**The Pitch, Path and Promise of the Golden Mean for Women in ADR.**

**Speech delivered at the Lady Justice Joyce Aluoch International Inter-Varsity ADR Moot Competition on 18th August 2025 at USIU-Africa University.**

**Chief Guest, Vice Chancellor, USIU-A Prof Ntarangwi, DVC, Prof Amos Njuguna, Prof PLO Lumumba,** Honorable Judges, Lady Justice Joyce Aluoch, the Chairperson Women in ADR, esteemed colleagues, faculty members, students, and friends of ADR all protocol observed. **Good morning**

It is a great honor for me, on behalf of the Nairobi Centre for International Arbitration, to join you at this prestigious event – ***the Lady Justice Joyce Aluoch International Inter-Varsity ADR Moot Competition***. Today I come to you in two huts, First as the Registrar/CEO of the Nairobi Centre for International Arbitration and Second as an ADR enthusiast. This is not just a moot competition; it is a celebration of knowledge, skill, and the future of dispute resolution in Africa and beyond.

Allow me to begin by commending the organizers **Women in ADR (WADR) and USIU-Africa** for providing such a dynamic platform. Both institutions play a central role in my academic and professional life. The few remarks I intend to make seek to do demonstrate how the golden mean can be applicable to the discussions today and going forward. This paper seek to do three things: The Pitch, the Path, and the Promise by demonstrating how the golden mean is applicable to women in ADR.

**The Pitch**

**It is my suggestion that the general idea of this event is anchored on the Golden Mean.**

By bringing together young minds from across the continent, this event is fostering not only competition but also collaboration, dialogue, and innovation. The idea of a moot competition is an attempt to pass on knowledge to the next generation. One of the greatest ideas that is of greatest value that can be passed on to the next generation is virtue. Modern day thinkers and traditional philosophers asked the same question we must ask ourselves today: ***What kind of person must I become to achieve justice?***

**Virtue** is one of humanity’s oldest moral traditions. While it was most famously articulated by the Greek philosophers **Socrates**, **Plato**, and **Aristotle**, the spirit of virtue runs deep through African wisdom passed down in form of proverbs, and communal values.

**Socrates[[1]](#footnote-1)** taught that virtue is **knowledge** that ***to know the good is to do the good****.* **Plato[[2]](#footnote-2)** argued that all four cardinal virtues ***wisdom, courage, temperance, and justice*** are the foundations of a well-lived life. **Aristotle[[3]](#footnote-3)** developed virtue ethics into a full system, teaching that the goal of life is **eudaimonia**, **human flourishing, achieved through cultivating good habits and living in harmony with reason**. He argued for the **golden mean.**

African societies lived by moral codes grounded in virtue. According to Desmond Tutu the **Ubuntu[[4]](#footnote-4)** philosophy of Southern Africa tells us: ***“I am because we are”*,** emphasizing compassion, respect, and shared humanity. In West Africa, **Akan ethics[[5]](#footnote-5)** prizes virtues such as *ɛnyidado* (**patience**), *nokwaredi* (**truthfulness**), and *ahobrɛase* (**humility**). John Mbithi**[[6]](#footnote-6)** argues that across the continent, our proverbs are moral compasses “Wisdom is like a baobab tree; no one individual can embrace it” reminding us **that virtue grows in community. Macharia Munene[[7]](#footnote-7)** argues that the organizing principle of the Agikuyu is *Kihoto* or reason which exemplifies ***justice, respect and fairness.***

The philosophy of virtue whether in Athens or in Africa, or in Aristotle’s *golden mean* or Ubuntu’s reminds us that to live well, we must ***be*** good, not just ***do*** good. It calls us to cultivate character, guided by wisdom, for the flourishing of both self and society. Virtue is greater than Rules because character (the exemplification of virtue) decides when and how to apply rules. ADR is premised on the idea that a win achieved without integrity is a loss of self and trust. Virtue is greater than a brand this is because reputation is temporary while character is who you are. Character is revealed over time, not from signaling but from continuous efforts of being good.

**The Path**

**Examples of Women and Golden Mean**

**Several women in History have demonstrated courage without recklessness**, **Justice without vengeance, wisdom without arrogance**

**Hypatia of Alexandria**[[8]](#footnote-8) argued that reason and intellect are critical in the Pursuit of truth challenging prevailing dogmas and insisting on intellectual independence. **Martha Nussbaum**[[9]](#footnote-9) in her work on Philosophy of Emotions argued for gender equality and moral emotions and contributed greatly to the fragility of emotions. **Elizabeth Anscombe[[10]](#footnote-10)** wrote on Analytic Philosophy and philosophy of mind and the idea of Intentionality. **Edith Stein**[[11]](#footnote-11) is the German philosopher who introduced the idea of Phenomenology and Christian Theology. She insisted on the nature of Consciousness. She advocated for women’s rights and spirituality. She was killed in the Holocaust. **Simone Weil**[[12]](#footnote-12) wrote on the connection between Social Justice and spirituality. She was critic of Marxism on the basis of ethics. **Anne Dufaurmantelle**[[13]](#footnote-13) advocated for the human experience and insisted on the need for flexibility of human existentialism. She died while rescuing children from drowning. **Sor Juanna Innes De la Cruz**[[14]](#footnote-14) advocated for women right to pursue knowledge. **Harriel Taylor Mill**[[15]](#footnote-15) argued for the role of women in the legal world and their ability to contribute to society. Her husband John Stewart Mill was greatly influenced by her thinking and not the other way round. **Philipa Foot**[[16]](#footnote-16) argued for ethics and virtue and promoted the need for discussions on ethical practice.

Closer in history, we have a great notable woman,

**Eleanor Roosevelt[[17]](#footnote-17) demonstrates the Virtue of Courageous Diplomacy.** As the architect of the Universal Declaration of Human Rights, Roosevelt navigated the turbulent politics of the post-war world. She didn’t bow to fear, nor did she bulldoze through others’ concerns she embodied courage tempered with diplomacy. Her greatness lay in knowing when to stand firm and when to compromise, ensuring the Declaration became a global moral compass.

**Malala Yousafzai[[18]](#footnote-18) The Youngest Nobel Peace Prize winner at the age of 17 in 2014 demonstrates the Virtue of Resilient Advocacy.** Malala’s life is a study in balancing passion with prudence. After surviving an assassination attempt, she could have retreated into safety or launched into unchecked activism. Instead, she chose the middle path of powerful advocacy for girls’ education, paired with measured, inclusive dialogue. Her virtue was not just bravery, but *bravery with wisdom*.

**Leymah Gbowee[[19]](#footnote-19) exemplifies the Virtue of Peaceful Defiance. Liberian peace prize winner.** In Liberia’s darkest days, Gbowee stood between despair and violent retaliation. She led a movement of women Christians and Muslims alike who used prayer, persistence, and non-violent protest to pressure warring factions into peace talks. She embodied *fortitude* without aggression, and *patience* without complacency.

**Angela Merkel[[20]](#footnote-20) exemplifies the Virtue of Steady Leadership.** In the volatile world of politics, Merkel’s power came from balanced firmness in policy, tempered by humility and listening. She avoided the extremes of political populism and rigid elitism, steering Germany through crises with calm, reason, and moral integrity.

**Mother Teresa’s life, though far removed from philosophical lecture halls, was a living testament to golden mean principle.** In a world often torn between indifference to suffering and overwhelming despair at its scale, she walked the middle path: compassion in action. She demonstrated that too much detachment can make the heart cold; too much attachment can drown it in grief. Mother Teresa found the point of equilibrium serving tirelessly without losing hope, loving deeply without losing strength. She balanced humility and leadership, becoming a global symbol of service while refusing the trappings of fame. She balanced faith and practicality, grounding her mission in spiritual conviction yet responding to tangible needs with food, shelter, and care.

Her virtue was not an abstract ideal; it was measured in the faces of the hungry fed, the dying comforted, the lonely embraced. As she said, *“Not all of us can do great things. But we can do small things with great love.”*

Mother Teresa’s Golden Mean was simple yet profound. She stood for a steady, unwavering compassion and was neither hardened by the world’s cruelty nor blinded by naïve idealism. She teaches us that in our own work, whether in resolving disputes, building peace, or serving communities, we too can walk that middle path where virtue lives and humanity thrives.

**Lady Justice Joyce Alouch, Judge please here is what Chat gpt said about you and the golden mean:**

Justice Aluoch’s life illustrates how virtue isn’t theoretical. It is lived in balance: She rejected **extreme rigidity** in family justice and **leniency that neglects rules** insisting on fair, accessible, and efficient processes. She stood between **international pressure** and **isolationism**, guiding Kenya and African voices into global forums without losing her rooted, measured approach to justice. In ADR, she complements firmness with fairness, mediating disputes with a grounded understanding of law and humanity.

Justice Aluoch shows us that greatness in law and ADR is not about aggression or passivity, but virtuous balance. Her path is an invitation to all of us judges, mediators, advocates to seek the center (the golden mean) that is to be **decisive**, not domineering, to be **compassionate**, not indulgent and third, to be **progressive**, not imprudent, a golden mean.

**Part 3 The Promise**

The theme for this year, *“The African Continental Free Trade Area (AfCFTA) and the Role of Mediation in Resolving Trade & Regional Disputes”*, could not be timelier. The AfCFTA is one of Africa’s boldest steps toward economic integration, with the potential to create the largest free trade area in the world. The AfCFTA is more than a trade agreement. It is Africa’s bold declaration that the future of our economies lies not in fragmentation, but in integration. Covering 55 countries and over 1.3 billion people, it is the largest free trade area in the world by membership. Its promise is immense. It aspires to increase in intra-African trade, stronger regional value chains, and a more resilient continental economy. But such a vast undertaking inevitably brings not just opportunities, but disputes. As trade expands, so do disputes. And it is here that ADR especially mediation becomes not just an option, but a necessity.

Where there is trade, there will be disagreements. This may range from disputes of over contracts, tariffs, standards, and borders et al. Here is where mediation steps in, not merely as a legal tool, but as a virtue-driven process, guided by the ancient yet timeless principle of the Golden Mean.

The Golden Mean, as taught by Aristotle, is the art of finding the balance between two extremes. It insists that **Courage lies between recklessness and cowardice**; generosity lies between **wastefulness and stinginess**. In mediation, **the Golden Mean calls us to find the point of equilibrium** where **firmness meets fairness**, where **advocacy meets empathy**, and where **national interest meets continental unity**.

It is my argument that while AfCFTA is Africa’s economic highway, the Golden Mean is the steering wheel and **NCIA is a skilled driver keeping us on the road to justice and unity. I say so for several reasons, NCIA (1) trains mediators in practical Golden Mean strategies for AfCFTA cases. (2) it provides embedded balance into rules encouraging negotiation of well thought out ADR clauses and possibly mediation or arbitration before litigation. (3) provides in thought leadership through toolkits, case studies, and conferences including moot competitions such as this which explains why we take this event with reverence. (4) We draw from African traditions approaches to ADR in promoting our objectives contained in Section 5 of the NCIA Act to ensure we embody moderation and consensus and (5) Model balanced practice in every case, ensuring fairness without damaging relationships.**

At NCIA, we have seen first-hand that effective dispute resolution is the backbone of sustainable trade. Mediation offers speed, confidentiality, flexibility, and above all, the preservation of relationships is a critical factor in building long-term regional partnerships.

To the students participating in this competition, be encouraged that this is more than academic exercise. It is a simulation of real-world practice, where the law meets human interaction, and where strategic thinking, persuasion, and emotional intelligence matter just as much as legal knowledge, the golden mean. I urge you to approach this moot competition with virtue, driven by professionalism, creativity, and the courage to challenge established thinking.

To our esteemed judges: you carry the responsibility of mentoring the next generation. Your feedback today could shape the careers of tomorrow’s leading arbitrators, mediators, and legal reformers.

As we celebrate the legacy of Lady Justice Joyce Aluoch, a trailblazer in promoting mediation and access to justice, let us also commit ourselves to ensuring that ADR continues to evolve to meet Africa’s needs in a rapidly changing global landscape.

To all Women in ADR, and all women hearing my voice, I will leave you with this; Many women do noble things, but you surpass them all, Charm is deceptive, and beauty is fleeting; but a woman who fears the Lord is to be praised. Honor her for all that her hands have done and let her work bring her praise at the city gate[[21]](#footnote-21).

In closing, I wish all participants the very best in the competition. May you argue with conviction, listen with respect, and learn with humility. The future of ADR in Africa is in capable hands your hands.

Thank you, and let’s make this week a memorable milestone in advancing dispute resolution across our continent.

**Dr Henry Murigi**

**Registrar/CEO**

1. See Plato’s Meno (trans. G.M.A. Grube) and secondary analysis in Gregory Vlastos’ Socrates: Ironist and Moral Philosopher. [↑](#footnote-ref-1)
2. Plato — four cardinal virtues: Republic IV.427e–435c, especially in Allan Bloom’s translation. [↑](#footnote-ref-2)
3. The Golden mean and eudaimonia: Nicomachean Ethics, esp. Book II & Book X. [↑](#footnote-ref-3)
4. Desmond Tutu’s *No Future Without Forgiveness* and Michael Eze’s essays on Ubuntu ethics. [↑](#footnote-ref-4)
5. Kwame Gyekye’s *African Cultural Values: An Introduction* [↑](#footnote-ref-5)
6. John Mbiti’s *African Religions and Philosophy*. [↑](#footnote-ref-6)
7. https://www.standardmedia.co.ke/commentary/article/2001402705/defiance-is-part-of-mount-kenyas-dna [↑](#footnote-ref-7)
8. Dzielska, Maria. *Hypatia of Alexandria*. Cambridge, MA: Harvard University Press, 1995. [↑](#footnote-ref-8)
9. Nussbaum, Martha C. *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*. Cambridge: Cambridge University Press, 1986. [↑](#footnote-ref-9)
10. Anscombe, G. E. M. *Intention*. Cambridge, MA: Harvard University Press, 1957. [↑](#footnote-ref-10)
11. Stein, Edith. *Finite and Eternal Being: An Attempt at an Understanding of the Structure of Being through the Categories of Analogy*. Translated by A. R. Vidler. Washington, DC: ICS Publications, 2002. First published 1936. [↑](#footnote-ref-11)
12. Weil, Simone. *The Need for Roots: Prelude to a Declaration of Duties toward Mankind*. Translated by Arthur Wills. London: Routledge & Kegan Paul, 1952. First published 1949 [↑](#footnote-ref-12)
13. Dufourmantelle, A. (2002). Éloge du risque. Éditions Calmann-Lévy. [↑](#footnote-ref-13)
14. Juana Inés de la Cruz, Sor. *Respuesta a Sor Filotea de la Cruz*. 1691. [↑](#footnote-ref-14)
15. Taylor Mill, Harriet. “The Enfranchisement of Women.” In *The Enfranchisement of Women and The Subjection of Women*, edited by John Stuart Mill. London: Parker & Son, 1851 [↑](#footnote-ref-15)
16. Foot, Philippa. Virtues and Vices. Oxford: Oxford University Press, 1978. [↑](#footnote-ref-16)
17. Eleanor Rosevelt *This Is My Story*. New York: Harper & Brothers, 1937. [↑](#footnote-ref-17)
18. Merkel, Angela, with Beate Baumann. Freedom: Memoirs 1954–2021. New York: St. Martin’s Press, 2024. [↑](#footnote-ref-18)
19. Gbowee, Leymah, with Carol Lynn Mithers. Mighty Be Our Powers: How Sisterhood, Prayer, and Sex Changed a Nation at War: A Memoir. New York: Beast Books, 2011. [↑](#footnote-ref-19)
20. Merkel, Angela, with Beate Baumann. Freedom: Memoirs 1954–2021. New York: St. Martin’s Press, 2024. [↑](#footnote-ref-20)
21. Proverbs 31:29-31 [↑](#footnote-ref-21)