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

Keywords: Justice; Social Order; Ideology; Africa.
1. Introduction

The traditional Western conceptualization of the philosophy of justice is centered on a tripartite analysis of the social contract model of Thomas Hobbes, the utilitarian model of J. S. Mill and impartiality or respect model of Immanuel Kant and the fairness model of Rawls. These models may have failed to challenge and overcome the peculiar ideological and value-laden character of the erstwhile analysis of justice, thus creating the impetus for overestimation of success in their formulation and implementation. Whereas the social contract model of justice assumed that there would be justice when people acting as rational agents accepted basic practices of society that would assure their mutual advantage in the long run, the utilitarian philosophy of justice, seen as a way of defining the greatest good or happiness of the greatest number of the society and the impartiality or respect model of justice, which suggests the recognition of the intrinsic worth of people as entities deserving of respect, whose interests should be maintained in the interest of the overall common good. The conceptual foundation of justice for Africa must look towards a reconciliatory and negotiated view of justice capable of establishing and sustaining social order in Africa.

2. Hobbesian justice and its shortfalls: rethinking the unending state of nature as anarchy or servitude

Hobbesian justice was based on the conception of justice as mutual advantage. This theory holds that the function of justice is to construct social devices that enable people who are essentially egoists to get along better with one another (Nielsen, 1996:86-87). Thus within the egoistic framework of life, the reason for justice is the pursuit of individual advantage. In other words, given that limited resources and conflicting interests characterized human life then people can expect to further or promote their interests, if they live harmoniously with others in the society (Nielsen, 1996:86-87). Therefore, justice emerges here, as “a set of minimal constraints necessary for achieving social coexistence, co-operation and well being” (Nielsen, 1996:86-87). This conception of life concedes that there is a need for justice understood among others as the basis of productive human cooperation.