The Concept of Community from a Global Perspective

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Contents

CHAPTER 17

Community in African Moral-Political Philosophy

Thaddeus Metz

1 Introducing African Communitarianism

It is uncontroversial to maintain that sub-Saharan African moral and political philosophy is characteristically communitarian, with community (and related concepts such as harmony and extended family) standing out more than anything else in contemporary discussions. At least that is true of published work in English, the preferred language since literate African philosophy substantially emerged in the 1960s (with French being the runner up). Prior to that time, a very large majority of sub-Saharan cultures were oral and, due to poverty and colonialism, few Africans were able to attend, let alone lecture at, institutions of higher education where they could address indigenous worldviews. With the rise of literacy and of a healthy body of sub-Saharan academics, professional African philosophy was born in the post-independence era, and community has been particularly salient in its normative dimensions.[1]

In this essay, I critically discuss respects in which conceptions of community have featured in African moral-political philosophy over the past forty years or so. Some of the discussion is in the vein of intellectual history, recounting key theoretical moves for those unfamiliar with the field. However, my discussion here is also opinionated, noting prima facie weaknesses with certain positions and presenting others as more promising, particularly relative to prominent Western competitors. There are a variety of forms that African communitarianism has taken and could take, and my aims include arguing that some are more plausible than others and should give more individualist thinkers in Euro-American traditions pause.

1 Although not only these, as community also figures into much thought about metaphysics and epistemology. For some overviews, see Chukwudum Okolo, "Self as a Problem in African Philosophy", in *The African Philosophy Reader*, ed. Pieter Coetzee and Abraham Roux, 2nd ed., London: Routledge, 2003, 247–258. Lesiba Teffo and Abraham Roux, "Themes in African Metaphysics", *The African Philosophy Reader*, ed. Pieter Coetzee and Abraham Roux, 2nd ed., London: Routledge, 2003, 161–174. Anselm Kole Jimoh, "An African Theory of Knowledge", in *Themes, Issues and Problems in African Philosophy*, ed. Isaac Ukpokolo, Cham: Palgrave Macmillan, 2017, 121–136.

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I often speak of "Euro-American", "Western", and "African" (amongst other, cognate terms), but these should not be taken to suggest essentialism. Instead, I use geographical labels to connote what has been *salient* in much of a region for a long while that has not been in many other regions. In the way that baseball is reasonably described as "American", but is hardly loved by all and only Americans, so certain strains of communitarianism count as "African", even though some Africans have not accepted them and some non-Africans have. Such norms and values have been *characteristic of* (not exhaustive of, not exclusive to) African cultures, or at least contemporary literate African philosophies, in ways they have not been of many cultures and philosophies around the world. Similarly, individualism has been typical of Western thought for the past couple hundred years, although there have of course been exceptions, perhaps most notably Jewish socialists such as Karl Marx,[2] Martin Buber,[3] and Erich Fromm.[4]

In the following I begin by considering how communitarianism has influenced African thinking about moral status, that is, which beings are owed dutiful treatment for their own sake (section 2). It has been standard in Western philosophy to maintain that an entity deserves moral consideration because of its intrinsic properties, say, because it is a living human being, has the ability to feel pain, or has the capacity for reason. In contrast, the African tradition broadly maintains that our social nature is what makes us morally important. I point out that these differences about why we have obligations to other people probably have important ramifications for which duties we might have to them.

Then, I address some ways in which the category of community has informed African thought about virtue, i.e. what makes us good as opposed to bad people (section 3). In the southern African tradition, virtue is often called "*ubuntu*", which literally means humanness in the Nguni languages there. The commonly held African view is that we have *ubuntu* exclusively because of engaging with community in some way, a sharp contrast with classically Greek

2 Karl Marx, "Comments on James Mill", trans. Clemens Dutt, 1844, Repr. https://www.marxists.org/archive/marx/works/1844/james-mill/. Karl Marx, Economic and Philosophical Manuscripts, trans. Martin Mulligan, 1844, Repr. https://www.marxists.org/archive/marx/works/1844/manuscripts/preface.htm.

3 Martin Buber, *I and Thou*, trans. Ronald Gregor Smith, Edinburgh: T. & T. Clark, 1947.

4 Erich Fromm, *The Art of Loving*, New York: Harper & Row, 1962. For a more thorough exposition and defence of this use of geographical labels, see Thaddeus Metz, "How the West Was One: The Western as Individualist, the African as Communitarian", *Educational Philosophy and Theory* 47 (2015): 1175–1184.

views – still influential amongst Western thinkers – that virtue inheres in certain types of self-governance or knowledge.

I next turn to considerations of just policy, indicating respects in which African philosophers have thought that community should guide the rules that institutions adopt (section 4). I show that African communitarianism grounds some interesting and attractive approaches to politics and law, ones different from what has been salient amongst recent Western political philosophers. For example, I indicate how it makes sense of the group rights enshrined in the African "Banjul" Charter of Human and Peoples' Rights as well as of the reconciliatory response to wrongdoing that indigenous sub-Saharan societies typically prize and that South Africa's Truth and Reconciliation Commission made globally familiar. I also point out that many African political philosophers believe that considerations of community entail that the majoritarian system of democracy dominant in the West (and in Africa, having followed it) is unjust.

I conclude by briefly noting some limits of the essay. In particular I suggest that, supposing that relativism is off the table, there is interesting cross-cultural debate to be had in future work about how community as typically conceived in the African tradition might bear on moral-political matters in lieu of Western values (section 5).

2 Communal Moral Status

In this section I consider Afro-communitarian answers to the question of which beings in the world merit moral treatment for their own sake. A pen does not merit moral treatment for its own sake, or, equivalently, we owe nothing to it. If we were to act immorally in respect of a pen, it would probably be because we would be mistreating its owner, whom we do owe certain kinds of treatment. What is it about the owner, or human persons more generally, that makes them worthy of moral consideration in themselves? I suggest here that if people are morally important because of relational features, as per much of the African tradition, it is easier to make sense of some intuitive duties we have towards them.

In the West there has long been a utilitarian strain of thought according to which moral status is grounded merely on the fact that beings are sentient, i.e. capable of feeling pleasure and pain or of having preferences that can be satisfied and dissatisfied. Such an approach famously tends to entail the position that human persons are no more important than animals from the moral point of view. Utilitarianism has been on the wane over the past fifty years, in

part because of the implausibility of its account of the moral status of persons and some of its implications for right and wrong. In particular, utilitarians do not believe that human persons have a dignity, by which I mean a superlative, non-instrumental value that merits respectful treatment, characteristically in the form of upholding human rights. In contrast, probably a majority of contemporary moral philosophers, professional ethicists, jurists, and the like in the West do believe precisely that.

In particular, Western philosophers and related enquirers have been substantially influenced by the ideas of Immanuel Kant,[5] whose legacy includes the influential claim that persons have a dignity (and hence a moral status) in virtue of their capacity for reason or autonomy (or sometimes conscience). Such a position can be found in a variety of prominent intellectual venues, ranging from the "Universal Declaration of Human Rights",[6] to the influential liberal philosophies of Karl Popper,[7] John Rawls,[8] and several others, to much of the contemporary jurisprudence of Germany, Canada, South Africa, and (lately) the United States.

Roughly speaking, by this broad approach, the function of law in a society ought to be to respect people's dignity by protecting their human rights, enforceable claims to have the freedom to choose to act in accordance with their own conceptions of the good life (compatible with a like freedom for others, as required by justice). A human rights violation, from this perspective, is normally a reduction of autonomy, an inability to make a decision for oneself. Such is a powerful account of why people have the rights to vote for state officials, believe whatever they want when it comes to religion, associate with whomever they choose (who is innocent), and access healthcare and education.

Individualism is common to the utilitarian and Kantian approaches to moral status in the sense that, for both, much of what is thought to merit moral treatment is constituted by intrinsic properties, those inherent to a being that make no essential reference to others beyond it. These include the capacities

5 Immanuel Kant, "Groundwork of the Metaphysics of Morals", 1785, trans. Mary Gregor, in *Immanuel Kant: Practical Philosophy*, ed. Mary Gregor, Cambridge: Cambridge University Press, 1996, 37–108. Immanuel Kant, "The Metaphysics of Morals", 1797, trans. Mary Gregor, in *Immanuel Kant: Practical Philosophy*, op. cit., 353–603.

6 United Nations General Assembly. Universal Declaration of Human Rights, 1948, Art. 1 https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

7 Karl Popper, *The Open Society and Its Enemies*, vol. 1, *The Spell of Plato*, 1st edn, London: Routledge, 1945.

8 John Rawls, *A Theory of Justice*, Cambridge, MA: Harvard University Press, 1971.

for pleasure/pain, dis/satisfaction, reason, and autonomy.[9] In contrast, what is salient in work by African moral-political philosophers is the focus on something supra-individual as what grounds moral status.

There have been a variety of ways in which African philosophers have suggested that moral status is constituted by something communitarian.[10] Most radically, there are corporatist views according to which it is only a clan spanning across generations that ultimately matters, with individuals being subordinate to it.[11] Some have contended, in contrast, that individuals do matter, having a dignity that grounds human rights, but that they do only because of their membership in a clan or their participation in it. Such a view is suggested by the claim that "the human person in Africa is from the very beginning in a network of relationships that constitutes his inalienable dignity".[12]

Others maintain that our dignity inheres in being part of a much larger group than a clan such as a brotherhood, i.e. being a member of the human family. "African people traditionally live in small communities and are divided into different ethnic or cultural groups and into clans and lineages with complex networks of relationships, nevertheless, they perceive humanity to embrace all other peoples beyond their narrow geographic or spatial confines, to constitute all human beings into one universal family of humankind."[13]

Still others contend that it is a being's inherent ability to relate to others communally – roughly cooperatively and beneficently – that confers a dignity, regardless of whether that capacity has been actualized.[14] Finally, there are those who believe that we have a dignity in virtue of having in fact related

9 Note that morality, too, on Kant's understanding is not *essentially* relational – for if there were only a single being in the world, it would have duties to itself.

10 There is another, less communitarian strain of African thought according to which our dignity inheres in our life-force, a divine energy that we have in a greater quantity or more complex quality than other visible beings on the planet (e.g. Laurenti Magesa, *African Religion: The Moral Traditions of Abundant Life*, Maryknoll: Orbis, 1997).

11 Claude Ake, "The African Context of Human Rights", *Africa Today* 34 (1987): 5–12.

12 Bénézet Bujo, *Foundations of an African Ethic: Beyond the Universal Claims of Western Morality*, trans. Brian McNeil, New York: Crossroad, 2001, 88. Josiah Cobbah, "African Values and the Human Rights Debate", *Human Rights Quarterly* 9 (1987): 309–331.

13 Kwame Gyekye, "Traditional Political Ideas: Their Relevance to Development in Contemporary Africa", in *Person and Community: Ghanaian Philosophical Studies*, ed. Kwasi Wiredu and Kwame Gyekye, vol. 1, Washington, D.C.: Council for Research in Values and Philosophy, 1992, 243–255, sec. 6.

14 Thaddeus Metz, "Human Dignity, Capital Punishment, and an African Moral Theory: Toward a New Philosophy of Human Rights", *Journal of Human Rights* 9 (2010): 81–99. Thaddeus Metz, "African Conceptions of Human Dignity: Vitality and Community as the Ground of Human Rights", *Human Rights Review* 13 (2012): 19–37.

to others communally. According to this view, "[D]ignity is not just having a capacity, but the moral use of such capacity for the promotion of harmonious communal living, love, friendship, positive identity, and active solidarity".[15]

What all of these views have in common, relative to what has been prominent in the Western tradition, is that they deny individualism. Something about the group or our relationships with others is what grounds moral status, for these characteristically African approaches. One interesting project would be to consider which of the above communitarian principles is most promising. One might start by noting that corporatism is counterintuitive for being inconsistent with individual dignity and human rights, while the appeal to clan membership oddly entails that anyone who is not a member of an agent's particular clan lacks a moral status relative to her. Such points are tougher to press against the other communitarian contenders above. However, I do not continue along this track, instead indicating how a cluster of communal ideas about the dignity of persons might pose a challenge to the more individualist approaches of the West.

Note that whatever it is that gives us a moral status, or a dignity in particular, will influence the sorts of duties towards others we might have. For example, if we had a higher, spiritual nature such as a soul, then we might well have a right not to have it blasphemously insulted, as per some of the Islamic tradition. If, in contrast, we lacked such a nature and were merely physical beings, then we would not have precisely that right. Analogously, which rights an individual has is likely to be influenced by whether it is its intrinsic properties or its extrinsic ones that are morally important, as I now argue.

Suppose that relating communally centrally involves positively identifying with others, i.e. enjoying a sense of togetherness with others and cooperatively participating with them on projects, as well as exhibiting active solidarity with others, i.e. doing what one can to meet people's needs and typically out of sympathy.[16] For much of the African tradition, "[t]he fundamental meaning of community is the sharing of an overall way of life, inspired by the notion of the common good".[17] If so, then degrading one who has a dignity in virtue of such ways of relating would plausibly involve the opposite kinds of behaviour, roughly subordination of an (innocent) individual, as opposed to coordination with her, and harm of her, as opposed to help. Such an account of a human

15 Polycarp Ikuenobe, "The Communal Basis for Moral Dignity: An African Perspective", *Philosophical Papers* 45 (2016): 437–469, 466.

16 See also the accounts of community in the following section on virtue.

17 Kwame Gyekye, "African Ethics", *Stanford Encyclopedia of Philosophy*, ed. Edward Zalta, 2004, 16, http://plato.stanford.edu/archives/fall2010/entries/african-ethics/.

rights violation, in terms of extreme subordination and harm of an (innocent) individual, is plausible on the face of it. Murder, torture, mutilation, rape, kidnapping, ethnic cleansing, and the like seem to fit the bill.

Admittedly, these actions could also be viewed as extreme reductions of autonomy, an impairment of an intrinsic property as opposed to relational properties. I do not think that the reduction of choice captures the entire respect in which these are human rights violations, for harm and specifically impairment of the ability to trust others seem essential. However, I do not press the point here,[18] and instead argue now that there are additional rights that we plausibly have and that autonomy has a more clearly difficult time capturing than communality.

For example, if it were our communal nature or the actualization of it that gave us a dignity warranting respect, then it would be more likely the case that we have a right to culture than if it were our capacity for reason or autonomy that gave us a dignity.[19] If communality is what matters about people, then the state might have a duty to protect and support a certain way of life that had been widely and freely shared for a long time. This could involve, say, directing resources towards artistic practices, or making certain practices contingent on receiving privileges, e.g. consider Israel's policy of requiring those with broadcasting licenses to have at least 50% of their programming in Hebrew.

My suggestion is not that it is impossible for a Kantian to support some duties in respect of culture.[20] One influential autonomy-based position is that lacking access to one's culture would make one less able to pursue a wide variety of ways of life, for it is through access to one's own histories, languages, and conventions that one is able to make intelligent decisions.[21] Being thrust into a place with radically different traditions, tongues, and customs would undercut

18 I make the case in Thaddeus Metz, *A Relational Moral Theory: African Contributions to Global Ethical Thought*, Oxford: Oxford University Press, 2021.

19 For some of the international documents articulating what such a right includes, see United Nations (op. cit., 1948: Art. 27); United Nations Educational, Scientific and Cultural Organization (UNESCO), Universal Declaration on Cultural Diversity, 2001, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CulturalDiversity.aspx; and African Union, Charter for African Cultural Renaissance, 2006. https://au.int/en/treaties/charter-african-cultural-renaissance.

20 Much of the rest of this paragraph is cribbed from Thaddeus Metz, "Duties towards Animals versus Rights to Culture: An African Understanding of the Conflict in Terms of Communion", *Animals, Race, and Multiculturalism*, ed. Luis Cordeiro-Rodrigues and Les Mitchell, New York: Palgrave Macmillan, 269–294, 277–278.

21 Will Kymlicka, *Liberalism, Community, and Culture*, Oxford: Oxford University Press, 1989, 162–181. John Rawls, *Justice as Fairness: A Restatement*, Cambridge, MA: Harvard University Press, 2001, 93–94.

one's ability to make life choices. Imagine being plunked into an aboriginal culture in New Guinea; surely, you would be confused. Such a condition would plausibly constitute a loss of freedom, a relevant burden for the Kantian.

However, this analysis cannot account for the wrongness of incrementally targeting a people's culture. Suppose a group sought to undermine another's culture out of a sense of superiority, but did so little by little, giving its members time to adjust to a new one and so not to be disoriented when making decisions about how to live. Freedom would not be undercut in this scenario, and yet the behaviour would probably be wrong all the same, something the state would potentially have reason to counteract. One plausible explanation of the wrongness is that people's communality is what gives them a dignity and would be degraded by such a practice.

For a second example of how a communitarian dignity might have a bearing on which duties we have, consider those associated with family. If someone's face is so unattractive as to make it difficult to find a spouse, whether from birth or an accident, public healthcare would plausibly have a duty of some weight to offer reconstructive surgery. If a couple is having difficulty falling pregnant, the state should help to fund fertility treatments. If parents are having trouble dealing with their teenager, they should be considered to have a right to obtain counselling to help improve the relationship. The value of communal relationship naturally explains these duties, where it is no accident, I submit, that the African "Banjul" Charter of Human and Peoples' Rights includes the proposition, "The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health".[22]

It is difficult for a Kantian conception of dignity to entail these judgements. One could suggest that insofar as people have highly ranked ends to marry, get pregnant, and enjoy strong ties with their children, a state that must respect people as end-setters should support these ends. However, imagine that people had different highly ranked ends, perhaps to make the world as pink as possible. In that case, the state would be wrong to use public resources to help people achieve such a thing. It is therefore not the contingent fact that people have realized their rational nature by choosing to pursue familial relationships that explains why there are duties to support such ways of relating, but instead, more plausibly, something about our nature *qua* communal that does.

I have been presuming that readers by and large accept the existence of at least some duties pertaining to culture and family, and have suggested that, if these indeed exist, then a moral status grounded on communality accounts

22 Organization of African Unity 1981: Art. 18.

for them better than one grounded on rationality. I also argue below that certain additional obligations follow from African communitarianism that few thinkers in the West currently accept but that merit consideration, after I first address matters of virtue.

3 Communal Virtue

The previous section critically discussed communitarian approaches to moral status, concerning which beings are owed moral treatment and why. I also brought out some implications of how to treat beings morally in the light of the property they have that calls for moral treatment. In contrast, I now turn to the question of which kind of person to become or what is sometimes phrased as "how to be". The issue here is what it means to have good character or virtue, centrally concerning which attitudes to have and how they should bear on one's actions.

In sub-Saharan thought, good character is routinely called "personhood", which is thought to come in degrees.[23] One is expected to develop more personhood and ultimately to become a genuine or complete person during the course of one's lifetime. Another term for good character often used in the southern African region, as mentioned above, is "*ubuntu*", literally humanness.[24] The thought is that has more *ubuntu* or is more of a person, the more one realizes one's higher, distinctively human nature. Those who fail to do so are often called "non-persons" or even "animals".[25] Such descriptions are not meant to be taken literally but are instead metaphors to the effect that a person has actualized his lower, base nature and has a wicked character.[26]

23 For one influential discussion, see Ifeanyi Menkiti, "On the Normative Conception of a Person", *A Companion to African Philosophy*, ed. Kwasi Wiredu, Oxford: Blackwell, 2004, 324–331.

24 Mluleki Mnyaka and Mokgethi Motlhabi, "The African Concept of *Ubuntu/Botho* and Its Socio-Moral Significance", *Black Theology* 3 (2005): 215–237.

25 Moeketsi Letseka, "African Philosophy and Educational Discourse", *African Voices in Education*, ed. Philip Higgs, N. C. G. Vakalisa, T. V. Mda, and N. T. Assié-Lumumba, Cape Town: Juta, 2000, 179–193, 186. Mutombo Nkulu-N'Sengha, "*Bumuntu*", *Encyclopedia of African Religion*, ed. Molefi Kete Asante and Ama Mazama, Los Angeles: Sage, 2009, 142–147.

26 Kwame Gyekye, "African Ethics", *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2010., sec. 4. http://plato.stanford.edu/archives/fall2010/entries/african-ethics/. Kwame Gyekye, *Beyond Cultures: Ghanaian Philosophical Studies*, vol. 3, Washington, D.C.: Council for Research in Values and Philosophy, 2004.

What is involved in becoming a real person or realizing one's human nature? For a large majority of African philosophers, it is exhausted by engaging with community in some way, tersely expressed with phrases such as "I am because we are"[27] and, especially in southern Africa, "A person is a person through other persons".[28] The dominant view in the African tradition is that it is impossible to develop personhood or live a genuinely human life removed from others. "The project of being or becoming persons, it is believed, is a truly serious project that stretches beyond the raw capacities of the isolated individual."[29] For most in the field, personhood/humanness requires others not for mere instrumental reasons, but because it is *constituted* in some way by relating positively to others. A failure to be social just is a lack of virtue.

There are two competing understandings of how community might comprise personhood in contemporary African philosophy. According to one classic and influential statement from the Nigerian philosopher Ifeanyi Menkiti, one has more personhood, the more one conforms to the norms of one's community. Consider these analyses from Menkiti:

> We must also conceive of this organism as going through a long process of social and ritual transformation until it attains the full complement of excellencies seen as truly definitive of man. And during this long process of attainment, the community plays a vital role as catalyst and as prescriber of norms.[30]
>
> [T]he African emphasized the rituals of incorporation and the overarching necessity of learning the social rules by which the community lives, so that what was initially biologically given can come to attain social selfhood, i.e., become a person with all the inbuilt excellencies implied by the term.[31]

Talk of "ritual transformation", "rituals of incorporation", "prescriber of norms", and "social rules by which the community lives" suggest the view that

27 Ifeanyi Menkiti, "Person and Community in African Traditional Thought", *African Philosophy: An Introduction*, ed. Richard Wright, 3rd edn, Lanham: University Press of America, 1984, 171–181, 171. John Mbiti, *African Religions and Philosophy*, 2nd edn, Oxford: Heinemann, 1990, 106.

28 Yvonne Mokgoro, "*Ubuntu* and the Law in South Africa", *Potchefstroom Electronic Law Journal* 1 (1998): 15–26, 16. Desmond Tutu, *No Future without Forgiveness*, New York: Random House, 1999, 35.

29 Menkiti, op. cit., 2004, 326.

30 Menkiti, op. cit., 1984, 172.

31 Ibid., 173.

personhood is constituted by adhering to the extant conventions of one's society, whatever they might happen to be.

Although it is not entirely clear that Menkiti would accept this analysis of personhood given his reference to "excellencies" (which suggest something objective), he has often been read that way. In addition, there are other African philosophers who more clearly do accept this non-objective or relativist analysis of good character. For example, according to John Mbiti, the magisterial Kenyan intellectual historian of African religions and philosophies, from an African perspective,

> To be human is to belong to the whole community and to do so involves participating in the beliefs, ceremonies, rituals and festivals of the community [...]. [A person] acts in ways which are "good" when they conform to the customs and regulations of his community, or "bad" when they do not.[32]

Similarly, another African philosopher remarks, "The primary requirement of tradition on the part of the individual is total compliance with the specific beliefs and customs prevalent in the community".[33]

As critics have fairly noted, one major problem for this account of virtue is that some societies have norms that are discriminatory.[34] So, scholars have pointed that there have been societies (in Africa and of course elsewhere) that included gendered roles, say, where men are expected to hunt or perform manual labour and where women are expected to look after children or cook.[35] In such societies, men and women would have to acquire personhood by performing different tasks, which seems counterintuitive. One critic has further noted that in such societies intersex individuals would appear not to have *any*

32 Mbiti, op. cit., 1990, 2, 208.

33 Columbus Ogbujah, "The Individual in African Communalism", *Perspectives on African Communalism*, ed. Ike Odimegwu, Victoria: Trafford, 2007, 127–141, 133.

34 The next few paragraphs borrow from Thaddeus Metz, "Community, Individuality, and Reciprocity in Menkiti", *Menkiti on Community and Becoming a Person*, ed. Edwin Etieyibo and Polycarp Ikuenobe, Lanham: Rowman & Littlefield, 2020, 131–145, 134.

35 Oritsegbubemi Oyowe, "Personhood and Social Power in African Thought", *Alternation* 20 (2013): 203–228. Oritsegbubemi Oyowe and Olga Yurkivska, "Can a Communitarian Concept of African Personhood Be Both Relational and Gender-Neutral?", *South African Journal of Philosophy* 33 (2014): 85–99.

route by which to acquire personhood, since they would fail to satisfy either male or female gender criteria.[36]

A similar criticism applies to societal norms that are discriminatory for being "ableist". Here, it has been noted that some (African) societies have expected members to procreate, and indeed have deemed that to be essential for becoming a complete person. It follows that those in such societies who are incapable of procreation, such as the infertile or gay couples, lack personhood in a major respect.[37] However, so the objection continues, it is incorrect to suppose that such individuals could not become complete persons or fully virtuous.

In sum, the view that a person is morally better, the more she adheres to the extant norms of her community has some counterintuitive implications, at least to much twenty-first-century philosophical thought around the world. There has been, however, another major way that African thinkers have construed the idea that personhood is constituted by community. Instead of community being a group that prescribes norms conformity to which constitutes virtue, virtue has been thought in terms of being a person disposed to help (members of) the community. In fact, in a later text Menkiti himself advances this alternative construal when he says that personhood consists of "moral, or quasi-moral, qualities considered useful to the enrichment of the human community".[38] Here, community is a beneficiary.

A related alternative account of personhood is to construe talk of "community" as a way of relating, so that one is more of a person, the more one enters into community with others or relates communally with them. Desmond Tutu, the famous South African theologian, suggests this approach when he says of indigenous Africans:

> When we want to give high praise to someone we say, "*Yu, u nobuntu*"; "Hey, he or she has *ubuntu*." This means they are generous, hospitable, friendly, caring and compassionate […]. We say, "a person is a person through other people". It is not "I think therefore I am". It says rather: "I am human because I belong." I participate, I share […]. Harmony, friendliness, community are great goods.[39]

36 Nompumelelo Zinhle Manzini, "Menkiti's Normative Communitarian Conception of Personhood as Gendered, Ableist and Anti-queer", *South African Journal of Philosophy* 37 (2018), 18–33.

37 Ibid.

38 Menkiti, op. cit., 2004, 325.

39 Tutu, op. cit., 1999, 34–35.

Notice the specific virtues Tutu mentions and how they are ones that could be exhibited regardless of one's gender, sex, or ability to procreate. Benefiting (members of) the community or forging communal relations between people on the face of it captures the nature of virtue better than conforming to a community's contingent norms. Instead of "community" signifying a group of people, it is here better understood as a kind of interaction between people, such that "the purpose of our life is community-service and community-belongingness".[40]

Drawing on the above quotations (from Ikuenobe, Gyekye, Tutu, and Iroegbu), communal virtue may be understood to consist of the combination of two ways of relating, namely, identifying with others, sharing a way of life, being disposed to participate cooperatively, and enjoying a sense of belonging, on the one hand, as well as exhibiting solidarity, promoting the common good, share what one has, and serving them, on the other. Such appears to be an exhaustively relational conception on of virtue, where personhood or *ubuntu* is exhausted by interacting with others in certain ways.

Such an approach to virtue contrasts with large individualist strains throughout the history of Western philosophy. On the one hand, there have been Western accounts of good character that have nothing essentially relational at all, for instance, the recent view according to which virtue consists of loving the good and hating the bad, with vice being loving the bad and hating the good.[41] On the other hand, there have been accounts of good character in the West that have included extrinsic dimensions, but then have also included substantially intrinsic ones. For instance, consider Aristotle's prizing of friendship and justice as well as temperance and knowledge, or more recently Rosalind Hursthouse's valuation of the continuation of the species and the good of the group as well as individual survival and freedom from pain.[42] A purely relational account of virtue is not salient in the West, although there may of course be some exceptions to the rule.

A critic might argue that the Western views are more plausible for including an individualist dimension. After all, it seems intuitive to hold that one is a good person insofar as one exhibits courage, determination, temperance, autonomy, or self-respect, and that one is a bad person insofar as one is disposed towards the opposites of cowardice, indecision, overindulgence, addiction, and

40 Pantaleon Iroegbu, "Beginning, Purpose and End of Life", *Kpim of Morality Ethics*, ed. Pantaleon Iroegbu and Anthony Echekwube, Ibadan: Heinemann, 2005, 440–445, 442.

41 E.g. Thomas Hurka, *Virtue, Vice, and Value*, Oxford: Oxford University Press, 2001. Robert Adams, *A Theory of Virtue*, Oxford: Oxford University Press, 2006.

42 Rosalind Hursthouse, *On Virtue Ethics*, Oxford: Oxford University Press, 1999, 197–216.

self-denigration. Many African thinkers would respond by noting that there are often other-regarding dimensions to these intuitive virtues and vices. For instance, courage and determination clearly count as virtues when exhibited in the course of fighting to protect other innocent parties. Similarly, failing to look after one's physical health by overindulging is plausibly a vice insofar as it would threaten to make oneself a burden on others. However, I suspect, with many Western philosophers, that it is implausible to think that these count as virtues and vices solely in respect of other-regard. Courage exhibited in the course of standing up for oneself and showing determination in overcoming an addiction are surely ways of displaying virtue, where self-regard most likely plays a key explanatory role of why.

Another response, then, is to grant that there are some individualist virtues but to contend that the relational ones are more important. Perhaps African personhood should be understood strictly in terms of moral attitudes, ones that are other-regarding and are more urgent to cultivate than any other sort pertaining to, say, prudence. At this point there are fascinating debates to be had between the two overarching paradigms, in particular whether other-regarding moral attitudes are fully captured by Afro-communal considerations and whether there are any self-regarding attitudes that are properly labelled "moral".

4 Communal Justice

Let us turn from individual virtue to institutional policy. Focusing on the state, in this section I consider some implications of African communitarianism for an understanding of which laws and other legal decisions are just. Familiar conceptions of justice in the West are that the state ought to maximize benefits and minimize costs, taking the welfarist interests of all into account, and that it (instead) ought to respect people's capacity for autonomy, principally by protecting liberties and powers to act and distributing resources useful to achieve a variety of self-chosen ends. After sketching an Afro-communal account of the proper function of the state, I note that it probably prescribes major differences relative to what utilitarianism and Kantianism are normally thought to entail.

Suppose that the primary job of the state were to commune with its citizens and to enable them to commune with one another. Communality, recall, involves two distinct ways of relating, roughly in which an agent participates cooperatively with others and strives to meet the needs of all. Broadly speaking, then, the state would coordinate policy with its citizens, avoiding both

dictatorial decision-making and restricting civil liberties when unnecessary for a more robust cooperation, and it would also adopt social programmes that provide healthcare, education, and nutrition to residents. In the first instance dictatorship and curbing liberties appear inconsistent with cooperative participation, but they would also often be expected to harm people – consider, for just two examples, well-known work indicating that famines are less likely to occur within democracies and that wars are less likely to take place between them. In addition, not funding social programmes would of course be incompatible with doing what is good for people in the sense of meeting their needs, but failure to do so would also normally mean that people would be less able to participate cooperatively with one another. In sum, a state that were either authoritarian, illiberal, or libertarian would flout at least one of the relational values of identity and solidarity, and probably both, whereas some kind of democratic, liberal, and redistributive polity would not.

Utilitarianism and Kantianism are also widely thought to support such a polity. However, the Afro-communal approach appears to ground a certain specification of it that differs in at least three ways from standard implications of the Western accounts of justice.

First, consider which rights a state should enforce. Although I have noted that more corporatist versions of African communitarianism do not cohere well with a human rights framework, I suggested that a more communal interpretation does. Many human rights violations are plausibly understood as anti-social ways of relating between people, in which an (innocent) individual is extremely subordinated and harmed, roughly for something other than preventing a greater subordination and harm on her part. However, one major contribution from the African intellectual tradition is the idea that groups, beyond the intrinsic features of the individuals who compose them, can also have rights or at least be entitled to respect. Such an approach was enshrined long ago in the African "Banjul" Charter on Human and Peoples' Rights.[43] For example, it ascribes rights to a people to be free from domination and to resist it (Article 20) as well as to access natural resources, socio-economic development, and an environment necessary for the latter (Articles 21, 22, 24), which rights states and other agents must not violate and should instead protect.

A communitarian orientation is obviously more likely than an individualist one to make sense of the idea that a state can have duties towards a people, and not just the persons who compose it. Of course a corporatist view according to which a clan has a moral status would be the most direct approach.

43 Organization of African Unity 1981.

However, a more relational view also promises to make sense of the idea that we must respect a people as an end. If persons have a dignity by virtue of having related communally or exhibiting the capacity to do so, then treating them with respect would plausibly mean respecting the ways have communed, that is, the *communities*, in the specific sense of relationships of identity and solidarity, that they have formed.[44] In contrast, for utilitarianism and Kantianism, it appears that the only reason to treat a group a certain way would be as a mere means to produce desirable effects on its members' welfare or autonomy.

Of course, one might simply reject the existence of any non-instrumental reasons on the part of the state or another agent to treat a people a certain way. However, it is on the face of it attractive to suggest that a people indeed has a right to resist domination, for instance. In addition, consider that contemporary thought about genocide supports the more African approach. Recall that when Raphael Lemkin coined the term "genocide", he conceived of it as a systematic attack on a people, not merely an attack on many persons. He conceived of a people or nation as meriting protection from attack largely because of the meaningfulness both of how its internal way of life is structured and of what it could offer to those outside it, too: "[T]he idea of a nation signifies constructive cooperation and original contributions, based on genuine traditions, genuine culture, and a well-developed national psychology. The destruction of a nation, therefore, results in the loss of its future contributions to the world."[45] Such destruction, for Lemkin, could take the form of taking the lives of enough of the group's members, but it could also consist of seeking to undermine its way of life.[46]

In addition to positing the existence of group rights, the African political tradition stands out relative to the Western for advocating unanimitarian democracy.[47] Such an allocation of political power is a second respect in which a communal state would probably treat citizens differently from the way a utilitarian or Kantian state would.

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44 Thaddeus Metz, "African Values, Human Rights and Group Rights: A Philosophical Foundation for the Banjul Charter", in *African Legal Theory and Contemporary Problems*, ed. Oche Onazi, Dordrecht: Springer, 2014, 131–151, 142–144.

45 Raphael Lemkin, *Axis Rule in Occupied Europe*, Washington D.C.: Carnegie Endowment for International Peace, 1944, 91.

46 Ibid., 79.

47 Gyekye op. cit. 1992. Bénézet Bujo, *The Ethical Dimension of Community*, trans. Cecilia Namulondo Nganda, Nairobi: Paulines, 1997, 161–166. Mogobe Ramose, *African Philosophy through Ubuntu*, Harare: Mond, 1999, 135–152. Kwasi Wiredu, "Democracy and Consensus in African Traditional Politics: A Plea for a Non-Party Polity", *Polylog* 2 (2000), http://them.polylog.org/2/fwk-en.htm.

Utilitarianism and Kantianism are standardly understood to support majoritarian democracy, a polity in which multiple political parties compete for votes and those with the most votes have the most power, typically exercised to satisfy the interests of a party's constituency. African philosophers commonly point out major flaws of such a system. Since minority parties lack power, many laws are passed without their consent or concern for their interests, and hence leave them feeling alienated. That is, the relational values of identity and solidarity appear to be flouted.

A more intense sense of togetherness, cooperative participation, and mutual aid would exist if instead elected representatives had to come to a unanimous agreement in order for a law to count as a valid. The most influential African advocate of consensual democracy, the Ghanaian Kwasi Wiredu,[48] calls such a system a "non-party" polity. In contrast to both a multi-party democracy and a one-party dictatorship, Wiredu draws on practices common amongst indigenous African peoples to advocate a system in which there are no real parties. Although there would be groupings that differ ideologically, and although majority vote would have to be used in highly populated areas to pick legislators from them, upon having been elected, legislators would then be expected (by Constitutional provision) to obtain consensus when determining law. That is, they would share power equally in search of what is good for the public as a whole, a much more communal system than a majoritarian democracy.

The objections to be made to a unanimitarian democracy are obvious. How often would consensus be possible at all? Even if it were possible, would it not take too long to obtain? Even if consensus were routinely feasible, would the drive for it crowd out idiosyncratic perspectives, tending towards group think? This essay is not the place to respond to such questions, but rather to suggest that they warrant full responses elsewhere. For now, I urge readers to consider how the Paris climate change talks were conducted, where, by appealing to conflict resolution techniques used by the Zulu people of South Africa, some two hundred countries with quite divergent perspectives were brought to unanimous agreement in about two days' time.[49]

For a third respect in which a communal normative foundation might have implications for legal practice that contrast with individualist moral theories prominent in the West, consider criminal justice. Utilitarianism is largely associated with incapacitation and deterrence approaches to state punishment,

48 Ibid.

49 Akshat Rathi, "This Simple Negotiation Tactic Brought 195 Countries to Consensus", *Quartz*, 12 December 2015, https://qz.com/572623/this-simple-negotiation-tactic-brought-195-countries-to-consensus-in-the-paris-climate-talks/.

where the central point is to prevent the harm of crime, whether by removing people from society or instilling fear in would-be offenders. Kantianism is principally associated with a retributive approach, where the state imposes punishment not because of desirable consequences expected in the future, but simply because the offender committed a disrespectful crime in the past. In contrast to both, reconciliation is the dominant theme in African cultures and philosophies.[50]

Reconciliation (or restorative justice) typically involves offenders hearing out victims, making an apology, and effecting compensation for wrongful harm done to them as well as victims accepting the reintegration of offenders into society, if not forgiving them. Although reconciliation is frequently contrasted with a punitive response, it is implausible to think that punishment would play no role in a fundamentally reconciliatory approach to criminal justice. For one, it might be that victims would not be willing to allow offenders to rejoin society until they have undergone some penalties. For another, it might be that certain kinds of penalties, arguably ones in which offenders undergo burdensome labour to pay restitution to victims or to reform their characters, are themselves forms of reconciliation.

For a third way in which reconciliation might involve punishment, consider South Africa's influential Truth and Reconciliation Commission (TRC). As is well known, in order to facilitate the transition from autocratic white rule to democracy, those who had committed apartheid-era political crimes were encouraged to reveal their misdeeds, victims were offered platforms to talk about ways in which they had been mistreated, and the state took responsibility for compensating victims of human rights violations.[51] If offenders were judged to have fully disclosed ways in which they had wronged victims, the Commission gave offenders amnesty from criminal (and also civil) prosecution. However, if offenders either did not participate in the process or did but were judged to have revealed less than the complete truth, then they remained subject to normal trials and penalties.

Although Christian values are sometimes thought to have grounded the TRC, commentators have to my mind demonstrated that it was rather *ubuntu* that informed its construction and explained why South African people accepted

50 Magesa, op. cit., 1997: 234–240, 267–276; Tutu, op. cit., 1999. William Idowu, "African Jurisprudence and the Reconciliation Theory of Law", *Cambrian Law Review* 37 (2006): 1–16.

51 Truth and Reconciliation Commission of South Africa, *Truth and Reconciliation Commission of South Africa Report*, vol. 1, 1998. http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf.

much of it as a way to respond to apartheid.[52] At a philosophical level, a communal ethic is naturally going to be what prescribes the restoration of communality in the wake of crime. If relational values of identity and solidarity are ultimately what matter, then the natural response to offences would be to mend broken relationships. There is little in the individualism of utilitarianism and Kantianism, with natural foci on either preventing pain or on acknowledging degradations of autonomy, that suggests that the point of criminal justice should be reconciliation between offenders, victims, and the broader society.

5 Concluding Thoughts on African Communitarianism

In this essay, I have addressed three normative topics about which African philosophers have advanced communitarian positions of various kinds, and I have also argued that some of them give prominent Western perspectives a run for their money. Instead of grounding moral status on our capacity for pain or autonomy, perhaps we are owed moral treatment because we have a communal nature, which, if true, appear to make better sense of duties to support culture and family. Instead of moral virtue, the most important sort, being constituted by any self-regarding conditions, the African tradition suggests that it is exhausted by relational properties such as being disposed to identify with others and exhibit solidarity with them. Instead of justice being a matter of enforcing individual rights, upholding majoritarian democracy, and responding to crime with deterrence or retribution, communal values give us reason to think there are also some duties the state has towards groups, that it should allocate political power on the basis of consensus amongst legislators, and that it should respond to crime with reconciliation.

I have done little, if anything, in this essay to change anyone's mind about such topics. The aim has rather been to articulate forms of African communitarianism and implications of them that will be found prima facie plausible by a wide philosophical audience. One project that it would be reasonable to undertake next would be to explore in more depth the contrasts identified here with an eye to considering whether Afro-communal positions are justified relative to the Western ones. If Western values are not merely for Westerners and African values are not merely for Africans, then some careful philosophical enquiry needs to be undertaken.

52 E.g. Richard Bell, *Understanding African Philosophy*, New York: Routledge, 2002. Antjie Krog, "'This Thing Called Reconciliation': Forgiveness as Part of an Interconnectedness-towards-Wholeness", *South African Journal of Philosophy* 27 (2008): 353–366.

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