Human Dignity in an African Context

Edited by

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CHAPTER 2

Defending a Communal Account of Human Dignity

Thaddeus Metz

Introducing Human Dignity in the African Tradition

It has been fascinating to see those working in the African philosophical tradition develop sophisticated accounts of human dignity over the past 15 years or so, where 'dignity' here means a being with the highest moral status and, more specifically, with a superlative non-instrumental value that requires us to treat the being with respect. Prior to then, African philosophers had tended to point out in passing on a page or two that it has been common for African peoples to believe not only that we have human dignity but also that what confers it on us is a life force from God (e.g., Wiredu 1990, 244; Gyekye 1997, 63; Magesa 1997, 51–52; Kasenene 1998, 25; Deng 2004, 501). In more recent work, the discussion of human dignity has become philosophically richer and in a variety of ways, beyond simply involving entire articles, chapters, and books now devoted to the topic.

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In particular, the focus these days is less on what some African peoples have thought about dignity and more on what should be thought about it, often in the light of certain indigenous values that merit belief upon some reconstruction. Relatedly, philosophers have been articulating careful and sometimes novel accounts of human dignity with a recognizably African pedigree, only some of which appeal to life-force. Furthermore, one now encounters more thorough applications of a given conception of dignity, with a proponent pointing out its plausible implications for practical issues such as the death penalty, euthanasia, or poverty. In addition, in recent times, those working in the African tradition have offered reasons to favour an African approach relative to Kantian and more generally Western ones and have argued amongst themselves about the philosophically most defensible interpretation of dignity.

What this development means is that '(t)here is no one single African concept of dignity' (African Consortium for Law and Religion Studies 2019). As the debate currently stands, there is on offer in literate African philosophy a variety of thoughtful positions about human dignity.[1] According to my reading of the field, salient in the contemporary literature are the views that our dignity is constituted by:

- Exhibiting life-force (Bujo 1997; Ilesanmi 2001; Iroegbu 2005; Molefe 2014, 2015; Rakotsoane and van Niekerk 2017; Lougheed unpublished)
- Having become a moral person (Menkiti 1984, 172–173; 2004, 325; 2017, 468; Ramose 2005, 58; Ikuenobe 2016, 2018; cf. Murove 2016, 175–182, 210–216)
- Having the capacity to be a moral person, perhaps specifically to care for others (Molefe 2020, 2022; Shozi 2021)
- Being a member of the human species (Oruka 1997, 85, 138–140; Gyekye 2010: sec. 6)
- Being a member of a community such as a clan, one that potentially includes invisible agents (Cobbah 1987; Botman 2000; Cornell 2014, 159, 167–168; cf. Bujo 2001, 88)
- Having the capacity to relate communally (Metz 2010, 2012, 2022)

[1] One scholar would have us look beyond written texts by philosophers to learn about human dignity (Afolayan 2016). While I agree that, say, popular culture can provide insights into dignity, in this essay I am interested in a normative theoretical approach to it, that is, whether a certain comprehensive account of what confers a dignity on us is justified, particularly in the light of its explanatory power with regards to certain intuitive human rights. For that project, philosophical texts are of most use.

In this essay, I provide new argumentation that the latter position is more defensible than a number of its competitors in the recent African philosophical literature. Specifically, I argue that there are substantial theoretical advantages to holding that dignity inheres in our natural ability to relate communally relative to appealing to the properties of life-force, personhood, or caring capacity. That means that I, in this chapter, set aside the views that dignity inheres in being a member of *Homo sapiens* or a community, which I do mainly since I find membership a less plausible criterion than the others.[2] My intention is to weigh up the view that we have a dignity because of our communal nature against its strongest rivals from the African tradition.

In the following, I begin by summing up my theory of human dignity, sketching some reasons why it should be found prima facie attractive and responding to some criticisms that have been or would naturally be directed at it. In the rest of the essay, I compare the implications of my theory with those of rivals in two applied contexts, pertaining to informed consent and torture. Presuming that human rights to informed consent and not to be tortured are firmly and widely held, I argue that the communal theory does better than rivals at accounting for them, providing a strong reason to accept it relative to them.

Grounding Dignity on Our Communal Nature

In this section, I expound my favoured conception of human dignity (initially advanced in Metz 2010, 2012), provide some considerations in its favour, and rebut some objections that have been or could be made to it. It is only in the following sections that I apply it to practical controversies and work to show that it is preferable to rival conceptions from the African tradition.

The core idea of the account of human dignity that I have developed in the light of ideas from African philosophical writings is that the moral importance of a being varies according to its ability to relate communally (elsewhere I have said ‘harmoniously’), where characteristic human beings

[2] The concern about both is insufficient egalitarian standing—what about those who are not members of a given species or community? Intuitively, non-members, such as persons who are not humans, could have a dignity.

are able to relate communally to a higher degree than anything else on the planet. In particular, they can be both subjects and objects of a communal (harmonious) relationship, whereas (at least a very large majority of) animals can be merely objects of one, and other things in the natural world, such as plants and rocks, can be neither. In the following, I spell out the key concepts.

A communal relationship involves two logically distinct properties, namely sharing a way of life with others (in other texts, I sometimes say 'identifying with' others) and caring for others' quality of life (a.k.a. 'exhibiting solidarity towards' others). To share a way of life means that one enjoys a sense of togetherness with another individual, avoids frustrating her ends, and instead coordinates with her to help achieve them. To care for another's quality of life means that one meets her needs, which might be biological, psychological, or social, avoids causing harm, and does these things typically out of sympathy and for her sake, not one's own long-term self-interest.

The combination of sharing a way of life and caring for others' quality of life (or identity and solidarity) is at the core of what many of us find appealing about the ways that family members or friends interact. In a healthy family or friendship, people have a common sense of self, engage in joint projects, aim to foster each other's good, and do so for one another's sake. Hence, my interpretation of what a communal relationship is or of what it means to enter into community is more or less equivalent to what many people mean by 'friendliness' or even one broad sense of 'love'.

One way of putting my view is hence this: *human persons are capable of being party to a friendly or loving relationship in a way no other being on Earth can*. In particular, we can be both subjects and objects of such a way of relating, whereas for all we can tell, nothing else (at least amongst perceptible objects) can do that. To be able to be a subject of a communal relationship means that one can, by one's nature, commune with others. That is, one in principle could enjoy a sense of togetherness with them, advance their ends, promote their good, and do so out of sympathy and other-regard. Being able to be an object of communal relationships means that others can commune with one by one's nature. So, one is the kind of being towards which human persons in principle could be friendly or loving. Broadly speaking, humans can be both subjects and objects of a communal relationship, many animals can be merely objects of one, and plants and rocks can be neither since they lack ends and a (welfarist) good.

To be a subject of a communal relationship, in the way that I understand it, requires one to have the concept of another person as distinct from oneself, with her own goals and interests. Being friendly includes being aware of the other as other. While there is some evidence that animals such as apes and certain birds can be aware of themselves, it is not as clear that they are aware of others' minds as distinct from theirs. Note that even if they do have that sort of awareness, it is still the case that their capacities for other-regarding behaviour are limited compared to ours. For some examples, it is far from clear that they can restrict their own desire satisfaction to enable another to achieve her ends, that they can willingly undergo burdens in order to meet others' needs, that they can imagine what it is like to be others and act consequent to that, or that they can act for the sake of another. Insofar as a limited number of animals can approximate these behaviours, they would plausibly count as 'higher' members of the animal kingdom. However, a very large majority of animals, for all we can tell, are patently unable to be subjects of a communal relationship with us, even though they can clearly be objects of one. That is, we can share a way of life with them and care for their quality of life, although they cannot do these things with us.

It appears, then, that, of beings on Earth, only human persons can be subjects of a communal relationship while also being able to be an object of it. That is, only human persons can share a way of life with others and care for their quality of life, while others can in turn share with and care for them. In summary, we can love and be loved in a way that nothing else (perceptible) on the planet can, where it is these capacities that confer dignity on us, by the present theory. Communal relationality constitutes our distinctive and higher nature as human beings that a moral agent must avoid degrading.

One might be tempted to hold the view that dignity inheres in merely being able to be a subject of communal relationship, even if one is not able to be an object of it. Some might think that if God existed, God would have a dignity but that God could not be an object of communal relationship with us. After all, we could neither sympathize with God nor do anything to meet God's needs. However, God would plausibly still have dignity, arguably precisely because of God's ability to commune with us as a subject.

I have not been sure what to think about the case, but, on balance, I have been partial to running with Desmond Tutu's fascinating suggestion that our vulnerability is part of what confers dignity on us (Metz 2022,

154). Tutu remarks, 'We are different so that we can know our need of one another, for no one is ultimately self-sufficient. A completely self-sufficient person would be subhuman' (1999, 214). This perspective is salient in the African tradition and nearly absent from the Western tradition, which prizes independence, autonomy, and self-reliance as constitutive of a higher nature. From the Tutuist standpoint, God would have dignity because God would be capable of being not merely a subject of communality but also an object of it. Concretely, consider that we could enjoy a sense of togetherness with God, could go out our way to fulfil God's purpose, and could act for God's sake (even if we admittedly could not sympathize with God being in physical pain that we could relieve). Hence, the present theory can plausibly make sense of the intuition that God would have dignity, and some other intuition would be needed to motivate the claim that merely being a subject of communality is sufficient for dignity.

One argument in favour of the communal account of human dignity is that a very large majority of human beings do in fact exhibit the capacities to relate in the relevant ways, while nothing else (empirically apprehensible) does. Of course, sometimes humans are asleep, heavily intoxicated, enraged, or in some other state that temporarily stunts their capacity for positive other-regard. However, these individuals are still 'capable' of that in the relevant sense, insofar as they, by their nature, retain the ability. They will wake up, sober up, and calm down, at which point they can resume being communed with by others and communing with others. In contrast, trees and stones are by their nature quite unable to love and be loved, as these ways of relating have been defined here.

Now, it is true that not literally all human beings are capable of communal relationality. Late-term foetuses and newborn infants lack the ability to be a subject of communality, for instance. Is that not a counterexample to the present theory (on which see Molefe 2020)?

It is not obvious that it is, for a theory plausibly counts as one about 'human dignity' if humans characteristically, even if not universally, exhibit the relevant property. By the same token, there can exist a category of something properly called 'human rights', even if they do not apply to every single human being but rather a very large majority of them.

In addition, upon reflection, late-term foetuses and newborn infants do have the 'capacity' to be a subject of communal relationship in a straightforward sense that a tree does not. In the normal course of events, the baby will develop a communal nature, whereas there is no avenue by which

the tree ever will. Perhaps this broader notion of 'capacity' to relate communally, which is probably best labelled a 'potential', is what should ground ascriptions of dignity. Although I myself do not hold that particular view, it is one way of running with the broad approach to dignity advanced in this chapter.

Note that the appeal to potential goes only so far, since we are aware of some human beings that will never become communal beings, no matter what might happen. Some individuals who were born with severe mental disabilities utterly lack the capacity to be a subject of communal relationships, insofar as there is nothing that can be done to enable them to become aware of others distinct from themselves and act for their sake. Here, there is not even the potential for becoming a person who shares with and cares for others. By my communal account of dignity, they indeed lack it, which might seem to be a serious problem (Samuel and Fayemi 2020, 35, 40) (whereas by comparison, the view that dignity inheres in being a member of *Homo sapiens* easily avoids that implication).

On this score, note that the broader account of moral status of which my theory of dignity is a part can ascribe a very high moral status to mentally incapacitated humans (see Metz 2022, 163–165). Although those with certain severe mental disabilities as well as babies cannot commune with us, we can commune with them, giving them a partial moral status. Furthermore, we are disposed to share a way of life with these human beings and care for their quality of life to a noticeably higher degree than we are with, say, sharks or wombats, plausibly giving these humans a higher moral status than the animals. It could therefore still be a grave wrong to mistreat a severely mentally disabled human being or a human baby, even if the wrongness would not consist of *degrading their dignity*. It is a mistake to think that an account of dignity must entail and explain all instances of immorality.

Another prima facie problem with the communal account of dignity is that the capacity to relate communally comes in degrees. Some people are better able to cooperate with others and improve their quality of life than others. Mother Teresa had a more robust communal nature than a fairly autistic logician, from which it counterintuitively appears to follow from my account that she had a greater dignity than him. Dignity is normally taken to be equal amongst human persons (which, again, would admittedly be readily accounted for if dignity were instead a function of being a member of the human species).

In reply, it is open to me to ground dignity on a 'range property', as John Rawls (1999, 444–445) has called it, such that if a being has enough of a certain feature, then it shares an equal standing with everyone else who does.[3] That is the standard way of interpreting Kantian accounts, after all. Virtually no Kantian ethicist maintains that, say, Albert Einstein had a higher dignity than human persons with much lower, normal IQs; instead, since they were all capable of self-awareness, deliberation, and agency to the requisite degree, they all were equally dignified and warranting respect in the form of human rights. I can make an analogous move, contending that if one has enough of the ability to be the subject and object of a communal relationship, one's dignity is equal to that of all others who do.

Finally, it might appear that my approach to dignity categorically forbids punishment for breaking just laws, violence in self-defence, and any other form of coercion (Ikuenobe 2016, 461–465; cf. Chasi 2021). If people by their nature have a dignity because of their ability to relate communally, it might seem that any anti-social action such as imprisonment for wrongdoing would objectionably degrade such an ability.

However, I do not think pacifism is required by the logic of grounding dignity on our communal nature (and I have in other work articulated complex accounts of when punishment, defensive force, and the like are justified, on which see Metz (2010) and (2019) for two examples). To see why not, consider how Kantians make good sense of why coercion is justified, despite claiming that our dignity inheres in our capacity for freedom. For them, if a person misuses his capacity for freedom, it is not degraded if we restrict it to protect the freedom of others. Indeed, for quite a number of Kantians, punishment of the guilty is required as a way to treat their dignity with respect, that is, to treat them as responsible for their behaviour instead of as mere animals, infants, or mentally incapacitated. I make some parallel points. Coercion and other uncooperative behaviour can be justified, despite grounding dignity in our capacity to cooperate and otherwise relate communally, because if a person misuses his capacity to commune, it is not degraded if we restrict it to protect others' capacity to be subjects and objects of communal relations. Respect for the dignity of victims as well as offenders requires the political community to express disapproval of wrongdoing, which can involve imposing burdens on those

[3] I do not address here the criticism of this approach recently voiced by Ebert (2020), mainly since it applies to many conceptions of human dignity, not just mine.

who have committed serious crimes (insofar as 'actions speak louder than words'), ideally burdens that would prevent harm to victims or compensate them for harm wrongdoers have done to them.

Thus far, I have spelled out my conception of human dignity, worked to clarify some of its implications, and rebutted some objections that have been or could be raised to it. What I have not yet done is spell out how grounding dignity in our communal nature powerfully accounts for a wide array of human rights that we intuitively have. That would be a large project to undertake, but what I can do in this essay is to address in some detail two such rights that I presume the reader will agree that we have. Specifically, in the rest of the chapter, I argue that the communal theory does a better job than rival African theories at accounting for the right to informed consent in medical contexts and the right not to be tortured as a penalty. First, however, I need to present the essentials of the rivals.

The Strongest African Competitors

Having articulated a conception of dignity according to which it is constituted by our ability to be party to communal relationships as subject and object, I need to sketch the basics of the competing theories from the African tradition to be in a position to show that it is stronger than they are in accounting for certain rights. The following overviews should suffice for that purpose.

As mentioned in the introduction, the most common account of dignity to encounter 'on the ground' with respect to African cultures is that human beings have it by virtue of their life-force. A frequent view has been that God exists, has the greatest life-force of anything in the world, and has fashioned the world by imbuing all concrete objects in it with some of this life-force (e.g. Magesa 1997; Teffo and Roux 2003; Imafidon 2014; Molefe 2014, 124–129; Lajul 2017). By 'life-force' is meant a divine energy that is (normally) imperceptible to human beings and is present in different amounts and kinds amongst both visible beings, which include the animal, vegetable, and mineral kingdoms, and invisible beings, such as the living-dead and the not-yet-born.

According to one thoughtful African vitalist, 'Life-force varies quantitatively (in terms of growth and strength) and qualitatively (in terms of intelligence and will)' (Anyanwu 1984, 90). Considering quantity and quality together, God may be said to have the 'greatest' life-force. On the other end of the spectrum are tiny members of the mineral kingdom, such

as a speck of dust or grain of sand, which have the least life-force. In between these extremes are the other, medium-sized things in the world, where rocks are thought to have a lesser life-force than plants, plants a lesser one than animals, and animals a lesser one than humans. The strong and deliberative life-force of the human being is (or at least constitutes) its dignified self or personal identity, which will survive the death of its body and continue to reside on Earth imperceptibly for about four or five generations.

Some African peoples and thinkers do not accept this metaphysical picture (see, e.g. Kaphagawani 1998, 170–172; and Wiredu 2011, 24–25), and of course, relatively few beyond the sub-Saharan region do. In developing an account of dignity, I have been particularly interested in one that would appeal to philosophers and related thinkers around the world, not merely to those who adhere to an ontology that is highly controversial and largely restricted to one continent. Therefore, it is worth noting that a secular or multicultural variant of a vitalist approach to dignity is available. That is, one might plausibly hold the view that human beings have a purely physical property, let us call it 'liveliness', that is greater than what can be found in the rest of the natural world (Metz 2012, 2022, 78–84; Lougheed unpublished). Considering us as merely material beings, we still encounter a strong and deliberative vitality in characteristic human persons, and one that might be taken to make them more special than anything else on Earth. Although our liveliness would end upon the deaths of our brains and bodies, it would still be more forceful and complex than anything else that can be known with the scientific method. Although that view is admittedly *less* African than the traditional interpretation, it has an African pedigree and coheres with much of the reasoning that African philosophers have advanced in support of a vitalist approach to dignity.

Another, logically distinct account of human dignity that is salient in the recent literature is focused on personhood, which in the present context is roughly equivalent to virtue or good character. The core idea is that those who have become real persons, or those who have been morally upright, are all and only those who have dignity. Polycarp Ikuenobe has both articulated and defended this view most explicitly and systematically of late (2016, 2018), and so I focus on his approach in what follows, although some brief remarks by the influential African ethicist Ifeanyi Menkiti suggest sympathy towards it (1984, 172–173; 2004, 325; 2017, 468).

Interestingly, much of what Ikuenobe says about what it means to be a real person is reminiscent of the theory I advance. For instance, Ikuenobe speaks of the 'communal basis for moral dignity' (see the title of his 2016 article), and he says that dignity, i.e. what merits respect, consists of living up to the values of 'mutuality and concern' (2016, 449) and promoting 'a positive sense of identity, solidarity, harmonious living' (2016, 449–450).

The difference between us is that, for me, it is the ability to live in these ways that confers an inherent dignity on us, such that a very large majority of human beings are, by their nature, entitled to respectful treatment in the form of (amongst other things) upholding human rights. In contrast, Ikuenobe says, 'On my plausible view, respect by others is not something that one *who is capable* "has inherently", but it is something earned and deserved based on the active and positive use of one's capacities for moral excellence or superior achievements' (2016, 460). For Ikuenobe, only what is commonly known as 'appraisal' respect, i.e. respect that is deserved because of one's choices, is relevant to thinking about dignity, and he utterly jettisons the concept of recognition respect, which is roughly respect that is warranted simply because of what one is (see Darwall 1977 for the classic distinction). I believe that both sorts of respect are essential for a complete understanding of morality and that observing human rights is best understood as a kind of recognition respect for one's inherent dignity, not as a form of appraisal respect for having lived in a dignified manner (or so I shall argue below).

A third approach to understanding human dignity that is salient in the contemporary literature by African philosophers is, like mine, capacity-based. However, the relevant capacity differs. For one example, Motsamai Molefe (2020, 2022) has in two books argued that our inherent dignity inheres in our ability to become real persons, which, for him, is roughly equivalent to those who have the capacity to care for others or act consequent to sympathy for them. For another example, Bonginkosi Shozi (2021, 18–20) has also contended that our inherent dignity inheres in our ability to become real persons, but real personhood, for him, is more or less equivalent to having communed with others (as construed above).

Notice that my conception of dignity includes more properties than the views of these thinkers. In contrast to both Molefe and Shozi, for me, dignity is not exhausted by the capacity to exhibit virtue or to treat others in certain ways and includes the ability to be treated by others in certain ways. Specifically, by my communal theory, part of what confers dignity on us is our ability to be an object of communal relationship (recall 'Tutu's

point' from the previous section). Our relational nature is fully captured by the point that not merely are we able to care for others and share a way of life with them but also others are able to care for and share with us. This distinction makes a difference, as I now begin to demonstrate.

Informed Consent

Most moral philosophers, professional ethicists, and the like around the world hold that normally one may conduct medical research on participants or medically treat patients only once they have given a certain kind of consent to be studied or treated. Roughly, participants must be mentally competent adults who not only understand the basics of the researcher's plan but also have, consequent to this understanding, agreed without coercive, deceptive, or exploitative manipulation to let the plan proceed. Of course, it can sometimes be difficult to obtain informed consent, for example, in situations of poverty and a lack of education. In addition, some argue that others beyond the individual, say, her family or the broader community, must also consent. However, these points are consistent with holding that usually a necessary condition of permissible medical study or treatment is informed consent from the one being studied or treated, where it would be degrading to proceed without it. Supposing that moral judgement is true, I argue that my communal theory does the best job of making sense of it relative to an appeal to vitality, personhood, or caring capacity.

In particular, what seems to be degraded when a person is studied to obtain medical knowledge without her consent is her capacity for joint projects. In other words, the prescription to respect another's dignified capacity to share a way of life does substantial explanatory work. A medical researcher does not genuinely *share* a life with his study participants when: they are unclear about the basic terms of his interaction with them; he uses force or takes advantage of weaknesses to pressure them into doing his bidding; or he interacts with them in ways that undermine trust. Failing to obtain free and informed consent amounts to flouting other people's non-instrumentally and highly valuable capacity both to be cooperated with (as an object) and to cooperate of their own accord (as a subject). That is a plausible explanation of why informed consent is usually needed, one that, I submit, rivals the utilitarian and Kantian explanations that dominate global thought about the matter (on which see Metz 2022, 189–192).

What do the other African theories of dignity entail with respect to informed consent? Consider them in turn. First, the idea that we have dignity by virtue of our vitalist nature does not seem promising as a way to ground a default expectation of informed consent prior to medical research or treatment. Why not? Because tricking someone into being studied for the purpose of obtaining medical knowledge, while indeed degrading, does not seem to degrade a person's *life-force or liveliness*.

I accept that if a study participant *discovered* that she had been tricked, she would likely feel used and have reduced esteem as a result. However, consider a case in which the participant was very unlikely to discover that she was tricked and indeed never finds out that she was tricked (Metz 2022, 87–88). That would be degrading, despite vitality not being undermined or even having been at risk of being undermined. Deception for the sake of obtaining knowledge does not pose any inherent threat to the individual's vitality, however it is to be conceived. That means that a vitalist conception of dignity has difficulty explaining why there should be a (near) categorical expectation of informed consent in medical contexts.

Second, consider Ikuenobe's idea that dignity inheres in those who have become real persons or exhibited substantial virtue, say, by having prized relationships of identity and solidarity with others in the past. Again, a (near) categorical expectation of informed consent in medical contexts is hard to capture with this approach since not all study participants or patients have become real persons or exhibited substantial virtue. Indeed, in the African tradition, it is only elders who have done so! Yet surely younger people in their 20s and 30s have a dignity of a sort that should explain why they have a right to informed consent.

Suppose, however, that we broaden our conception of who has lived a dignified life by having treated others morally. Let us imagine, contrary to much of the African tradition, that people in their 20s and 30s can be real persons or at least exhibit enough of the requisite virtue to be treated with respect (cf. Ikuenobe 2016, 465, where the bar is set low). Even so, there will be many people who have been routinely dishonest, selfish, rude, inhospitable, and the like who lack dignity by Ikuenobe's theory but have entered medical contexts and are intuitively entitled to informed consent. His theory cannot easily explain why base individuals would be degraded if they were coerced against their will to submit to a medical treatment; after all, for Ikuenobe they simply do not have much, if any, dignity.

Third, there is the view that it is not our personhood, but rather our capacity for personhood, that confers dignity on us, where in Molefe's

significant contributions, that roughly amounts to our ability to care for others. I suspect the trickery case above also tells against this approach. Tricking someone into being studied for the purpose of obtaining medical knowledge, while degrading, does not seem to degrade a person's *ability to care*. Molefe claims that 'dignity is a function of our capacity for virtue. The idea of virtue understood in terms of the primacy of sympathy, where sympathy represents our capacity to "hear-listen" to others, forms the basis of our duties towards them' (2020, 58). Insofar as the ability to 'hear-listen' to others means the 'capacity to be conscious of their needs, welfare and their perpetual need of our help' (2020, 58), there seems to be nothing inherent to being deceived to obtain medical knowledge that would degrade *that* capacity. One could just as well act sympathetically upon being deceived by the researcher to participate in a medical study and thereby aid others with the resultant knowledge.

In reply, Molefe might slightly refine his theory to say that virtue comes only from *voluntarily* caring for others. Having been deceived into helping others, while perhaps meeting their needs, is not meeting their needs in a way that would confer personhood on the one helping. For that, they must make a free and informed choice to help, such that deception would in fact stunt the capacity to care in the relevant sense. This reply is forceful, I accept. Note, however, that it is a (partial) explanation that I can also bring on board, insofar as the capacity to relate communally includes (but is not exhausted by) the capacity to care for others' quality of life. Furthermore, and more deeply, the logic of Molefe's theory is limited to this explanation and is unable to capture the judgement that it is in part our ability *to cooperate with* that trickery would degrade. Intuitively, what is disrespectful about the undermining of informed consent is not merely that the participant's or patient's ability to care for others is stunted (if it is) but also, and I submit primarily, that her capacity to have her ends advanced (and more generally to be party to a joint project) is flouted.

Torture

In the rest of this essay, I consider how well the four African conceptions of human dignity considered thus far can entail and explain the intuitive right not to be tortured. It would be degrading to be tortured for the fun of it. It would be degrading to be tortured for information that is not essential to stop a proverbial ticking bomb. It would be degrading to be tortured as a penalty, even if one has committed a serious crime. I am not

suggesting that torture, understood as the combination of complete subjugation and intense pain, is categorically wrong because it is degrading, but rather that it almost always is wrong for that reason. Which view of dignity on the table can make the best sense of that judgement?

Not, I submit, the view according to which our dignity inheres in our vitality, whether that is life-force or liveliness. The trouble is that while the vitalist can account for torture being a degradation, she has difficulty accounting for how much of a degradation it is. Torture definitely reduces one's vitality. Being bound so that one cannot move while being inflicted with great pain directly inhibits features such as health, growth, reproduction, creativity, vibrancy, activity, self-motion, and confidence. However, it appears difficult for the vitalist to explain why being tortured would be more degrading than being given a drug that knocks one unconscious for the same amount of time. Being put to sleep, perhaps from one's drink having been spiked, would directly inhibit the above features at least to the same degree (if not more), but while that treatment would be disrespectful, it would not be nearly as disrespectful as being tortured.

In reply, the vitalist might suggest that torture is more degrading because it would prevent life-force or liveliness in the long run more than being knocked unconscious would. From this perspective, the reason being tortured for three hours would be more disrespectful than being unconscious for the same amount of time is that the former condition would have unwelcome long-term results in terms of, say, painful memories, inability to trust, and lack of psychological strength.

However, while I grant that the instrumental badness of torture is part of what we abhor about it, upon setting that aspect aside, we would still judge torture to be more degrading than being forcibly put to sleep. Focusing strictly on the respective three hours, and abstracting from whatever might result afterwards, I presume the reader agrees that three hours of being tortured is more disrespectful in itself than being 'slipped a mickey' and sleeping for the same amount of time. It is quite difficult for the vitalist to account for the differential degrees of disrespect.

Consider, now, Ikuenobe's personhood account of human dignity, according to which it is only those who have been morally upright that have it. The straightforward implication appears to be that those who have instead been morally wicked have no complaint about torture being disrespectful. Ikuenobe acknowledges that one 'lacks some degree of moral dignity if one is a serial rapist, robber, or killer' (2016, 459) and says that one 'must choose to act based on communal values that demand one's

respect for oneself, others, communal harmonious relationship, in order to deserve "some degree" of respect from others' (2016, 459). If a person has not upheld communal values and so does not deserve some degree of respect, torture appears not to be degrading, by the logic of Ikuenobe's view.

In reply, I note that Ikuenobe remarks at one point, 'Although the community might justifiably imprison and violate the dignity of a dangerous criminal, my gradational and conditional view indicates that it must exercise some degree of caring and respect for him and his dignity by not torturing or allowing him to suffer excruciating pain' (2016, 463). It is hard for me to understand how this claim squares with the logic of the account of dignity that Ikuenobe has offered. For Ikuenobe, dignity must be earned by becoming a real person, and it is not something inherent to human persons. Some individuals simply will not have become real people and earned dignity, where certain criminals are good candidates. It follows unavoidably that these individuals do not have a dignity of a sort that merits respect or at least not much of it. I cannot understand what in Ikuenobe's theory can rule out as degrading the torture of those whom African peoples would describe as a 'zero-person', 'non-person', or 'animal' because of their wickedness (Nkulu-N'Sengha 2009).

At one point, Ikuenobe makes another suggestion that might seem to be a way to make sense of how his view could forbid torture. He says that 'it is a violation of human dignity to enslave people because to do so is to fail to meet one's responsibility to provide the conditions for people to use their capacity for well-being, harmonious relationships, to realize moral personhood, and experience dignity' (2016, 452). Replacing the word 'enslave' with 'torture', we obtain a promising claim, namely that torture would be wrong because it prevents people from acting morally and thereby acquiring dignity. Of course, imprisonment or any other form of coercion would, too, but set that point aside. The present reasoning is very similar to what I take Molefe's capacity for the personhood view to entail. Recall that, for Molefe, our dignity inheres in our capacity to become virtuous, which, in turn, means acting consequent to having sympathy for others. Hence, for him, the natural explanation of why torture is degrading is that it stunts the ability of the one tortured to care for others. That fits with the reasoning Molefe provides elsewhere, e.g. he clearly holds that euthanasia is degrading when it destroys one's capacity for virtue but is not degrading if one has already lost that capacity (2020, 54–55), and he maintains that poverty is unjust insofar as it prevents people from

living virtuously, with the point of socioeconomic development being to enable them to do so (2019).

I agree that part of the explanation of why torture is degrading is that it, in my terms, degrades the ability of a person to be a subject of communal relationship, that is, to care for others' quality of life and to share a way of life with them. However, it is implausible to hold that this is the entire explanation of disrespect. Suppose that someone tortures me for the fun of it. Sure, part of the degradation done to me is impairing my capacity to act virtuously. However, that does not seem to be the *primary* degradation. 'It hurts!' 'I can't move!' These are surely legitimate complaints about the degradingness of torture, apart from the facts that it immediately prevents me from acting virtuously and will likely make it harder for me to do so in the long run. Indeed, I can sensibly object on these grounds even if, were I set free, I would have no intention of caring for others.

These complaints are naturally captured by the judgement that part of what gives me dignity is the ability of others to care for me and share a way of life with me. In subjugating me, my capacity to be cooperated with is utterly undermined, while in putting me in great pain, my capacity to be cared for is treated as though it does not exist or is worth nothing. In sum, my capacity to be an object of communal relationship is also what the torturer severely degrades, a much more comprehensive and powerful explanation than what Molefe's and Ikuenobe's views appear able to muster.

Concluding Thoughts on African Understandings of Human Dignity

I have in this essay considered the implications of African accounts of our dignity for only two human rights, and I have admittedly picked two that seem clearly better accounted for by appeal to our communal nature than by appeal to our vitality, personhood, or capacity to care. There are many more rights that we intuitively have besides these two, including the rights to marry interracially, to participate in political governance, to be able to choose one's own religious beliefs, and not to be enslaved. Although I have at times in my work argued that these and other rights plausibly follow from a conception of dignity as inhering in our ability to be subject and object of communal relationships, I have not yet argued that this conception does better than all three of the African rivals considered in

this essay. I submit, however, that the reflections here reveal that the communal theory is at least a particularly promising interpretation of the African tradition and merits further comparison as the search continues for the most philosophically defensible African understanding of human dignity.

References

Afolayan, Adeshina. 2016. Beyond theory: African philosophy, human dignity and popular culture. Draft talk delivered at the African Literature Association Conference in Atlanta, USA on 7 April 2016, https://www.academia.edu/25935467/Beyond_Theory_African_Philosophy_Human_Dignity_and_Popular_Culture?auto=download.

African Consortium for Law and Religion Studies. 2019. African perspectives on human dignity for everyone everywhere. Declaration signed at the Seventh Annual Law and Religion in Africa Conference Law, Religion, and Environment in Africa in Gaborone, Botswana, 19–21 May 2019. https://www.dignityforeveryone.org/wp-content/uploads/sites/5/2019/10/African-Perspectives-on-Human-Dignity-for-Everyone-Everywhere-2019.pdf.

Anyanwu, K.C. 1984. The meaning of ultimate reality in Igbo cultural experience. *Ultimate Reality and Meaning* 7: 84–101.

Botman, H. Russel. 2000. The OIKOS in a global economic era: A South African comment. In *Sameness and difference: Problems and potentials in South African civil society*, ed. J.R. Cochrane and B. Klein. Washington, DC: The Council for Research in Values and Philosophy. http://www.crvp.org/publications/Series-II/6-Contents.pdf.

Bujo, Bénézet. 1997. *The ethical dimension of community*. Translated by C.N. Nganda. Nairobi: Paulines Publications.

———. 2001. *Foundations of an African ethic*. Translated by B. McNeil. New York: Crossroad Publishers.

Chasi, Colin. 2021. *Ubuntu for warriors*. Trenton, NJ: Africa World Press.

Cobbah, Josiah. 1987. African values and the human rights debate. *Human Rights Quarterly* 9: 309–331.

Cornell, Drucilla. 2014. *Law and revolution in South Africa: Ubuntu, dignity, and the struggle for constitutional transformation*. New York: Fordham University Press.

Darwall, Stephen. 1977. Two kinds of respect. *Ethics* 88: 36–49.

Deng, Francis. 2004. Human rights in the African context. In *A companion to African philosophy*, ed. Kwasi Wiredu, 499–508. Oxford: Blackwell Publishing Ltd.

Ebert, Rainer. 2020. Are humans more equal than other animals? An evolutionary argument against exclusively human dignity. *Philosophia* 48: 1807–1823.
Gyekye, Kwame. 1997. *Tradition and modernity: Philosophical reflections on the African experience*. New York: Oxford University Press.
———. 2010. African ethics. In *Stanford encyclopedia of philosophy*, ed. Edward Zalta. https://plato.stanford.edu/entries/african-ethics/.
Ikuenobe, Polycarp. 2016. The communal basis for moral dignity: An African perspective. *Philosophical Papers* 45: 437–469.
———. 2018. Human rights, personhood, dignity, and African communalism. *Journal of Human Rights* 17: 589–604.
Ilesanmi, Simeon. 2001. Human rights discourse in modern Africa. *Journal of Religious Ethics* 23: 293–322.
Imafidon, Elvis. 2014. On the ontological foundation of a social ethics in African tradition. In *Ontologized ethics*, ed. Elvis Imafidon and John Bewaji, 37–54. Lanham, MD: Lexington Books.
Iroegbu, Pantaleon. 2005. Right to life and the means to life: Human dignity. In *Kpim of morality ethics*, ed. Pantaleon Iroegbu and A. Echekwube, 446–449. Ibadan: Heinemann Educational Books.
Kaphagawani, Didier. 1998. African conceptions of personhood and intellectual identities. In *The African philosophy reader*, ed. P.H. Coetzee and A.P.J. Roux, 1st ed., 169–176. Cape Town: Oxford University Press.
Kasenene, Peter. 1998. *Religious ethics in Africa*. Kampala: Fountain Publishers.
Lajul, Wilfred. 2017. African metaphysics. In *Themes, issues and problems in African philosophy*, ed. Isaac Ukpokolo, 19–48. Cham: Palgrave Macmillan.
Lougheed, Kirk. Unpublished. *African liveliness as a secular moral theory: Problems and prospects.*
Magesa, Laurenti. 1997. *African religion: The moral traditions of abundant life*. Maryknoll, NY: Orbis Books.
Menkiti, Ifeanyi. 1984. Person and community in African traditional thought. In *African philosophy: An introduction*, ed. Richard Wright, 3rd ed., 171–181. Lanham, MD: University Press of America.
———. 2004. On the normative conception of a person. In *A companion to African philosophy*, ed. Kwasi Wiredu, 324–331. Oxford: Blackwell.
———. 2017. Community, communism, communitarianism: An African intervention. In *The Palgrave handbook of African philosophy*, ed. A. Afolayan and T. Falola, 461–473. New York: Palgrave Macmillan.
Metz, Thaddeus. 2010. Human dignity, capital punishment, and an African moral theory. *Journal of Human Rights* 9: 81–99.
———. 2012. African conceptions of human dignity: Vitality and community as the ground of human rights. *Human Rights Review* 13: 19–37.
———. 2019. Reconciliation as the aim of a criminal trial: *Ubuntu*'s implications for sentencing. *Constitutional Court Review* 9: 113–134.

———. 2022. *A relational moral theory: African ethics in and beyond the continent*. Oxford: Oxford University Press.

Molefe, Motsamai. 2014. Critical reflections on Gyekye's humanism: Defending supernaturalism. In *Ontologized ethics*, ed. E. Imafidon and J.A.I. Bewaji, 121–132. Lanham, MD: Lexington Books.

———. 2015. A rejection of humanism in African moral tradition. *Theoria* 62: 59–77.

———. 2019. Ubuntu and development: An African conception of development. *African Today* 66: 97–115.

———. 2020. *An African ethics of personhood and bioethics: A reflection on abortion and euthanasia*. New York: Palgrave Macmillan.

———. 2022. *Human dignity in African philosophy: A very short introduction*. Cham: Springer.

Murove, Munyaradzi Felix. 2016. *African moral consciousness*. London: Austin Macauley Publishers Ltd.

Nkulu-N'Sengha, Mutombo. 2009. Bumuntu. In *Encyclopedia of African religion*, ed. M. Asante and A. Mazama, 142–147. Los Angeles: Sage.

Oruka, Henry Odera. 1997. *Practical philosophy: In search of an ethical minimum*. Nairobi: East African Educational Publishers.

Rakotsoane, Francis, and Anton van Niekerk. 2017. Human life invaluableness: An emerging African bioethical principle. *South African Journal of Philosophy* 36: 252–262.

Ramose, Mogobe. 2005. *African philosophy through ubuntu*, Rev. ed. Harare: Mond Books Publishers.

Rawls, John. 1999. *A theory of justice*, Rev. ed. Cambridge, MA: Harvard University Press.

Samuel, Olusegun, and Ademola Fayemi. 2020. A critique of Thaddeus Metz's modal relational account of moral status. *Theoria* 67: 28–44.

Shozi, Bonginkosi. 2021. Does human germline genome editing violate human dignity? An African perspective. *Journal of Law and the Biosciences* 8: 1–24.

Teffo, Lesiba Joseph, and Abraham Roux. 2003. Metaphysical thinking in Africa. In *The African philosophy reader*, ed. P.H. Coetzee and A.P.J. Roux, 2nd ed., 192–208. London: Routledge.

Tutu, Desmond. 1999. *No future without forgiveness*. New York: Random House.

Wiredu, Kwasi. 1990. An Akan perspective on human rights. In *Human rights in Africa: Cross-cultural perspectives*, ed. A.A. An-naim and F.M. Deng, 243–260. Washington, DC: The Brookings Institution.

———. 2011. Introduction: Decolonizing African philosophy and religion. In *Decolonizing African religions,* Rev. ed., ed. Okot P'Bitek, xi–xxxvi. New York: Diasporic Africa Press.