Editorial
African Philosophy and Rights

A useful way to approach the discourse of rights in African philosophy is in terms of Kwasi Wiredu's (1996) distinction between cultural particulars and universals. According to Wiredu, cultural particulars are contingent and context-dependent. They fail to hold in all circumstances and for everyone (Wiredu 2005). Cultural universals are transcultural or objective (Wiredu 2005). Examples of cultural particulars include dress styles, religious rituals, social etiquette and so on. One example of a cultural universal is the norm of truth. One may imagine a society with different methods of greeting, dress, and raising children, but one cannot imagine a robust society which rejects the norm of truth as the basis of social practices.

Are rights cultural particulars or universal? To say rights are cultural particulars is to reduce them to a contingent way to politically manage human existential issues relating to human dignity. To claim that rights are cultural universals is to recognise them as a necessity for a dignified life; and to assert that any just society ought to espouse them. On the first view, rights would be merely contingent, and, on the later, rights are necessary. The majority of the articles in this special issue pivot on the Menkiti – Gyekye debate. Ifeanyi Menkiti is generally understood to be taking rights to be an incidental feature of Afro-communitarianism, hence he takes them to be secondary – a cultural particular. Kwame Gyekye takes rights to be a fundamental feature of a robust interpretation of Afro-communitarianism – a cultural universal.

Most of the articles in this issue endorse the view that rights are a 'necessary universal', that is, an embodiment of values that are intrinsically necessary for securing human well-being or a decent

life (Gyekye 1997: 12). For example, articles in this volume by Munamato Chemhuru, Erasmus Masitera, Jonathan Chimakonam and Victor Nweke, and Bernard Matolino, have little patience with the view that duties ought to take priority over rights. Chemhuru openly sides with Gyekye's moderate communitarianism. The question remains, however, whether the theory has the moral-theoretical *corpus* to reconcile the common good with individual rights.

Masitera argues that economic rights are necessary for a human life to be possible. Does this mean social relationships are optional in communitarianism? The prevailing tendency in literature on African philosophy of rights is to insist on the necessity and the inescapability of social relationships. Why can't these social relationships, robustly construed, not be sufficient to provide the basic goods required for human welfare without the invocation of the so-called 'economic rights'? Care lacks the universal features usually associated with rights, such as impartiality and the appeal to the state, but it does the job of attending to basic necessities without invoking rights. The question, then, is why Afro-communitarianism may not be construed in terms of something like care, rather than rights, given that care is usually associated with familial values (see Masolo 2010; Ramose 1999).

Dennis Masaka's article addresses a distinction between the ontological and the normative notion of personhood. He argues that rights are a function of the ontological notion of personhood, although he avoids specifying what facts of human nature secure rights and what rights are central in such an understanding of human nature. Matolino revisits the Menkiti – Gyekye debate to insist on the primacy of rights. He points out that we need to reimagine the idea of community in a way that opens the discursive space for individual rights. Chimakonam and Nweke advocate a novel African approach to rights, which involves what they call 'participatory rights' and 'entitlements rights'. They talk of rights as privileges that *accrue* to the individual, that are *awarded* to the individual by the community.

Sabelo Ndwandwe's article does not take the Menkiti – Gyekye debate as its point of departure. He aims to reconcile an oft noted tension between the common good and individual rights in African philosophy, by appeal to T.H. Green's understandings of rights recognition and the common good. This reconciliation calls for further

specification by African philosophers regarding the moral content of the common good. The approach to rights from rights recognition theory is a promising departure from the Menkiti – Gyekye debate and it will be interesting to see further engagements with it in the literature.

In conclusion, we point the reader to some of the questions that still remain underexplored in the discourse of rights in African philosophy. What would be the political consequences of abandoning the idea of rights altogether in African philosophy? Is there a political theory that does not rely on rights in African philosophy; for instance, basic needs? What would it mean and imply to decolonise the discourse of rights? Frantz Fanon and Bantu Steven Biko did not invoke, as a response to colonisation and apartheid, the discourse of rights. What alternatives to rights may we find in African philosophy to address the concerns rights theory typically addresses?

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References

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