society. The onus is largely on the people of character in a society to ensure that only leaders of reputable and balanced character are acceptable to act as representatives of virtuous people. As virtue and vice are mutually exclusive, and individuals promoting violent conflict being adjudged as sponsoring vice and vicious behaviour, virtuous leaders will promote peace. Of course, one cannot expect the character of leaders to be impeccable, but anyone consciously promoting a programme of vices in whatever form, needs to be sanctioned and limited before any conflict turns violent. Leaders need to prove their virtues and persistently show that these are in harmony with the virtues of their people.



- 4 The appeal of *Ubuntu ethics* to the African people is to reconsider the value of reappropriating traditional African values, based upon the spirit of humanity manifest in sharing, caring and advancing the good of society so as to restore the authenticity of the philosophy of communitarianism as it is believed to have existed some centuries ago. African individuals, organizations, parties and leaders that disrespect these traditional African values need to be held accountable should their views, programmes and actions endorse the escalation of conflict, which will hopefully prevent conflict to escalate into confrontation.

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In summae, this study has attempted to articulate the role of ethical concepts in addressing the challenges of violent conflict resolution within the African context. It has highlighted the need for ethical approaches in conflict resolution in Africa generally and in the DRC in particular. It has tried to define violent conflict, described the ethical approaches to violent conflict resolution, and critically compared the ethical concepts. It was shown that conflict

resolution is best based on an ethical concept such as the Kantian approach of universalizing rules of perpetual peace. Such an approach is in fact aligned to the traditional value of Ubuntu, namely, the protection of the dignity of the person. It also ties in meaningfully with the promotion of character virtues among all peoples, and no less people in leadership positions; and will by the same token be sensitive to demonstrable facts of equal sharing of useful resources.

A universal rule of peace, the virtuous application thereof in the best interests of all and done so in view of traditional communal wishes and needs, will most likely ensure the universal victory of dignity over inhumanity.



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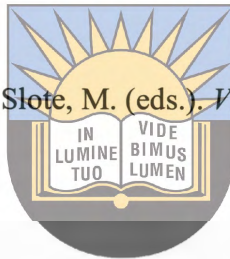
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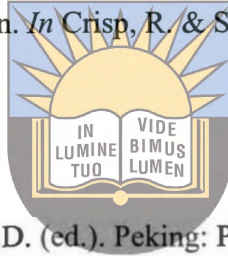
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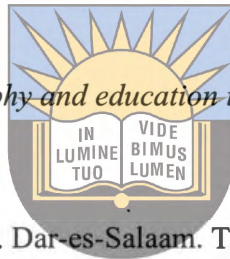
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