

**THE NOTION OF JUSTICE IN AKAN CULTURE:
HOW CONSEQUENTIAL IS IT?**

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ABSTRACT

There appears to be no word in the Akan language that exclusively translates as “justice”. Nevertheless, this does not suggest the lack of a sense of justice in the Akan culture. Indeed, there are some Akan terms that adequately capture aspects of the key concerns of the concept of justice. This article undertakes a philosophical analysis of Akan expressions in connection with justice and emphasizes the practical, consequential character of the Akan understanding of justice. It also points out some challenges that the formalist conception of justice espoused by such a great philosopher as Kant is likely to face, and argues that justice is comprehensively understood if consequences – potential or real ones – are incorporated. In this regard, the Akan notion of justice will be tackled from both theoretical and practical angles, even though the focus will be on the latter.

RÉSUMÉ

Apparemment, il n'existe aucun mot qui se traduise exclusivement par «justice» dans la langue Akan. Toutefois, cela ne signifie pas l'absence d'un sens de la justice dans la culture Akan. En effet, il y a des termes Akan qui évoquent les principaux sujets de la notion de justice. Cet article explique dans une analyse philosophique des expressions Akan qui sont en lien avec le terme «justice» et met l'accent sur l'objet pratique qui résulte de la compréhension de ce terme d'après les Akan. Il souligne également certains défis auxquels les conceptions formalistes de justice – celles adoptées par les grands philosophes tels que Kant – risquent de faire face, et fait valoir que la justice est globalement comprise si les réelles ou potentielles conséquences sont incorporées. À

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cet égard, la notion Akan de la justice sera abordée tenant compte des angles à la fois théorique et pratique, même si l'accent sera mis sur ce dernier.

Introduction

The question of justice (*justitia* – in Latin) is not a matter for the law courts alone. To deny this would be to assume a position that does not only suggest a lack of awareness of the existence of the traditional Akan perspective on justice but also some inability to appreciate the current cultural realities of postcolonial sub-Saharan Africa in general.² Before the advent of colonial rule in Ghana, there existed a well structured system of authority in the Akan culture, a system whose ways of dispensing justice have largely survived centuries of alien Western influence. The political thought of this culture thus appears readily suggestible as the subject of interest of this piece; but, justice goes beyond politics. Indeed, conceptually, justice also has moral, economic and social dimensions.

When justice is said to have been served (by a traditional authority or a judge), the impression is given that some rights to which a person is entitled have been prevented from being infringed upon or taken away completely from him. And, since this protection or restoration of rights is perceived to have been given by a political establishment, justice is understandably a political concept. However, depending on the nature of the “thing” (tangible or otherwise) the right to which the supposed victim was going to lose, the quality of justice would be dependent on the adequacy of restoration. But because those things, especially the tangibles, are in the form of property (acquired or bequeathed) which has economic value, justice related to any property would also be in economic sense. Moreover, every deliberate infringing of right is potentially an immoral act and likely to offend the sensibilities and social harmony of any rational people. This is why justice is also a question of morality and social well-being. In essence, it is understood that a person has a totality of rights the equilibrium of which is disturbed by either his

² The Akan people constitute the dominant ethnic group in Ghana. The traditional, indigenous Akan ideas on justice are not mixed up in this essay with ideas related to the ‘modern’ Western styled judicial system inherited from the colonial days. The reality about the once-colonized African countries is that traditional systems of authority exist in them alongside the ‘modern.’

unlawful infringing of another person's rights or by the unlawful deprivation of his rights by someone else. There is justice, then, when the equilibrium is restored by the subtraction of unlawful "rights" and the addition of legitimate rights, through punishment and reward respectively.³

This interpretation of justice brings out the notion of "equality" because justice appears operational on the condition that all human beings, qua humans, are deemed to require, deserve, and, thus, entitled to the same treatment of restoration. This view accommodates, but does not contradict, the fact that no two persons in a society have equal needs and strengths, although each individual's well-being requires to be promoted. It does not suggest a need for state distribution of *all* property and welfare in the name of "equality", as found in socialism. Consequently, the word "equality" must not, throughout this essay, be understood in socialist ("welfare") terms. Nevertheless, the recognition that persons differ in capacity, need, and life-objective allows for only some legal regulation of the ways in which persons pursue their objectives, and for the provision of instruments necessary for the achievement of those objectives. These instruments which Rawls' notion of "social goods" adequately represents "comprise liberties, opportunities, income and wealth and the basis of self-respect."⁴

Although I share the view that "theories of justice are centrally concerned with whether, how, and why persons should be treated differently from each other" (Okin 1998:444), I do not focus, in this essay, on the conditions under which two persons might not be treated equally. But, I explore the concept of justice (positively) from the standpoint of practice as might be dispensed by any socially recognized institution and, in a broader context, any individual who finds himself in a position that demands that he acts *justly*. I begin with a presentation of an Akan concept of justice – which, for the first time, is receiving philosophical attention.

³ This is a view that Kant would share, and so would Ramose (2001: paragraph 7) since the latter presents '[t]he ubuntu understanding of justice as the restoration of equilibrium ...' It is worth adding that W. Soyinka (2004: 477, 476) does not only accept the principle 'that some measure of restitution is always essential after dispossession' but notes that justice constitutes 'the first condition of humanity'.

⁴ He makes this point alongside the view that the allocation of these goods is 'the concern of justice' (Brown 1990:56).

The Concept of Justice in Traditional Akan Culture

The term “justice” may be translated into Akan as *atenterenee* (Kotey 2007: 244). This expression consists of two words, *aten* (“judgement”) and *terenee* (“right”, “straight”, “upright”). It is, therefore, appropriate to say that *atenterenee* has to do with matters of fair judgement.⁵ But justice is not served only when a ruling is made. In our ordinary lives, we are asked, for example, to *act* justly – usually, that we should avoid treating people unequally. For, it is believed that “all humans are equal in their humanity” (Ramose 2001: summary). If the notion of justice can, thus, be explained in terms of fairness or equality – or, stated differently, “equality is the dictate of justice” (Mill 1979:45) – then, the expression *pɛ yɛ* or *pɛ yɔ* is relevant to our understanding of “justice” in Akan. *Pɛ* means “equal”⁶ and *yɛ* or *yɔ* means “to be” or “being”,⁷ so the literal meaning of *pɛ yɛ* or *pɛ yɔ* is “to be equal” or “being equal”; but actually, it means “the state of being equal”.⁸ Therefore, it can be rendered as “equality” or even “fairness”. Consider the Akan statements below:

ɛyɛ nokware sɛ nipa nyinaa yɛ pɛ. Pɛ a nipa nyinaa yɛ nti na esɛsɛ yɛde obuo ma obiara. Na, esan sɛ yɛn pɛ yɛ yi ho nsem hia obiara nti no, amanfoɔ taa ka sɛ asisie ne (n)yiyimu nyɛ. Mpen pii no, (n)yiyimu de basabasa yɛ ba, na pɛ yɛ ma asomdwee.

Translation:

It is true that all humans are equal. It is because all humans are equal that is why we ought to respect everybody. And since matters concerning our equality are important to everybody, people often say that cheating and discrimination are bad. Most of the time, discrimination breeds violence (or misbehaviour), but fairness gives peace.

⁵ On the contrary, prejudiced or bad judgement is described as *ntenkyea*. This word consists of *nten* (from *aten* or *aten-buo* [judgement]) and *kyea* (bent, crooked). It therefore literally means literally ‘crooked judgement’.

⁶ It also means “like” or “desire” (for something); exact; same; look for.

⁷ In addition to their present tenses, *yɛ* can also be translated as ‘is’, ‘are’, ‘was’ or ‘were’; and can also mean ‘do’, ‘good’, etc.

⁸ In some contexts, *pɛ yɛ* could mean ‘according to plan’.

Another expression which means “equal” or “exact” and may be used in the context of justice is *pepepe*. It is a reduplication of *pe* and also means “exactly”, “fairly”. This is why when justice is seen to have been served (as in people being treated fairly or equally), some Akans would say there is *pepepe ye*. The Akan may also say there is *perepere ye* when justice is served, although, unlike *pepepe ye*, *perepere ye* does not mean ‘justice’ itself. In the situation where *perepere ye* is used, the idea seems to be that truthfulness, a virtue necessary for the delivery of fair judgement, has been exhibited in the assessment of evidence. For, *perepere* means truthful. Since justice entails such cardinal concepts as equality and fairness, and these concepts are, as explained above, adequately expressed in Akan thought, the absence of an Akan term for justice does not at all indicate that there is no concept of justice in the Akan culture.⁹

In short, although in Akan thought justice is conceptually reduced to the notion of “fairness,” it is also suggested (as I will soon show with examples in the second and third sections that follow) that, contrary to the formalist interpretation of justice, a comprehensive understanding of justice is practically impossible without giving consideration to consequences of actions or decisions. These conceptual and consequential underpinnings of justice are still based on the widely accepted definition that justice is ensuring fairness in dealings with human beings and in the assessment of human actions or behaviour.

Distributive and Retributive Forms of Justice

There is a sense in which justice can be said in the Akan understanding to proceed from distributive and retributive directions. This is not to say that these are the only forms of justice there are. Rather, it is because these are the aspects of Akan justice that this article employs in its critique of the formalist, especially, and other conceptions of justice. In the distribution of welfare or any goods for example, an individual, especially a community elder or anyone in social or economic authority who discriminates among recipients of those goods¹⁰ would be seen as having acted unfairly (and thus immorally), just as he would be perceived if he fails to observe the principle underlying retribution. This principle is *lex talionis* (commonly understood as “the law of like for like”). It is that a person ought to punish or prescribe punishment in equal measure to a crime, and to reward or

⁹ I am indebted to Prof. Kofi Agyekum for the clarification of some of my views in this section.

¹⁰ An exception is made for positive discrimination.

prescribe reward proportional to a good that someone is deprived of. And, since an action would hardly be classified as just if it is immoral, juridical obligation is ultimately a moral obligation.¹¹

Sources of Justice

There are two sources of justice in Akan thought: human and nonhuman. Justice is human when a person goes beyond special relations (including family ties and friendship), rank and social status to give everybody his/her due. Special relationships would not, for instance, insulate a malefactor from punishment. Gyekye translates an Akan maxim as: “[w]e help our ears, not our brothers” (Gyekye 1996: 69). In this maxim, two words are noteworthy: “ears” and “brothers”. The former signifies what we hear in the form of evidence, while the latter represents people that we are related to. The maxim indicates that “in passing judgement we say the right thing – based on the evidence we have heard – and not what will please our relatives and friends.” The thrust is that “in dispensing justice there should be no respect of persons” (ibid). Interestingly, there is also an Akan word for “discrimination” which seems to capture the idea of injustice caused by the consideration of the factors mentioned above (i.e. special relations, rank and social status). The word is *animhwε* – from *anim* (face) and *hwε* (look/looking). Although it literally means “face looking”, the word contains the notion of the unequal treatment of people merely on the basis of who they are, and not what they say or do. While the maxim above and the expression *animhwε* appear to encourage fair distribution of goods, they also have a retributive connotation if by “saying the right thing” (making the “right” judgement) and “treating people equally” we could expect – and I think we should – that in pronouncing judgements, commensurate or due punishments and rewards be given irrespective of the status of the one who is being judged.

The nonhuman form of Akan justice can be illustrated with the rule of retribution mentioned earlier on – suggesting, therefore, that the concept of

¹¹ I recognize, though, that there are ‘moral obligations which do not give birth to any right’ or entitlement on the part of a perceived beneficiary; such obligations fall outside the confines of justice, given that justice ‘implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right’ (Mill *ibid*: 48, 49). I also admit that when a society is considered as an entity, it may, in some sense, be a subject of justice.

retribution exists in Akan thought.¹² The rule is implicit in the maxim *nea wobeye biara da w'anim* (literally, “whatever you do lies ahead of you”). This maxim means that the consequences of our actions await us. It suggests a form of justice engineered by a sort of impersonal law whose punishments and rewards are inescapable.¹³ It brings restoration by producing good consequences to humans for their good deeds, and bad consequences for misdeeds. Another maxim indicative of retributive justice is *wo bu kɔtɔ kwasea a, Nyame hwɛ wo to* (lit. “if you take the crab for a fool, you expose your buttocks to God”). In other words, as one squats to get a retreating crab out of its burrow, humiliating it invariably, one equally suffers the indignity of having one’s buttocks “exposed” to the sky where God is believed to reside. The point of the maxim is that there is a price to pay for injuring another person, except that, here, the one who ensures that the price is paid is God. This indicates divine justice. And, since God is not expected in Akan thought to judge humans after their death, this sense of justice is strictly this-worldly. Both maxims also suggest that consequences (i.e., the possible effects of one’s actions on *oneself*) are an important reason why one would want to act fairly or morally.

This consequential character, to me, is elegant because it does not only show that the well-being of a person can be good enough a basis for moral action, but also teaches how one’s own well-being is not enhanced by violating the rights of the Other. Indeed, every individual has the right to seek or protect his well-being; but in a lawful manner. And, the least that society can do is never to take this right from him. Society ought to, as already mentioned, protect a person’s rights solely because he is entitled to them as a human person whose well-being must be enhanced. It appears, therefore, that when a person seeks to protect or promote his interest or claim a right from society, he needs not do it on utilitarian (“majoritarian”) grounds. The consequential element in the Akan perspective, therefore, does not necessarily make it utilitarian. The utilitarian notion, for instance, that “society ought to defend [a person] in the possession of [his] rights for no other reason other than general utility” (Mill *ibid*: 52, my square brackets)

¹² In addition to the two examples of nonhuman sources about to be mentioned in this paragraph, it is believed for example that spirits of the dead can cause sicknesses or even kill anyone who commits serious familial crimes.

¹³ Although seemingly unfair, it is held that when a person (by act of death) escapes a deserved punishment, as per this law, his close relatives or descendants may bear the consequences. The proverb *nimo antumi wo a, etete wo ntoma* could be taken to embody this idea too: it means if you force your way through thorns unhurt, your cloth is not spared (i.e., they get torn).

creates the impression that collective good is absolutely paramount. But this, although in itself not an unbearable thesis, leads to the unavoidable criticism that individual rights could be sacrificed at the altar of anything perceived as a “societal good.”

Formalist versus Akan Conceptions of Retributive Justice

Without much effort, one should also realize that the Akan thinker would reject the formalist (or nonconsequential) arguments of Kant. With the firm belief that consequences should not count toward the determination of right actions and rights of humans, Kant’s analysis of the retributive theory of criminal justice eventually betrays his nonconsequentialist stance. “Penal law,” he indicates, “is a *categorical imperative*,” yet he is willing to endorse the rule of retribution by the effect it produces. He writes:

Now it appears that differences in rank and class do not permit the exact retribution of like with like; but even if retribution is not possible according to the exact letter, it is still always valid in respect of effect, taking into account the interest of the superior party... So, for example, a fine for slander has little proportion to the insult, since any one (*sic*) who is well off can then permit himself the luxury of such behaviour at his own pleasure; yet the violation of the honour of one person can be the equivalent of damage to the pride of another party, if the court condemns the offender not only to retract and apologize, but to submit to some meaner ordeal such as kissing the hand of the injured person.¹⁴

Secondly, when a closer look is taken at the following two positions of his,¹⁵ issues of practical implementation obviously come up: that

i) judicial punishment ... can be inflicted on a criminal, never *just* as instrumental to the achievement of some other good for the criminal himself or for the civil society, but *only* because he has committed a crime; for a man may never be used as a means to the ends of another person or mixed up with the objects of Real Right – against which his innate personality protects him ...

¹⁴ See his *The Philosophy of Law* translated by W. Hastie, 1887:194f and quoted in R. Brandt (1957: 497).

¹⁵ *Ibid.*

ii) Only the rule of retribution ... before the bar of justice ... can determine the quality and quantity of punishment ...

He, without doubt, admits that there are degrees of crime for which there should be different punishments, but I wonder how any judge can fairly rate crimes without any recourse to consequence, if he is not to be whimsical. How else, for instance, would one prescribe or submit oneself to a higher or lower form of punishment, and consider it proportionate, if one cannot find some reason (accurate or not) to believe that the crime for which one is punishing or being punished *caused* or had the potential of *causing* a commensurate level of harm to some actual or perceived victim? What reason, then, could there be to punish a pedophile more severely than, say, someone who steals a Professor's piece of chalk?

Very often, what Kant and other nonconsequentialists advance – as Plato implied in his *Euthyphro* – is that *an action is wrong because it is wrong (in itself)*; cheating, they would assert, is wrong because it is wrong to cheat. But nothing stops one from asking why this must be true. At the very least, these philosophers take it for granted that every rational being does or must know (and possibly accept) the intrinsic moral worth of actions. But I conceive that they are asserting a bit more than what the available evidence allows. To claim that *an action is wrong because it is wrong* is, worse still, circular and thus epistemologically worthless. The conception or interpretation of “justice” or “right” with total disregard for consequence will always be difficult. I am not suggesting that consequence alone determines how bad an action is. I am only indicating where the formalists' interpretation of justice falls short.

Even though in Akan philosophy the concept of justice and “being just” are understood within the context of virtue as Socrates did, the practical difficulty associated with formalist theory does not arise in Akan thought. For, it goes beyond the abstraction that *it is good to be just*, to actually determine how *just* something is by assessing how the concept practically manifests in the actions of people – i.e., in the effect of those actions on affected person(s). This is in spite of the fact that certain consequentialist actions may initially seem deontological. Aspects of traditional notions of filial piety portray this. Suggestive of the rule of retribution, a child is often reminded of how justly he should act toward his parents with the maxim *obi hwε wo ma wo se fifiri a, wonso hwε no ma ne se ntutu* (lit. “if someone looks after you to grow your teeth, you must also look after him ... to lose his ... teeth” [Gyekye 1996: p. 187]). At the same time, the maxim is

reversed for parents, especially the irresponsible ones: *wo hwɛ obi ma ne se fifiri a, ɔhwɛ wo ma wo se tutu* (lit. “if you look after someone to grow his teeth, he (will) look after you to lose your teeth”). The foregoing suggests that it is fair for mature children to pay back their parents (assumed to be old and thus helpless) with like treatment given them by the latter when they were young and helpless. With this background, the often avowed love and care given to children by their parents might sometimes not be out of any sense of “duty” – as in Kant’s deontological sense of duty¹⁶ – but, rather out of the fear of losing the opportunity to be taken good care of in future. Mature children, also, are made to feel, as a matter of justice, not “duty,” an obligation to respect the terms of the “unsigned agreement” in accordance with the past actions of their parents. If in all this one is able to pay back evil with good, one is nonetheless praised.

Implications of the discussion above: In Kant we see a close connection, and rightly so, between morality and justice. Accordingly, he explains justice in line with *deontology*. That is why in denying the consequential goodness of judicial punishment he suggests above that a criminal should not be punished “*just* as instrumental to the achievement of some other good for the criminal himself or for the civil society”. That which is “just” to do, generally, would be that which is not informed by consideration of consequence, but by its intrinsic moral worth. The Akan perspective is different since consequences help in the determination of, especially, retributively just actions. That is why a child who refuses to take care of his/her parent, in accordance with the teaching of the maxim *obi hwɛ wo ma wo se fifiri a, wonso hwɛ no ma ne se ntutu*, could be seen to have acted justly toward the parent. The parent could be deemed as not entitled to the care of the child. But in deontology, the child’s action would (i) amount to treating the parent on the basis of the latter’s past actions and their effects on the child, and (ii) constitute settling of scores, thereby using the parent for the achievement of some good for the child. These, as Kant states above, go against his notion of retribution.

In some respect, however, the Akan maxim expressed above portrays a rare case where an action perceived to be just may not be moral – even within the context of Akan ethics itself. For, Akan ethics values forgiveness.

¹⁶ Kant’s *deontology* (ethics of duty) is that the moral duty of the human being is to act with total disregard for consequence, because any action the goodness of which is dependent on consequence is not morally worthy. He thinks that an action is right only because it is right (in itself).

Akan, Libertarian, and Socialist Forms of Justice

The Akan perspective also differs from libertarianism because the latter's doctrine of noninterference in the affairs of the Other unfortunately metamorphoses into "nonintervention" even when the Other is in difficulty and we are able to assist. A libertarian, John Hospers, "argues that laws requiring people to help one another (e.g. via welfare payments) rob Peter to pay Paul."¹⁷ Indeed, he questions the right of the marginalized or poor in society to benefits funded with income from the rich. He appears to suggest that the poor do not contribute financially to the enjoyment of any goods they might derive from the use of the welfare payments granted them by law. And, that the poor must be left to live as their own efforts and financial circumstances enable them to. On the contrary, Akan culture supports the entitlement rights of the poor in society. For instance, while the Akan state does not take moneys or taxes from those who are better off to provide direct financial assistance to the poor, the latter is somehow deemed as entitled to social and economic support funded by those who are better off. It even exempts them from the payment of *ɔmantɔ* (social-services state levies)¹⁸ which is an indirect recognition by the state that they are entitled to benefits to which they did not financially contribute, although those who are better off did. Again, the human being is seen, in Akan thought, as a social being and, thus, encouraged to give and seek assistance from others. The maxim *benkum dware nifa, na nifa nso dware benkum* (lit. "the left arm washes the right arm and the right arm washes the left arm" [Gyekye 1996:37]¹⁹) suggests interdependency, in just the same way as "mutual aid," held in Akan thought "as a reason for a relationship" (Ibid: 45)²⁰ – including social relationship – is evidenced in the maxim *hu m'ani so ma me nti na atwe mmienu nam* (lit. "the reason two deer walk together is that one has to take the mote from the other's eye").

Although the foregoing suggests a tendency for an Akan thinker to accept the socialist position that "[a]ny purported conception of justice that doesn't require those who have more than enough to help those in need is morally unacceptable" (Mill, *ibid*: 332), it does not follow that he would "stress freedom from want" to

¹⁷ In the introduction to Chapter Eight of their work, Jane S. Zembaty makes this point (Mappes and Zembaty 1997:347).

¹⁸ I am grateful to Mr. Kwarteng Gyamfi of the Department of Philosophy & Classics (University of Ghana) for drawing my attention to this.

¹⁹ Only the translation is taken from Gyekye's work, not the Akan proverb itself.

²⁰ The next proverb's translation is also Gyekye's.

the neglect of concerns about “liberty, understood as freedom from coercion.” Therefore, it would be a mistake to equate the traditional perspective with socialist conceptions. Indeed, the Akan culture, like many African cultures, recognizes the negative rights of individuals, grants them the right to own property and, also, makes it possible for them to get justice even against the (traditional) state. Consider Gyekye’s interpretation below:

African social, moral, and political thought and practice recognizes rights implicit in (African) notions of human dignity and respect for persons, that is: the right to freedom of speech, the right to political participation, including the right to remove rulers, the right to practice one’s own religion, the right to food and protection against hunger, the right to the use of lineage land and thus the right to work, the right to own private property, the right to receive a fair trial and thus to receive justice, and so on. These and other rights are recognized and protected in important ways in the traditional society. But beyond that the rights can be claimed or asserted against the lineage, community, or state. These rights may be said to be already provided for – and, thus, protected – by the kinds of social, moral, and political structures created by the African society. For this reason, one may not feel the need to press or claim such rights, even though one can: for instance, in the event of the illegal or unconstitutional behavior of a despotic ruler (Gyekye 1996:156).

Obviously, the freedom of the individual is guaranteed. But it must be added that a person’s freedom and his right to it are not absolute. By this, I do not only have in mind the usual expectation that he respects the equal rights of others, but that there are certain actions that he is not “free” to take even if they do not seem to violate the rights of other individuals; suicide, for example. In his defense of the libertarian concept, Hospers again makes an important comment, that “[i]f you have a right to life, I have no right to take your life” (Hospers 1998: 436). But the direction of my argument demands that I ask a related question: i.e. whether you can take or have the right to take your own life if you are convinced that doing so would not jeopardize the well-being of other individual(s)? Why, for example, can the survivor of a motor accident that consumes the life of his parents, wife and children not be free to commit suicide? Suppose it is proven that the survivor is not unhinged by the accident but just that he sees no point in living anymore, would it not be unjust if he is prevented from exercising what he sees as a “right”, a rightful private act? There are several reasons why an Akan thinker would answer in the negative. First, given the traditional metaphysic that each person has a life-bearing soul [which is also a spark of God] (Gyekye 1995: p. 85), it would

be contradictory for an Akan thinker not to advance that human life, like the nature of God, is divine and as such needs to be adored, not violated. Secondly, the communitarian nature of the traditional society and its requirement that an individual sees himself as part of society and society as partly responsible for his well-being, make untenable the argument that the survivor's death is a private matter because he "steals himself away" from the care and human resource base of the society. Thirdly, if in spite of the two preceding reasons the survivor goes ahead to commit the act, his surviving soul would not earn the respect of the entire community because it would not become "ancestral". Finally, the respect for life and the need to maintain it even in the face of apparent adversity is also conditioned upon the traditional belief in the human capacity to rise above challenges and in the eventual goodness that such a potential brings to humankind. Thus, the world-weary who insists on his/her "right" to take his/her own life would be consoled with such wise sayings as *wo nwui a, wo nnim nea wobonya* (lit. "if you are not yet dead, you never know what you will gain") and *wowɔ nkwa a, wowɔ ade* (lit. "if you have life, then, you have something [precious]"). The point of these maxims is that life is a treasure that *must* be sought and protected; a good case then, and the only one I reckon, for paternalism.²¹

Conclusion

The Akan concept of justice, with its consequential appeal, contrasts sharply with the formalist concept of justice. It also has the advantage of avoiding the problem of inconsistency encountered by the latter. Although utilitarian, libertarian and socialist conceptions of justice are not formalistic, they still differ significantly from the Akan. Not much philosophical work, however, has been done on Akan concept of justice despite its potential to bring fresh insights into the conventional conceptions of justice. It is, for this reason, worthy of further exploration.²²

²¹ Paternalism, according to Robert Nozick, is 'where someone may be used solely as a means to his own, unwanted welfare' (Brown 1990:93).

²² My thanks go to Rev. Dr. Joseph Apea Assamoah of the Department of Philosophy & Classics (University of Ghana) for providing me with most of the readings on the reference list and critiquing the first draft of this work.

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