

**HUMAN DIGNITY IN AFRICAN  
COMMUNITARIANISM**

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## DECLARATION

I, **Simon Mathias Makwinja** (Student No.: 214576447), declare that

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# **DEDICATION**

To the Memory of my Mother

Teresa Frank Pendame

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For the work of this type to come to its fruition, a number of people were very helpful, and I hereby acknowledge them.

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## TABLE OF CONTENTS

<b>DECLARATION</b> .....	<b>i</b>
<b>DEDICATION</b> .....	<b>ii</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>iii</b>
<b>TABLE OF CONTENTS</b> .....	<b>iv</b>
<b>ABSTRACT</b> .....	<b>vi</b>
<b>GENERAL INTRODUCTION</b> .....	<b>1</b>
<b>CHAPTER ONE</b> .....	<b>13</b>
<b>HUMAN DIGNITY: THE CONCEPT, HISTORY AND GENERAL FEATURES</b> .....	<b>13</b>
<b>1.1 Introduction</b> .....	<b>13</b>
<b>1.2 The concept of human dignity</b> .....	<b>14</b>
<b>1.3 Human dignity and the problem of definition</b> .....	<b>18</b>
<b>1.4 History and sources of human dignity</b> .....	<b>21</b>
<b>1.4.1 Historical accounts of dignity</b> .....	<b>21</b>
<b>1.4.2 Conceptualisation of human dignity</b> .....	<b>30</b>
<b>1.4.3 Sources of the idea of human dignity</b> .....	<b>35</b>
<b>1.5 General features of the concept of human dignity</b> .....	<b>42</b>
<b>1.6 Conclusion</b> .....	<b>50</b>
<b>CHAPTER TWO</b> .....	<b>53</b>
<b>THE PRACTICAL SIGNIFICANCE OF HUMAN DIGNITY</b> .....	<b>53</b>
<b>2.1 Introduction</b> .....	<b>53</b>
<b>2.2 The significance of human dignity</b> .....	<b>53</b>
<b>2.3 Human dignity in the legal sphere</b> .....	<b>57</b>
<b>2.4 Human dignity in the political domain</b> .....	<b>64</b>
<b>2.5 Human dignity in Bioethics</b> .....	<b>71</b>
<b>2.6 Conclusion</b> .....	<b>80</b>
<b>CHAPTER THREE</b> .....	<b>82</b>
<b>THE COMMUNITARIAN VIEW</b> .....	<b>82</b>
<b>3.1 Introduction</b> .....	<b>82</b>

3.2 Some preliminary considerations.....	83
3.3 Communitarianism in the West .....	84
3.4 Responsive communitarianism.....	94
3.5 African communitarianism .....	99
3.6 <i>Ubuntu</i> as a form of African communitarianism .....	117
3.7 Conclusion .....	119
<b>CHAPTER FOUR.....</b>	<b>122</b>
<b>HUMAN DIGNITY IN AFRICAN COMMUNITARIANISM .....</b>	<b>122</b>
4.1 Introduction .....	122
4.2 Evaluation of the autonomy-based human dignity .....	123
4.3 Motivating the African communitarian-based dignity .....	128
4.4 The concept of person in African communitarianism.....	130
4.5 African communitarianism and human dignity.....	138
4.5.1 Community, interdependence and the dignity of persons .....	141
4.5.2 Consensus politics and human dignity .....	145
4.5.3 The common good and human dignity .....	151
4.6 Conclusion .....	154
<b>CHAPTER FIVE.....</b>	<b>156</b>
<b>THE VALUE OF THE AFRICAN COMMUNITARIAN-BASED</b>	
<b>HUMAN DIGNITY .....</b>	<b>156</b>
5.1 Introduction .....	156
5.2 The ‘right-good’ quandary.....	157
5.3 Individual interests and the common good.....	161
5.4 The value of African communitarian-based human dignity.....	167
5.5 African communitarian-based human dignity as a moral theory .....	173
5.6 Conclusion .....	180
<b>GENERAL CONCLUSION .....</b>	<b>181</b>
<b>REFERENCES .....</b>	<b>190</b>

## ABSTRACT

This study examines the extent to which African communitarian thought succeeds in the promotion of human dignity without having to call upon human rights. As well as being considered as a central value within social and political philosophy, human dignity is also critical to policy formulations within spheres it has tremendous influence such as bioethics, medicine, politics, and law. Generally, the promotion of human dignity has been conceived from the liberal point of view, and specifically through human rights and their institutions. Ontologically, liberalism prioritises the individual and her rights over her community. Respect for one's dignity is in this regard synonymous with respect for individual rights. This conception excludes the non-liberal thought systems which are regarded as inimical to the human dignity project on the basis that they do not prioritise individual rights and freedoms. On this basis, the non-liberal thought systems have been perceived as anachronistic and authoritarian, and therefore considered as dissing human dignity. However, since human dignity is generally regarded as a concept more fundamental than human rights, it cannot be reduced to a single value system at the exclusion of others. Thus, through human rights, liberalism presents a particular vision of individual-community relationships in which the individual is primary. Subsequently, this relationship points to a particular way of understanding human dignity. As different societies live by different value systems, there exist corresponding ways through which such societies express and enhance human dignity. It is in this regard that the study attempts to demonstrate the extent to which African communitarianism, one of the non-liberal intellectual traditions and considered as a dominant conceptual theme in African thought, is capable of securing human dignity. Specifically, the study examines certain values that are central to the African communitarian thought system for their consistency with the dignity of human persons in its broader sense. Within African communitarianism, the individual-community relationship prioritises the reality of the community over and above that of the individual. This can be seen by emphasis laid on such values as interdependence, consensus and the common good. Normatively, they all point to the centrality of the community and one's duty towards its flourishing. Thus, the sort of dignity that can be derived from the African communitarian thought goes beyond the bounds of individual persons exercising their freedom as emphasised within the liberal tradition. Dignity in this regard concerns the flourishing of persons not as individuals, but as members of the community. Thus, contrary to the criticism by proponents of the liberal value systems, the non-liberal thought systems can be shown to be capable of securing human dignity to the extent that dignity is conceived from a holistic point of view. Since the basic aim of every

community is to serve people who are its members, respect to community and its values is an indication of respect for human dignity. In this way, the African communitarian thought offers a competitive alternative to the liberal conception of human dignity. In this regard it would be wrong to make judgements about the African communitarian thought system by employing a conception of dignity that is inconsistent with the African value systems themselves.

**Key Terms:** *Human Dignity, Human Rights, Individualism, African Traditional Thought, African Communitarianism, Personhood.*

## GENERAL INTRODUCTION

The study is an attempt to demonstrate how African communitarianism succeeds in promoting human dignity, considered as a supreme moral value. The idea of dignity is central to contemporary debates in the moral and political philosophy. It is a widely affirmed concept, and particularly visible in bioethics, philosophy, and legal discourses (Chapman, 2011:3; Misztal, 2013:101; McCrudden, 2008:662). According to Roberto Andorno (2009:223), the appeal to dignity in these discourses reflects the urgency to promote respect both for the intrinsic worth of human beings as individuals, and the integrity of the human species as a collectivity. This makes human dignity ultimately a basic and supreme moral value to all human beings, and accepted in a broad sense by all peoples (Schachter, 1983:848). This moral worth is said to be responsible for regulating conduct between human beings when they interact. That is, always one ought to conduct herself in ways that respect the dignity of other human beings. The Kantian tradition, which characteristically regards human beings as authors or originators of their values owing to their ability to exercise their autonomy, views human dignity as absolute, incomparable, and unconditional value often contrasted with market price which is relative and conditional (Formosa, 2014; Beitz, 2013; Dan-Cohen, 2011; Kerstein, 2010). As a supreme moral value, the concept of human dignity has been used in various areas as an adjudicating tool. It is used to evaluate human as well as institutional actions in relation to the well-being of humanity both as individuals and a species. Broadly, human dignity has become the basis of engaging conceptual as well as practical problems within the contemporary moral and political order.

While human dignity has become central to debates within political, moral and legal spheres, its usage has varied in different contexts. This can be attributed to the evolution of the concept through different historical phases, which have eventually affected its meaning. In this respect, there are generally four historical episodes through which the concept of human dignity has evolved, although the transition from one episode to another appears seamless. Arnd Pollmann (2010:245-246) names these as the *Roman Antiquity*, *Christianity*, *Early Modernity* and *the period after 1945* coming immediately after the Second World War. Mette Lebech (2009:23; 2004:61) designates these phases as *Cosmo-centric*, *Christo-centric*, *Logo-centric (Modern)*, and *Polis-centred (Contemporary)* contexts or accounts of human dignity. The interesting aspect of these historical phases is the shift in the meaning of human dignity. The Roman Antiquity employed the Latin term 'dignitas humana' as a synonym for human dignity. Dignity in this period referred to special respect reserved for persons occupying high-ranking positions in public life. Such persons

included military generals, politicians, or statesmen who are said to have held special responsibilities. They were accorded the status of dignity as a reward that recognised their extraordinary accomplishments in public life. That is, dignity was like a reward for their high reputation (Pollmann, 2010:246).

While the ancient idea of dignity was reserved for privileged persons who held specific positions in public life as well as for achieving personal glory and excellence, *Christianity* universalised the idea by transferring its sense to the exclusively exalted role of all human beings because of their position within nature as the “pride of god’s creation” (Pollmann, 2010:245). Lebech (2009:59; 63) considered this as an act of universalisation of dignity. Hence, the Christian was considered a person of dignity, given that her dignity as a human being is guaranteed by faith in God. The importance of being human within Christianity is guaranteed by the shared belief in God, who himself became man in Christ. The shared belief provided a justification that natural human dignity should be destructible as given first in creation, and then be restored in redemption after it had been destroyed by sin (Lebech, 2009:83). Thus to say that human dignity rested on the creation of mankind was to suggest that the true importance of the human being consisted in her nature as the image of God. God then became the condition of the human dignity. The relation with God made human beings important by themselves (Lebech, 2009:65).

The *Logo-centric* (Modern) period is said to have secularised the idea of human dignity which was universalised by Christianity’s notion of *Imago Dei*. That is, Renaissance and Enlightenment helped secularise dignity which was universalised by Christianity. The power of reason characterised the modern era, becoming the safest basis for negotiation between individuals. Reason, the chief endowment of human beings, became a unifying principle, and was considered as inherently present to all people from high and low status, royalist and revolutionary, or Protestant and Catholic alike (Lebech, 2009:85). Since scholars writing from the Modern period of philosophy put a lot of faith in reason as a chief endowment of human beings. Although reason was understood to consist in many different things, they settled on liberty. As a chief human endowment, reason gives individuals liberty or freedom to determine what they want to be (Lebech, 2009:86). The major figure was Immanuel Kant whose moral thinking is usually credited with the secularisation project of human dignity. Reason from which the moral law stems plays a critical role in Kant’s ethics (Rauscher, 1996:255). In Kant’s moral philosophy, reason is regarded as the interior ability for human beings to originate and universalise the categorical imperative, an

ability which alone should govern the object of respect (Lebech, 2009:87; Kant, 2002b:32)<sup>1</sup>. In a way, humans are dignified beings in so far as they are capable of morality.<sup>2</sup>

The *Contemporary* historical episode of human dignity refers to the period after the Second World War, that is, *after 1945* (Lebech, 2004:65). Pollmann (2010:246) argues that this period became a turning point in the evolution of the concept of human dignity, at least from human rights perspective. In this period, the universalisation and secularisation of human rights, by virtue of which all human beings had special rights to the protection of their dignity, had gathered renewed impetus. The contemporary episode became a reaction to the inhumanity which culminated in the two infamous world wars. The extreme violability of human rights through these wars showed the fragility of human dignity to the point of its nearly total extermination. It is primarily this notion of human dignity that we find in the human rights declarations and treaties adopted by the United Nations (UN) after 1945 (Pollmann, 2010:245). This explains why the idea of human dignity in the contemporary period is closely connected to human rights.

Indeed the majority of literature on human dignity today is centred on, and has developed from its relation to, human rights which are considered to be the ultimate embodiment of human dignity. Although it remains unclear as to the exact meaning of human dignity and how it gives rise to human rights, the concept of dignity is largely considered as a universal value on which human rights are founded (Shultziner, 2003; Beitz, 2013; Kateb, 2011; Misztal, 2013; McCrudden, 2008; Donnelly, 2009; Waldron, 2009; Pollmann, 2010; Düwell, 2010). Jack Donnelly (2009:3; 81), for instance, regards human dignity as the foundational concept of the global human rights regime, becoming “the ‘ultimate value’ that gives coherence to human rights”. Thus, rights logically derive from the inherent dignity of the human persons. As a foundational concept dignity is like a moral basis, or a sort of axiom in the system and is accepted as a principle of shared morality.

It is not unusual therefore that human dignity debates are awash with arguments which emphatically recommend that its respect be premised on the respect for human rights. Some

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<sup>1</sup> The thesis refers to Kant’s works as translated and edited by some scholars. In this regard, the *Groundwork for the Metaphysics of Morals* referred to as here was edited and translated by Allen W. Wood (2002a), New Haven and London: Yale University Press, originally published in 1785. *Critique of Practical Reason* cited here was translated by Werner S. Pluhar (2002b), originally published in 1788.

<sup>2</sup> Even though Kant is a prominent figure of the eighteenth-century European philosophy and whose moral thinking is central to the development of the idea of human dignity within the same period, some scholars portray his philosophy as containing racist undercurrents. As Bernard Boxill (2017:2) explains, “Immanuel Kant played a leading role in the construction of a scientific concept of race, argued that the white race was superior to the other races, and was contemptuous of the black and Native American races and indifferent to their mistreatment”. For Lucy Allais (2016:1-2), “the strongest evidence is that at least for most of his professional life Kant was at a racist and did not express opposition to race-based slavery and colonialism, only changing his mind (if at all) in the last years of his life.” Consequently, this would go on to undermine the very idea of human dignity as a universal moral value.

scholars such as Hughes (2014:71), further suggest that human dignity is just one among so many rights accorded to human beings. For Paolo G. Carozza (2008:941), the thinking of this sort lowers the status of dignity as the foundation of human rights, only to become a notion whose universality depends on human rights. The worst of all is when it is suggested that dignity is important in so far as it helps in uplifting the status of human rights. This means human dignity does not exist for its own sake, but is at the service of human rights especially the Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly on 10<sup>th</sup> December 1948. Hence human dignity constitutes the first efforts meant to articulate a robust basis for human rights at the international level, enhancing their global acceptance.

The link between dignity and rights, which has often been exploited to build a case for the validity of human rights as a universal human value, has been a source of intense intellectual debates. The universality of human rights, which are themselves based on the liberal values of autonomy and freedom, suggests that all other values such as the common good and consensus may not be at the same level as human rights as they are deemed incapable of promoting human dignity. Thus, the discussion of human dignity appears to be an extension of human rights since freedom and autonomy are regarded as the only known principles for securing human dignity. Scholars such as Donnelly (2007:284) hold human rights to be universal, arguing that most societies and cultures are known to have practised human rights throughout most of their history. There is no excuse therefore to indulge in practices that violate human rights. This has been a source of constant vilification against moral values that are not founded on liberal principles, claiming that non-western cultural traditions, especially of African and Asian origin, are inherently opposed to human rights (Zezeza, 2004:10). Such cultures, it is held, thrive on values that are hostile to human rights (Cobbah, 1987:311). These cultures and traditions are accused of serious human rights violations due to their inability to recognise the value of agency in an individual (Cobbah, 1987:309; Masolo, 2004:496; Hellsten, 2010:52; Kochalumchuvattil, 2010:113). On this account, some scholars like Zezeza (2004:12), further speculate that non-western traditions simply lack the concept of human rights. Since human rights are said to derive their legitimacy from the inherent dignity of the human person, lack of human rights concept implies lack of the concept of human dignity (Beitz, 2013:259; Donnelly, 2013:28).

Scholars further suggest that for non-liberal traditions to be able to promote human dignity, they must either adopt human rights exactly as they are presented in the western liberal tradition, or should be modified to suit the liberal tradition. Others see no need to modify any value system since each culture in the world has elements of human rights. In this regard, Josiah A. M. Cobbah

(1987:310) argues that “African communitarianism has ingredients that should aid the formulation of cross-cultural human rights norms”. For example, Tim Murithi (2007:277) suggests that *Ubuntu* which is considered as the African philosophy of humanness, should be reformulated to become the African version of the UDHR. Others like Oyowe (2013a), argue that it is erroneous to think like this. For example, the thinking that duties which people owe to each other can be substituted for rights is criticised. The argument is that rights remain rights while duties remain duties although it is clear that without reciprocal duties, rights are empty. However, it remains to be seen how what clearly appear to be conflicting value and thought systems should, through dialogue, become compatible for the sake of globalising human rights. In making value systems compatible, it is necessary that each give up some important aspects which would generally make it unique. In doing so, it remains to be seen whether any of those modified thought systems for the sake of compatibility, can any more claim to be unique since that which was a source of their difference has been removed.

While the contestations about human dignity as a universal norm rage on, there is no compelling reason to reduce the idea to the norms and practices associated with a single intellectual or cultural tradition such as liberalism or communitarianism. In this regard, John Tasioulas (2015:55) argues that while basic human dignity is a ground for human rights, it cannot by itself be identified with human rights alone. In defending the ubiquity of the human rights concept, some scholars such as Freeman (2009:235) and Wiredu (2003b:321), have argued that human rights are not alien to non-western traditions. Additionally, Francis M. Deng (2004:499) is sceptical about common claims that human rights emanate from a distinctly western tradition, while their underlying values are of universal validity. Scholars like Nmehielle (2001:12), further refute claims that human rights are only possible in a post-feudal state, and that the concept of human rights was alien to certain pre-capitalist societies such as those found in pre-colonial Africa. They fear this thinking would undermine the capacity of these traditions to make any meaningful normative contribution to the idea of human rights.

The liberal tradition, in which human rights are commonly held to be founded, emphasises priority of the autonomous individual over the community (Cobbah, 1987:309; *see also* Linzer, 1997:62-68). The individual is effectively the subject of human rights claims (Brems, 2001:323). On the contrary, African intellectual tradition emphasises things which are quite different. There is a general consensus (Gyekye, 2002:351; Masolo, 2004:495; Ebeh, 2013:566) that African societies are modelled around the communitarian ideal which prioritises the community over the individual. Strictly, prioritisation of the community over the individual within African societies

will ignore individual rights. Given these differences in priority of emphasis between individual and community, one would be hard-pressed to present a strong case that suggests that violation of human rights is the only way through which human dignity can be violated. As a corollary, it would be an uphill task to present an argument around the claim that human dignity can be comprehensively secured through the promotion of human rights alone. This is the reason some scholars (Malpas & Lickiss, 2007:2) have wondered whether human dignity can be explicated just in terms of those concepts related to the ideas of individual autonomy and equality. Such suspicion has led to others suggesting alternative concepts that equally explicate the idea of human dignity such as mutuality, reciprocity and relationality. It is for this reason that Doron Shultziner (2003:9; 2007:81) claims that there exist some traditional-cultural world views of human dignity that are not committed to human rights.

That the contemporary idea of human dignity which is formulated and expressed through the language of rights is of serious philosophical interest for the present study, given that human dignity is a universal moral value which can also be secured by means other than human rights. On the assumption that all cultures recognise the inherent dignity of the human person and postulate various norms and procedures for its pursuit, it would be useful to understand how local or other cultures seek to achieve this otherwise global objective (Deng, 2004:500). Of course, the precise language employed in articulating these standards may differ from society to society, while the values that underlie the inherent dignity of the human being remain universal (Deng, 2004:501). In addition, it is important not only to understand, but also be able to demonstrate how the principles and values that underlie the non-liberal traditional thought systems can actually promote human dignity. In this regard, one needs to be mindful of the fact that it is one thing to claim something, and quite another to demonstrate that it indeed is the case. Thus, unless claims over the non-western thought systems' ability to secure human dignity are demonstrated, they remain a mere possibility.

The present study therefore attempts to initiate a discussion for the purpose of demonstrating how the non-western cultural traditions which are founded on non-liberal ideals might succeed in the promotion of human dignity without having to call upon human rights. Besides, it would be unthinkable that any community should consciously espouse institutions that deliberately disrespect human dignity. Generally the intention of any society is to enable its members flourish under certain conditions. The difference may however occur in the approaches to human dignity adopted by respective societies. This would largely depend on their conception of human nature. It is human beings whose dignity we talk about.

In interrogating how African communitarianism, the dominant conceptual theme in African thought, succeeds in the promotion of human dignity, the study makes constant references to the human rights discourse which arguably embodies the contemporary notion of human dignity. That demonstration consists of interpretation of specific communitarian values, ideals and principles, which would make African communitarianism a competitive normative basis for the promotion of human dignity in its broad sense. Christopher McCrudden (2008:660) suggests that human dignity which has communitarian flavour can be located in such values as fraternity, reciprocity, common good, compassion, generosity, mutual sympathy, cooperation, and many others, and less emphasis on freedom, autonomy or liberty. Along these lines dignity is sometimes associated with social conditions like provision of food, clothing, and shelter. Through principles and values such as these, I argue that African communitarianism provides a strong competitor to liberal individualism and its human rights, in expressing and enhancing of human dignity. In its unique ways, the African communitarian perspective appears to make an honest attempt to secure human dignity. The communitarian emphasis on the primacy of duty towards one's community enhances some aspects of human dignity. Exercise of duty towards one's community is a sign of care for the well-being of other members of the society. In this regard Henk Botha (2009:189) argues that dignity should be conceived as a relational and communicative concept which can only be realised through the positive valuation and recognition by others within a concrete community. The basis of such recognition, and thus of dignity, lies in human solidarity and not in a specific human quality or achievement.

Central to any discussion of human dignity is the notion of personhood. That is, human dignity cannot be comprehensively understood, and its promotion undertaken, independent of the notion of personhood. It is argued (Merrill, 1998:1) that ever since the first human communities were formed, resolutions of major social, moral and political problems have relied more on the assumptions about personhood than about the assertions of power. The notion of person becomes an ontological basic unit. It is through the notion of personhood that we are aware of what it is in the individual that is essential to the extent of requiring respect and protection through the idea of dignity. The concept of personhood isolates central features of the individual by which she is called a person. A human being may be defined by rationality or ability to form communal relationships with others. Such features then correspond to how we conceive and devise means of protecting her human dignity. The enhancement and protection of these features by specific social and political arrangements is said to be equivalent to the protection of human dignity. That is, security of those

features deemed essential for personhood is considered as an expression of respect for human dignity.

Since the discussion of human dignity in contemporary period is dominated by the liberal theory, the conception of personhood derived from liberal politics prizes the individual. In this conception, emphasis is on one's freedom to make autonomous decisions (Buchanan, 1989:852). In a typical Kantian fashion, the idea of the dignity consistent with a rational being is associated with one who obeys no law other than that which she herself has legislated (Formosa, 2014:51; Lebech, 2009:100). This conception has been popular in such domains as law, medical ethics, bioethics, and others. However, as a very complex phenomenon, personhood or human nature cannot be reduced to a single element considered as central to that personhood such as one's consciousness, will or autonomy alone as a basis for making decisions (Rendtorff, 2008:76). As some scholars like de Villiers (2010:266) have argued, the autonomy-based concept of human dignity appears short of ensuring the effective recognition of the human dignity of some individuals, especially those that are severely handicapped mentally. Thus, the broader concern for human dignity is more than just ensuring respect for individual autonomy. Andorno (2009:229) argues that dignity has to protect even those that are not yet morally autonomous or simply lack autonomy, for example, the new-born, senile, elderly, mentally disordered persons, comatose patients, and others. While it cannot be denied that the liberal tradition, through human rights, does promote human dignity, it does so only to a certain extent. In addition to freedom and autonomy, there exist other elements from non-liberal traditions which can contribute to our understanding of a person, and subsequently form the basis of human dignity.

The non-liberal intellectual traditions in this case have their own unique ways of conceptualising personhood. Communitarian societies from Asia and Africa for example, largely emphasise values that are generally considered as a complete opposite of liberal societies. While liberal theorists emphasise individual autonomy and state neutrality as central values to personhood, communitarians conceive individuals as socially constituted, and for this reason accuse liberalism of ignoring the value of community (*see* Gilman, 2005:723; Cohen, 1999:121). Thus, the communitarian intellectual tradition conceives an individual in a normative way, as essentially a relational being. The idea of community is very central to the articulation of personhood within African communitarianism. The individual's identity and existence are interwoven with the reality and existence of the community (Matolino, 2009b:160-161). The community is prior to the individual (Menkiti, 1984:171). Thus, as Kwame Gyekye (2004:351) argues, "communitarianism immediately sees the human person as an inherently (intrinsically)

communal being, embedded in the context of social relationships and interdependence, never as an isolated, atomic individual”. African communitarianism emphasises distinct family values such as restraint, responsibility, generosity, respect, obligations, duties, mutuality, reciprocity, and many more (Cobbah, 1987: 309-331; Bell, 2002:70). For instance, from very early childhood, individuals are brought up to develop a sense of bonding with large groups of relatives at home and outside it. Thus, obligations to other people come first (Wiredu, 2008:333).

The communitarian virtues form the core of African conception of morals. For Kwasi Wiredu (2003a:338) such virtues are generally of humanistic orientation. Such virtues are critical to a life of dignity in the sense that they prompt one to act in ways that are respectful of the other. Ideally, the communitarian emphasis on one’s duties and obligations to the community shows respect for human dignity, first as a species, and then as individuals. The purpose of such emphasis according to Linda C. Raeder (1998:519) is to secure the common good which transcends mere personal interests. Hence, the recognition of the common good, and the means by which it can be secured, demonstrates commitment to the inherent human dignity. Such virtues are equally useful within the liberal tradition. Without someone respecting and giving another the opportunity to realise those interests underlying her personhood, then those interests have no purpose. Interests require an environment created by someone who feels naturally obliged, more than just mere contractual obligations, in order to be actually concretised.

It is on the basis of this uniqueness of values that characterise the African communitarian theory that this study attempts to demonstrate the extent to which such values can contribute to our understanding and promotion of human dignity. Importantly, the study does not claim that the African communitarian conception of human dignity is in any way superior to the one based on the liberal theory. However, it can become a competitively robust alternative for the more popular autonomy-based conception of human dignity. For Timothy Allen (1992:79), “the communitarian outlook provides what the liberal had been lacking, namely an emphasis on effective (as opposed to essential) freedom, the development of which depends on participation in a community”. Hence, the recognition of values such as the common good and the means of securing them demonstrate commitment to the inherent human dignity.

The study has seven chapters. Chapters One to Three discuss the concept of human dignity, each focussing on different dimensions of human dignity. The reason that three chapters discuss human dignity is that the idea has received a great deal of attention from a wide range of academic as well as non-academic spheres. Correspondingly, this has produced large volumes of publications. On the basis of such truly multifaceted publications, there is need to develop some

order for the purpose of having a fairly orderly and a nearly comprehensive and accessible understanding of the concept. In particular, **Chapter One** introduces the idea of human dignity, the central concept in this study, isolating for consideration some aspects considered as necessary for grasping the concept. The chapter discusses the concept of human dignity and problems associated with its definition, historical development and sources of human dignity, its general features and historical development. The central argument in this chapter is that although the concept of human dignity might be ubiquitous and frequently invoked in a significant number of spheres, what people refer to as dignity may vary in significant ways. Such variations are critical to the clarification of the concept. After clarification of such basic issues one is able to engage the idea in a critical way before demonstrating how adherence to certain principles that characterise the African communitarian thought can be considered as contributing to its promotion.

**Chapter Two** argues that the viability of an idea does not only consist in its logical coherence but also its practical significance. Hence, it deals with the practical significance of the idea of human dignity as it is invoked in the domains where it informs practice. The spheres of its influence largely deal with how human beings relate or ought to relate with each other in a society where human dignity becomes the standard principle. Such relations are encrypted in a number of institutions such as the legal, social or political (*see also* McCrudden, 2013:1). This significance attributed to human dignity arises from the assumption that it is a supreme moral value which will appeal to other lesser values. Such a value is better demonstrated within the practical domain. To fulfil this objective, the chapter examines the legal, political and bioethical contexts which frequently invoke the concept of human dignity where it acts as a theoretical basis for various practices. Such practices are said to be primarily aimed at promoting human dignity which provides individuals with opportunities to prosper as human beings (Pillay, 2014:4).

In **Chapter Three**, the study articulates the communitarian view. Here two versions of the communitarian thought are considered, namely western and African. African communitarianism which is considered by many scholars as the dominant theme, and distinctive feature in African traditional thought (Mbiti, 1970; Menkiti, 1984; Gyekye, 1987; 2004; Ramose, 1999; 2003; Ikuenobe, 2006a; Wiredu, 2008; Matolino, 2009a; 2009b; 2014; Obioha, 2014; Chuwa, 2014). A distinction between western and African communitarian thought systems will be drawn. Although they advance similar ideals, they are triggered by different challenges. In western communitarianism two versions will be considered, namely academic as well as responsive communitarianism. This will be followed by a discussion on African communitarianism itself, focusing on its distinctive features making it a dominant theme of African thought systems. Like

western communitarianism, African communitarianism has two versions as well, namely radical communitarianism and moderate communitarianism, although the later has some further ramifications such as limited communitarianism which consists in the separateness of personal and social identities (*see also* Matolino, 2014:186). The examination of specific features is important. They help to determine how African communitarianism could possibly succeed in the promotion of human dignity, which is the main objective of this study.

**Chapter Four** addresses the main proposition of this study, engaging the idea of human dignity from the perspective of African communitarianism. The aim is to determine how the communitarian thought system actually reflects the idea of human dignity in spite of the strong criticism against its perceived anachronistic and undemocratic nature. The argument is that as a supreme moral value, all cultural traditions have unique ways of expressing and securing human dignity. Most writers with Eurocentric views described Africans as uncivilised, brutes, cannibalistic, crude, primitive, dark, savages, pagan, ignorant, etc. On the basis of this criticism, Africans were depicted as inferior people. However Dismas A. Masolo (1994:9) argued that this notion of ‘African’ is simply a construct of western discourse. For Nkem Emeghara (1992:126) this criticism arose from ignorance about the African way of life. Through the examination of Igbo of Nigeria as a counterexample, Emeghara argues that in fact African society has had a very high regard for the human person, and has given the preservation of human dignity a priority. The dignity of the human person can be seen in the African view of human origins, worship and morals, and in community life in general.

To achieve its objective, the chapter considers some of the salient features within the African communitarian thought, examining their possible consistency with the requirements of human dignity as a universal moral ideal. The elements or values under consideration which include generosity, compassion, reciprocity, mutual sympathy, interdependence, consensus, co-operation, solidarity, social well-being, and others, contribute not only to the well-being of an individual’s selected features such as rationality as is the case with the liberal conception of human dignity, but also to the whole being and ultimately, to the community as a whole. That is, although human rights are today regarded as providing the only proven and genuine values anchoring the contemporary political philosophy, the communitarian principles under consideration here have for a long time continued to shape the moral practices of the African people, and are generally held to command greater moral responsibility than individual rights can (Bell, 2002:64). Additionally, such considerations also take this study beyond compatibility sought between human rights and communitarianism, or comparison between individualism and communitarianism. This should

also not be construed as an exercise of intellectual or scholarly struggle between individualism and communitarianism. Neither should it be construed as an intellectual activism purporting to claim the existence of something that eventually cannot be demonstrated.

**Chapter Six** is the last in this study. It examines the practicality of the communitarian conception of human dignity, not only of the contemporary African world, but globally as well. The value of the African communitarian conception of human dignity can be determined not only through conceptual coherence, but also practical relevance. Although many scholars today still think and insist that the liberal conception of human dignity theory is well-equipped to deal with a great many problems of the contemporary world, there are specific situations in which the communitarian conception fares reasonably better. The relevance of the communitarian conception of human dignity can therefore be appraised within the actual practice. This point is also emphasised by Jeff Malpas and Norelle Lickiss (2007:5) who argue that dignity cannot be understood in the absence of action. That is, understanding human dignity cannot be isolated from action. Rather, human dignity is manifested in the concreteness in human life and practice. It has life only in those actual interactions where it regulates conduct between human beings. This perhaps makes human dignity the best measure of its humanity. It must be noted that the chapter does not attempt to re-enact and re-engage with the endless debate concerning the priority or superiority of one set of values over another, a tendency which has for many years characterised liberal-communitarian debate. Rather, it provides further evidence that African communitarian conception of human dignity would become a better option in situations where the autonomy-based conception of human dignity appears to be seriously lacking in addressing certain practical issues. In that way, dignity founded on the African communitarian values succeeds in the promotion of human dignity, not only at the individual level, but also and more importantly at the level of humanity as a whole.

## CHAPTER ONE

# HUMAN DIGNITY<sup>3</sup>: THE CONCEPT, HISTORY AND GENERAL FEATURES

### 1.1 Introduction

This chapter engages the concept of human dignity, isolating for consideration some aspects perceived to be necessary for its intelligibility. The aspects under consideration include the general notion of human dignity, definition of the concept, historical development, and general features that can be identified from every discourse on human dignity. As human dignity the main concept in this thesis, it is important to understand its many dimensions. The hope is to get a basic understanding of what dignity as a concept is all about, before engaging a more sustained investigation on how African communitarian thought would promote it in the subsequent chapters. As a concept, human dignity is used to express a basic value for all human beings. The concept is ubiquitous in a number of spheres in which human interaction is at the premium. Hence, it regulates their conduct towards one another.

Within the historical development of the idea, the chapter deals with historical accounts tracing how the idea of human dignity has evolved over centuries. History helps us to understand how the idea has been conceptualised. Conceptualisation is the formation of a mental picture of what the idea is all about. Sources consist of a set of ideas or traditions from which various formulations of the concept might have originated. Conceptualisation and sources contribute to the metaphysical nature of the idea. These two issues, which will build on those considered from the previous chapter, namely the problem of definition, general features and historical evolution. Further, the historical development is important if we have to understand the sources of the idea of human dignity. Sources of the idea of human dignity will further enhance our understanding of what the idea of human dignity is all about.

The general features that characterise the idea of human dignity include equality of dignity, the other-regarding nature of human dignity, dignity as an inherent worth of the individual, and overridingness. Historically, there are four phases in which to understand the evolution of human

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<sup>3</sup> In this study, dignity and human dignity are used almost interchangeably. Although dignity is a general idea which might not exclusively be predicated on human beings, its usage in this study is exclusively predicated on human beings. Thus the dignity under discussion in this study refers to the moral quality of human beings.

dignity. Two scholars, Pollmann and Lebech, give these four phases slightly different nomenclature. Pollmann names them Roman Antiquity, Christianity, Early Modernity and the period after 1945 which comes immediately after the Second World War (Pollmann, 2010:245-246). Lebech calls them Cosmo-centric, Christo-centric, Logo-centric (Modern), and Polis-centred (contemporary) contexts or accounts (2004:61; 2009:23). History provides the contexts in which the concept of dignity has evolved. These historical episodes or contexts provide conditions under which the concept of dignity was invoked. The historical contexts eventually became accounts of human dignity corresponding to, and serving specific cultural, political, economic and social peculiarities.

## **1.2 The concept of human dignity**

The phrases ‘dignity of the human person’ and ‘human dignity’ have frequently come to be used as expressions of a basic value accepted in a broad sense by all peoples (Schachter, 1983:848). The concept of human dignity forms the basis of engaging conceptual as well as practical problems within the contemporary moral and political order. Although this concept has become very important particularly within political, moral and legal spheres, it has divided more than it has united opinion because of its varying usages in different contexts. For this reason, Marcus Düwell has argued that a comprehensive account of human dignity is only possible through the development of a positive account. Hence, although popular analyses of violations of human dignity seem to offer an inductive pathway to human dignity since some people find them more promising than theory-guided elaborations of a positive account, Düwell nonetheless develops a positive account of human dignity because it is impossible, he contends, to determine the kind of actions which constitute violations of human dignity. In other words, when one makes a claim that a specific action is in violation of human dignity, there would be no reference point if a positive account of human dignity were absent. In this positive account, Düwell has identified several features attributed to the concept of human dignity, and he is convinced these elements will help distinguish disputes about human dignity from those debates about honour, social standing, ideals of excellence, and the like (Düwell, 2010:215). Some of the general features that characterise a modern concept of human dignity include the equality of dignity, the other-regarding prescriptivity, emphasis on the inherent worth of the individual, and the overriding normative claim of human dignity (Düwell, 2010:218-221).

Increased usage and reference to the dignity of the human person is common among political leaders, jurists and philosophers. The allusion to the concept as a basic ideal is so common that any requirement of independent or theoretical support is rarely considered (Schachter, 1983:

848). This has not gone down well with some scholars who have raised concerns that although linguistic functions of the concept have become widespread, its meanings are increasingly becoming ambiguous and blurred. In Doron Shultziner's analysis for example, meanings of human dignity are actually socially constructed in accordance with particular cultural and historical contexts. He argues that in fact there is "no one 'true' meaning of human dignity, but rather different levels of 'thickness' and 'thinness' that are culturally determined in each society" (Shultziner, 2003:1).

Nonetheless, it appears there exists no other ideal which seems as clearly accepted as a universal social good (Schachter, 1983:848). For this reason, human dignity is widely invoked as a legal and moral ground for protests against degrading and abusive treatment, and other life conditions regarded as inconsistent with human nature. The popularity of the concept of human dignity in fact suggests that it is a notion which has acquired a special status reserved only for human beings who, although part of nature, are able to transcend it by using their rational capacity. They objectify the world by forming concepts to represent things that occupy it. Probably that is the reason George Kateb calls human beings the highest species. That is, ability of human beings to partially break with nature enables them to exercise control over it through such human responses as intellectual curiosity, wonder and gratitude, as well as atonement for the wrongs human beings have committed against it. Thus human dignity essentially consists in the worth of human beings or their high rank, or their special place in nature. It is this uniqueness in human beings, which manifests a break with nature (Kateb, 2011: x-1).

Although the idea of human dignity has become ubiquitous to the point of becoming a cliché (Donnelly, 2009:83), it inevitably raises certain pressing questions which can only be properly addressed within human ontology (Dan-Cohen, 2011:9). Here the ontological inquiry targets two things, namely the nature human dignity and the nature of human being. These properties are unique to an object for it to be called by its name. For example we can ask: What is it to be a human? Or, what are the essential characteristics that make human beings to be called as such? What exactly is dignity? What is so special with human beings so that they are accorded this special status of dignity? Düwell has formulated a similar set of questions that each theory of human dignity must answer: Who has human dignity? What is the relationship between human dignity and human rights? What is the normative content of human dignity? What is the ontological status of human dignity? And what kind of justification for human dignity can be expected? These and others are questions that each acclaimed account of human dignity should give an answer to. Such an account is possible after a thorough consideration of the questions raised above. He further

argues that if those questions cannot be answered sufficiently, then we have sufficient reasons to abandon the concept of human dignity altogether. Whether or not human dignity is a meaningful, or meaningless and an empty concept, can only be decided through a discussion about the success and failure of a positive account (Düwell, 2010:15).

Moreover, the concept of human dignity sometimes appears to serve contradictory interests. For example, human dignity is invoked to support opposite sides of some ethical debates. One such debate concerns whether euthanasia should be permitted for patients suffering from degrading and terminal illnesses on the basis that it would either serve or violate their human dignity. Some would think euthanasia enhances dignity of the patient as it enables her escape a life which is inconsistent with human nature. To avoid this, they opt to die with their dignity intact. At the same time it would seem quite right as well to think that euthanasia violates human dignity, since dignity of human beings also entails preservation of life under all circumstances. Such arguments show that there exist disagreements about the extent to which considerations of human dignity should count in formulating public policy (Kass, 2008:297).

Assuming that such ideas as human dignity are widely accepted, the philosopher's other interest is to examine the possible sources of such ideas or how such ideas could possibly have evolved from inception to their contemporary usage. That is, given the uniqueness and unprecedented ubiquity that the notion of human dignity continues to enjoy, one rightly wonders and inevitably wants to know what the source of human dignity could be. Sources of human dignity could be significant for our contemporary understanding and its interpretation. There could be as many sources of the idea of human dignity as there are its conceptions. What is immediately obvious is that human dignity is very much founded on our membership in the human race, and not on any other particular performative activity such as individual autonomy. That is, dignity is based on who human beings essentially are – not accidents, in terms of the Aristotelian *Metaphysics*. Human dignity then is about the intrinsic worth of human beings as well as the integrity of the human species (Lebech, 2004:59). It is generally agreed that historically two sources of the idea of dignity can clearly be identified. These are religious and philosophical sources, although often times they seem to be in tension (Dan-Cohen, 2011:9).

In his recent book, *Human Dignity*, Aharon Barak (2015: xvii) has argued that throughout its history, the concept of dignity has been influenced by different religions which held it as an important component of their theological approach. The concept of human dignity was initially based upon the religious view that sees human being as an image of God. The idea was also influenced by philosophers who considered human dignity in their reflections. Sources pertaining

to religion contain the biblical idea that human beings resemble God their creator. The philosophical source of human dignity on the other hand is usually associated with Immanuel Kant's work on moral philosophy which is often cited for its tremendous influence on human dignity in the Modern era or the Enlightenment. Motivated by the desire to dispense with religious influence, the Modern era is well known for its faith in reason. Thus, for Kant human dignity arises from the individual's rational autonomy. Reason is considered as the interior ability to universalise and originate the categorical imperative, an ability which alone should govern the object of respect (Lebech, 2009:87).

Kant's formulation of the categorical imperative is widely regarded as the most influential text on human dignity ever written (Lebech, 2009:98). In the *Groundwork of the Metaphysics of Morals* Kant relates dignity to morality, namely that human beings have dignity insofar as they are capable of morality. By doing this he grounds dignity or inner worth in the capacity for autonomous rational agency (Kant, 2002a:53). This conception of human dignity is seen centred on a binary division between two types of value: *price* and *dignity*. Generally, price expresses the value of things for human beings, whereas dignity expresses human beings' own value: it is the value of persons (Kant, 2002a:52). Accordingly, scholars regard Kant's articulation of the inherent dignity of the human person as by far a historically important source of the idea of human rights (Donnelly, 2009:22). For the liberal theory, human rights are an embodiment of human dignity.

In addition to the religious and philosophical sources, the concept of human dignity could also be understood by considering how it has evolved through history into its current formulation and usage. As an idea that has attracted a significant universal appeal, human dignity must certainly have existed throughout human history. Human history provides us with evidence of how the idea of human dignity has developed given the different social, political, cultural and economic circumstances, and these have significant influence on its contemporary discussion. The idea of human dignity could also be implied from how human beings conduct themselves before others. As Lebech (2009:27) explains, a historical investigation into the idea of human dignity helps us to understand how the current idea of human dignity came to its current situation. Specifically, textual appearance of the expression 'human dignity' provides concrete evidence for its use, and therefore, for its meaning.

In this regard, thinkers like Charles R. Beitz (2013), David K. Chan (2014), Ralf Stoecker (2010), Pollmann (2010), Lebech (2009) and Donnelly (2009) among others, have identified four historical phases through which the concept of human dignity has evolved. Some prefer to call these phases the 'strands' in the philosophical and legal history of the term 'dignity'. These phases

according to Stoecker are: (a) the Greek and Roman heritage culminating in Cicero's notion of *dignitas* translated as a rank or status; (b) the biblical conception of man and woman as beings fashioned in the image of God; (c) Kant's *Würde* or human worth (*see* Kant 2002a:52-53) as opposed to price, consisting largely in individual autonomy, which is the ability of each person to determine for herself a view of the good life; and, finally, (d) the 1945 concept of dignity which resulted from various human rights declarations and constitutional laws (Stoecker, 2010:8). Lebech uses different nomenclature for these historical phases of the idea of human dignity. She lists them as: (a) Classical or Cosmo-centric, (b) Christian or Christo-centric, (c) the Modern or Logo-centric, and (d) Contemporary or Polis-Centred contexts. She prefers calling them contexts, frameworks or simply accounts and not necessarily phases, within which the notion of human dignity could have developed (Lebech, 2004:61-65; 2009:29-98). She seems to suggest that the context in which the idea was applied is more crucial than its history. It involves people's specific experiences and beliefs. Thus, even though the notion of human dignity appeared at different times in history, what makes the difference is the context in which it is applied.

### **1.3 Human dignity and the problem of definition**

Dealing with concepts require some basic familiarisation tools. This involves definitions and conceptualisation. In the case of human dignity, it seems instructive to begin with some difficulties caused by the concept even in ordinary situations, examining how people generally conceive of the notion of the idea whenever they encounter it, or when they invoke it in their ordinary discussions in different situations. This consideration is significant as it provides pointers, vague as they sometimes might turn out to be, on how the concept generally functions in those situations. Although people will not agree on the philosophical sense and interpretation of ideas, at least their usage and utterances in different circumstances roughly entail a notion which may be used to develop a conception (Pollmann, 2010:248). In many traditions, certain actions and words carry with them something akin to the notion of dignity, although there is lack of deliberate effort on the part of those participating in those particular traditions to reflect on what such actions and utterances really mean.

To appreciate the point I wish to give an account of my own informal encounter with the idea of human dignity. I believe this is relevant because from it, a few things can be learned about dignity. Sometime in 2013 I received an email from the director of the African Child Trust (ACT), a Christian-based charity in London but works in Africa. I had previously worked there as an intern for 6 months in 2009, and even after my experience there we continued to correspond. His short

email requested if I could help with translating the term *dignity* into *Chichewa*, my local language. ACT had wanted to use the translation on its flyers, making it relevant, as it was working with disadvantaged children in my country as well. The translation was needed since the charity was embarking on a new project aimed at promoting life of dignity among girls by providing them with sanitary pads.

This request did not only come as a surprise to me, but a challenge too. In my struggle to assist, the closest translation I had for dignity, as well as human dignity, was something equivalent to phrase ‘being human’. For me then, human dignity was equivalent in the meaning to the phrase ‘being human’ or ‘in a human way’. Human dignity was equivalent to human nature. Thus the phrase ‘done with dignity’ meant ‘done in a way that reflects human nature’. By then I had realised that this kind of response involved a tautology. I had ruled out ‘a life of respect’ as an equivalent to human dignity because it is human dignity that necessitates a life of respect and respect enhances dignity. The temptation to substitute one concept for another has been highlighted by Andorno (2009) who emphasises that although the concepts are close, one cannot replace another. This is the case because respect for a person is a consequence of human dignity, and not dignity itself. Hence, dignity provides the rationale to the requirement of respecting persons.

My somewhat naïve and limited thinking about human dignity reflected what John Gardner has said about human dignity. For him to respect human dignity is simply to treat human beings as human beings, to treat them in ways that are consistent with their humanity. Certainly this is a variant of circular reasoning. But Gardner (2008:21) quickly introduces human rights in his appraisal of human dignity. Perhaps he realises the circularity in his argument as well. He thinks if one violates someone’s human rights, then one admittedly fails this test. Accordingly, human rights violations should always be understood as attacks on human dignity. He is effectively suggesting that one’s dignity as a human being is also constituted by one’s possession of human rights. Again this seems like going round and round in circles. Gardner does not venture into the business of clarifying what being human is either. To make matters worse, he appears to be equating human dignity to human rights. If one violates human rights, then he violates human dignity, and vice-versa.

Certainly these two are not equivalents. My opinion however is that we cannot have equivalents here unless we can sufficiently demonstrate that human dignity can be substituted by human rights. There is no doubt that violation of human rights implies violation of human dignity, but we have no sufficient reasons to think that violation of human dignity only consists in the violation of human rights as a logical necessity. In traditional Logic, necessity is analyticity or

tautology. For instance, when the antecedent implies the consequent in a conditional proposition, it does not follow that the consequent too can also imply the antecedent, unless it is a case of material equivalence (Hanna, 2006:195-196). Logical necessity can be used by those who do not share the values on which human rights are based, to contest the validity of human rights as the sole basis of human dignity. They could argue that since human rights are not equivalent to dignity, there could be other ways apart from human rights by which human dignity can be secured. One such way could be one's duty towards her community's common good.

Now the project which alerted me to the concept of human dignity has been rolled out under the *Ulemu – Dignity – Every Girl in School* banner.<sup>4</sup> The project has maintained *Ulemu* as the equivalent translation of the term dignity. Upon careful consideration of the term 'ulemu', one will realise that it comes nowhere near the notion of dignity as its equivalent. In fact 'ulemu' is one of those terms used to express respect. For example 'the youth are expected to *respect* elders' can be translated as '*achinyamata ayenera kupereka ulemu kwa akuluakulu*'. To translate 'respectable person' one may say '*munthu wa ulemu wake*'.

From such an encounter one might rightly ask whether ordinary people have any idea of what dignity essentially is. What is clear is that the notion of dignity exists among such people, although their respective languages may lack equivalent terms to express it. Yet questions about its existence will on numerous occasions yield an affirmative response. It could be argued as Barbara A. Misztal has done, that it is one of the conceptual problems that the concept of dignity has had to face many times (Misztal, 2013:107). Often, the understanding of such terms is left to intuition. In the case of dignity, could it be a result of difficulties associated with the concept itself or, people are simply indifferent? In his *Human Dignity and Human Rights*, a report for the Swiss Initiative to commemorate the 60th Anniversary of the UDHR under the theme *Protecting Dignity: An Agenda for Human Rights*, Donnelly (2009:4) sounded a similar concern about the notion of dignity. In that report he unfortunately confirmed lack of explicit definition of human dignity. However, Donnelly focuses on human dignity as it is presented in human rights literature, so it is a biased analysis already. Generally, the intrinsic meaning of dignity has been left to intuitive understanding, influenced in large measure by cultural factors. Difficulties associated with the concept of human dignity concern its vagueness and capability to play a foundational role such as the one it does within human rights. This vagueness leaves human dignity with no explicit definition in any of the charters, instruments or documents that often invoke it as their foundation.

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<sup>4</sup> The project's website: <http://dignityproject.co.uk/about-us/>

On account of the absence of the notion's explicit definition, scholars like Ruth Macklin (2003:1420) have argued that to invoke the concept of dignity without clarifying its meaning as is the case here is to use a mere slogan. Indeed the meaning of human dignity is a work in progress, just as is the case of human rights themselves (Schachter, 1983:849). Macklin (2003:1419) adds a more radical dimension to the criticism of the notion of human dignity. In her argument, appeals to the concept of dignity in domains such as medical ethics do not make sense at all. Vague statements or mere slogans add nothing to our understanding of the concept. At best, dignity seems to have no meaning beyond what is implied by the principles of medical ethics. That is, the principles of medical ethics, namely the need to obtain voluntary, informed consent, the requirement to protect confidentiality, and the need to avoid discrimination and abusive practices, simply promote respect for persons. Accordingly, there is nothing really special that the concept of dignity adds to the available principles in medical ethics. For example, in the right to die with dignity, dignity seems to convey nothing more than mere respect for the autonomy of the person.

## **1.4 History and sources of human dignity**

### **1.4.1 Historical accounts of dignity**

Having considered some of the features that would characterise any standard account of human dignity, this section seeks to use such characterisation in tracing the development of the idea of human dignity through history. In Aharon Barak's (2015:15) opinion, in order to understand the concept of human dignity, it is important first to seek an understanding of its long history. Knowledge of the concept's historical origins becomes useful in understanding its contemporary status. For Lebech (2009:23), the existence of texts containing expressions referring to 'human dignity' certainly provides some evidence for its use, and therefore for its meaning. This is similar to Alasdair MacIntyre's idea concerning the source of morality when he mounted a defence of historicism as a source of morality against Kant's transcendental morality. In his *After Virtue* MacIntyre (2013:309) argues that "morality which is no particular society's morality is to be found nowhere". He continues: "What Kant regarded as the universal and necessary principles of the human mind, in fact turned out to be principles specific to particular times, places and stages of human activity and enquiry". Thus, to understand human dignity, its historical glance is imperative.

The section focusses on how the notion of dignity has evolved in history, is expressed and used for various purposes. The development of the idea is conditioned in part by different human experiences, beliefs, and so on. The appearance of concepts and their usage in history could also

entail their perceived universality. There is no denying that history is usually consulted in our attempt to understand many concepts or what are commonly termed as philosophical problems such as freewill, determinism, power, rights, personhood, and others. Our understanding of a concept can be enhanced through how it has been applied in various historical phases and situations. Those who apply the concept may not have a formal name attached to the practice that embodies the concept as understood in the contemporary period. In the same way, history has made significant contribution to the understanding of the concept of human dignity, especially the various meanings accorded to it through different phases (McCrudden, 2013:3).

Several scholars have come up with a chronology that traces the unfolding of the concept of human dignity. It is only logical that one historical phase should lead into another. It could also be possible that there is no necessary continuity between different historical phases. Historical episodes could have nothing to do with each other, so their respective conceptions of human dignity were independent and consistent with the particular social, political and economic realities of that time. However, contemporary scholarship has sought to provide a coherent and logical view of such episodes. It is true that the term ‘dignity’ has been used in different contexts and semantic fields. Certainly its scope and meaning are not identical (McCrudden, 2013:3).

In dealing with the concept of dignity, four historical episodes are generally explored. Some scholars consider such episodes as historical contexts. Within philosophical and legal debates, the notion of human dignity is to a certain extent used in contradictory ways, as some notions propose the exact opposite of the other. However, most interpreters work with the assumption that dignity is something inherent in human beings as against the belief that it is something that is acquired. What this entails is that it cannot get lost even in the most humiliating of circumstances for it is something natural to human beings; it is inborn, and has an inalienable worth. Human beings have dignity simply because they belong to the human species. Granted that this is true, namely that dignity is an inherent value in human beings, it is very tempting to ask how come we have to struggle to defend, promote and protect it. One may also be invited to carefully consider the fact that human history is replete with instances characterised by fundamental and violent attacks on human beings causing damage to, or even loss of, dignity. One may also think of the two world wars in the wake of which human rights were born. Slavery and other institutions that perpetrated and perpetuated it can also be significant in this respect. It is the same dignity that is usually assumed could never be lost on account of its inherent nature in human beings that was massively violated. It would therefore be unfair and insensitive by anyone to reject claims by those who experience humiliation, debasement, exploitation, discrimination, torture or

even rape, suggesting that their brutal experiences do not seem to constitute violations of their dignity (Pollmann, 2010:245).

This predicament becomes philosophically as well as legally interesting. Philosophers would be wondering how it could be possible to deprive someone of something that is inborn or inalienable in principle. Legalists would as well be wondering why states and their institutions should allocate large amounts of resources, mostly financial, into activities aimed at protecting something, dignity, which cannot be lost anyway. It certainly appears nonsensical for state institutions to be engaged in compulsory protection of human dignity which is common and inalienable in all human beings anyway. Of course Pollmann (2010:246) has suggested that the source of this dilemma could be traced to how the historical meaning of the concept of dignity has oscillated between ideas of ‘possessing’ and ‘having’. From ideas of possessing and having one understands that dignity is external to human nature. The implication is that dignity can be acquired or even lost. It could justify activities that led to humiliation of human beings. For this reason it requires protection through state institutions. This confusion, one could argue, is the reason there exist different conceptions of human dignity. It also provides justification for the examination of historical episodes.

Pollmann and Lebech for example, have identified four historical episodes within which the concept of human dignity has developed. Pollmann lists them as *Roman Antiquity*, *Christianity*, *Early Modernity* and *the period after 1945* which comes immediately after the Second World War (Pollmann, 2010:245-246). Lebech (2004:61; 2009:23) opts to use quite a different nomenclature in labelling these historical episodes of human dignity, as she calls them ‘contexts’. Nevertheless, she actually discusses them under the history of human dignity. Thus she lists them as *Cosmo-centric*, *Christo-centric*, *Logo-centric (Modern)*, and *Polis-centred (contemporary)* contexts or accounts. In fact, in her 2004 publication, she classified them as historical accounts of human dignity, only to slightly change later in her 2009 work when she called them contexts of human dignity to demonstrate how specific philosophical ideas have influenced variations in meaning. History provides the contexts in which the concept of dignity has evolved. These historical episodes or contexts provide conditions under which the concept of dignity was invoked. The historical contexts eventually became accounts of human dignity corresponding to, and serving specific cultural, political, economic and social peculiarities.

In this analysis, Pollmann starts with *Roman Antiquity* while Lebech starts with *Cosmo-centric* accounts of human dignity. Other authors find it more convenient to start with Rome and the influence of Cicero’s writings on the concept of human dignity (*see also* Donnelly, 2009:15).

Although Pollmann and Lebech seem to differ in what the first historical episode or context should be, they at least seem to agree on the remaining three episodes. Antiquity covers a very long period in which both the Greek and Roman civilisations were highly influential. In the Roman Antiquity period, the Latin term '*dignitas humana*' was synonymous with the notion of human dignity. In this period, dignity usually referred to special respect that was reserved for persons who occupied high-ranking positions in public life. Such persons had special responsibilities and gained special benefits after extraordinary accomplishments. Persons occupying such lofty social (as well as political) positions with very important functions or duties, like statesmen, politicians or generals, were conferred a high reputation marking not only their achievement of excellence in a specific area, but also dignity that accompanied such achievements (Pollmann, 2010:246).

While Pollmann's *Roman Antiquity* period was more concerned with the individual's excellent achievements in public life, Lebech's Cosmo-centric framework of the human dignity largely consisted in human beings' special position within the hierarchy of created beings. Human beings were regarded as worthy of the fundamental value, worthy of dignity, because they were considered to have dominion over their passions, their household or group, or over the brute beasts. Because moral dominion is considered as the superior characteristic of human beings, it is then taken as a criterion for human dignity (Lebech, 2004:61). During the antiquity, Cicero's articulation of *dignitas* as an inherent quality was considered by many as the minority view. The more common view consisted in the belief that *dignitas* was an acquired trait, an indication of high social or political status. Dignity in the Roman Antiquity manifested one's authority, symbolising a sort of greatness and moral qualities associated with human beings (Glensy, 2011:74).

Within *Cosmo-centrism* the nature of things, *physis*, was central in the articulation of human dignity. Understanding things meant understanding their nature. Regularity of things in the cosmos was explained in terms of nature. Nature was intelligible across language barriers, social divisions and religious divides. To drive her point home, Lebech (2009:30) engages Aristotle as the philosopher figure to depict the notion of human dignity within the Cosmo-centric era. Aristotle (1984:3447-3448) defined nature, *physis*, in five ways: a) as the 'growth of growing things'; b) 'the primary, immanent element in a thing from which growth proceeds,' c) 'the source from which the primary movement in each natural object is present in it in virtue of its own essence'; d) 'the primary matter from which any non-natural object consists'; and finally, e) 'the substance of natural objects'. So, nature was perceived on the one hand as the source of change in living things, and on the other hand as their intelligibility. This particular way of thinking was consistent with the question that Aristotle's predecessors wrestled with – *what is the nature of things?* For Lebech

(2009:30) then, this conceptualisation of the universe, led Aristotle (1984:30) to develop term *ousia* translated into Latin as *essentia* or *substantia* which is associated with the nature of material things or reality. It also helped to associate nature and being in what was later to become known as *metaphysics*. Each species of existing things has got its own distinct nature. This conceptualisation of nature was central to Aristotle's understanding of human beings as rational animals. Rationality is the principle of humanity. Human dignity could then be understood as implicit in the human nature itself, it being somehow associated with reason.

Although Aristotle himself never articulated such an idea of human dignity *per se*, it appears reasonable to think human dignity in the Cosmo-centric articulation essentially consists in acting in ways that are consistent with human nature as rational beings (*see also* Aristotle, 1984:3552). Thus, one thing we can at least be sure of is that Aristotle did understand human beings to be essentially rational animals. Reason is fundamental to the nature of human beings in the sense that it lays its own foundations in intuition. The same nature can be used to justify or reject certain practices. Acts which are regarded as unnatural, that is, inconsistent with human nature are subsequently abhorred by the society for they are hostile to human dignity. For Lebech (2009:44) therefore, human dignity in Aristotle's consideration would consist in the rationality of human beings. Rationality makes human beings what they are in terms of their metaphysical constitution. To underscore this point Lebech also makes reference to the Roman Antiquity which is Pollmann's (2010:246) starting point of the historical episodes. Referring to Cicero, Lebech (2009:48) views dignity as a reality of persons which must be honoured and therefore useful to the person who possesses it. The Cosmo-centric context of human dignity therefore gives importance to the nature of rational animals. On account of their nature, rational animals deserve respect in form of dignity. Nature is understood to be both intelligible and real. Rationality is the real capacity of beings of rational nature. Lebech (2009:57) emphasises that the Cosmo-centrism is not a theory of human dignity *per se*, but an understanding that is more widely shared than a theory. It is simply implied from the theory of human nature.

The *Christo-centric* period also made significant contribution to our understanding of the notion of human dignity (Lebech, 2004:62). In the West, Christianity became the principle of social integration, and its cultural and spiritual organisation matrix provided a common reference point right up to the arrival of the Modern democratic nation-state. Christian theology of the middle ages gave the notion of human dignity the first universalistic shift. That is, the ancient idea of a special dignity that was only awarded to privileged persons on account of holding positions in public life as well as for achieving personal glory, was now generalised by transferring this idea

to the exalted role of all human beings because the human being was the ‘pride of god’s creation’ (Pollmann, 2010:245). The Christian was considered a person of dignity (Lebech, 2009:59). The competition was between dignity of office which characterised the antiquity period, and dignity of being a Christian.

Christianity became significant for the formation of the theoretical basis of human dignity. Human likeness to God is said to be guaranteed by Christ himself who became human. Human dignity then become a claim to respect on account of God’s absolute claim to dignity. One’s dignity as a human being is guaranteed by Faith in God (Lebech, 2009:63). The Christo-centric context insists that one can only understand the true value of humanity if one reaches out in faith or commitment beyond immediate experience. This context shows the importance of being human in terms of the shared belief in God, who himself became man in Christ. The shared belief provides a justification that natural human dignity should be destructible as it was given first in Creation, and then restored in Redemption after it had been destroyed by sin (Lebech, 2009:83). To say that human dignity rests on the creation of mankind means that the true importance of the human being consists in his nature as the image of God. God then becomes the condition of the human dignity. The relation with God makes human beings important by themselves (Lebech, 2009:65).

Thus every human being just by being human, and that means despite all individual differences as those apparent in the antiquity period, was supposed to have a dignity simply on divine natural and metaphysical grounds. This is the kind of dignity that other creatures living in this same world with human beings would not have for only human beings were created in “God’s image” (Pollmann, 2010:245). Authority of human beings over the rest of creation is God-given. In creating human beings God bestowed authority on human beings, in virtue of which they merit respect. The idea that human beings were created in the image of God also gives human beings a logical priority over the rest of creation. This in turn justifies conferment of this same authority upon all human beings (Lebech, 2009:80). In the Christo-centric context, the violation of human dignity is understood to consist in blasphemous practices directed against the Saviour of the world, because it is through his death and resurrection that the Image of God is restored in the fallen human being. Violation of human dignity is also understood to consist in attacks on this Image in the other human being where it is treated as if it were not divine (Lebech, 2009:84).

The contribution of the *Logo-centric* period (*Early modernity*) to the development and understanding of the idea of human dignity consists in its ability to secularise the idea of human dignity (Lebech, 2004:64). Dignity which was universalised by Christianity from its antiquity now became secularised with renaissance and enlightenment. The historical Modern era put much faith

in the power of reason which became the safest basis for negotiation between individuals. Although reason was difficult to define compared to nature as had been for the Greeks, it was nonetheless useful as a symbol. It became a unifying principle, and was used to rally support from high and low, royalist and revolutionary, or Protestant and Catholic alike (Lebech, 2009:85). Thus, human dignity scholars emerging from the Modern period all understood that human dignity consists in reason, which is human being's chief endowment. They also understand reason to consist in many different things, one of which is the liberty to determine what one wants to be (Lebech, 2009:86).

Kant's moral thinking is usually credited with this secularisation of human dignity in the Modern context. In Kant's ethics, reason is the source of moral law (Rauscher, 1996:255). Kant's moral philosophy emphasised reason as the interior ability for human beings to universalise and originate the categorical imperative, an ability which alone should govern the object of respect (Lebech, 2009:87). In the *Critique of Practical Reason* in which he motivates the significance of practical reason, Kant regards a practical rule as "always a product of reason because it prescribes action as a means to an effect, which is its purpose" (Kant, 2002b:30). That is, the human being was under the control of reason. It is easy to see why Kant is often associated with the idea of dignity. Scholars, for example Lebech (2009:98), regard dignity in Kant's moral philosophy, as the basis of human action. For this reason, the categorical imperative is widely understood to be the most influential text on human dignity ever written.

As advanced in the Logo-centric period, autonomy is the basis for dignity in so far as human beings can formulate the moral law and obey it themselves. This is so close to speaking of the dignity of humanity in so far as it is capable of morality, and to understand humanity itself as dignity. Thus for Lebech (2009:100-111), without the categorical imperative, ethics and law would not merely be unfounded, but would even be inconceivable as principles governing human behaviour in society. Secularisation of human dignity freed the notion from theological bondage where the reason for one's dignity was external to herself. Accordingly, Giovanni Pico della Mirandola (simply known as Picco) and Kant are said to have held the idea that human beings do not owe their dignity to the fact that they are created in the image of God, but because they are capable of something great by themselves, since they are endowed with reason and moral autonomy (Pollmann, 2010:245). Humanity itself is considered as dignity personified because of its rationality, and this is the reason why rationality is regarded as a criterion for human dignity. It is because humans are autonomous, and are able to legislate the moral law for themselves, that their nature is dignified. Dignity used on its own, without the qualification 'human' is associated

with the ultimate object of respect: the categorical imperative. Respect for humanity relies on exactly this, and so does respect for human dignity (Lebech, 2004:67).

The fourth and final historical episode in which the notion of human dignity can be located is the period after the Second World War, that is, *after 1945*, which Lebech (2004:65) calls *Polis-centred* or *contemporary* account of human dignity. This period according to Pollmann (2010:246) became a turning point in the concept of human dignity, at least from human rights perspective. The project of universalisation and secularisation of human rights had gathered renewed impetus. With the inception of formal human rights, the notion of human dignity had enjoyed a remarkably unprecedented expansion. From this time onwards, all human beings were said to have special rights to the protection of their dignity, since totalitarian inhumanity, which culminated in the two infamous world wars, had proven the extreme violability of these rights and also the fundamental fragility of human dignity – to the point of its nearly total extermination. It is primarily this notion of human dignity that we can find in the human rights declarations and treaties adopted by the United Nations (UN) after 1945 (Pollmann, 2010:245).

For Lebech (2004:65-66), the polis-centred account is based on a utopian vision of a world where all human beings would be happy. This is the vision of a just state. In the polis-centred context, she argues, human dignity became a linguistic tool by which people gained self-esteem and political influence, and it eventually became part of the Post-Modern framework, where it was regarded as the foundation for democracy and human rights. Indeed democracy, human rights and human dignity seem to be closely related. It is argued that dignity belongs to those people who care to be just and sensible themselves. Accordingly, the society ought to recognise human dignity as the foundation of justice, ideology notwithstanding. In contrast to the nature of personal identity prevalent in the historical Modern period, characterised by reason, personal identity is now understood to consist essentially in social relations, and that such a recognition would be made a criterion for human dignity in the first place.

Differences among the four historical accounts of human dignity are a manifestation that the fundamental value of human beings is taken to consist in different things (Lebech, 2004:67). That is, what makes human beings to deserve dignity is something that differs from one historical milieu to another. From the discussion on these historical episodes, human dignity is generally said to be founded on different aspects of human being such as human nature, relation with God, reason or social integration. This is accounted for by the fact that each of the four conceptions understands that the essential nature of human beings consist in different things. What this entails is that the fundamental value of the human being consists in different aspects of its way of being.

These four episodes can also be viewed as ways of justifying the existence of human dignity throughout history. This could be used to demonstrate that the notion of human dignity is as old as humanity itself. As the fundamental value of human beings, human dignity is common to the frameworks discussed, yet each understands it to rely upon or to be conditioned by different features of human reality, namely human nature, God-relatedness, the faculty of reason, or indeed one's recognition within society. It is a fact that the human being exists in and through these aspects which characterise her essentially. That human dignity is the fundamental value of the human being is merely formal. Lebech (2004:68) suggests that to account for the content of such a definition, reference should be made back to the human experience of its fullness expressed in love, kinship and friendship. From these one learns to identify with the essential attributes that each of the frameworks focused on. It is from these that one learns what it means to be human in the holistic sense.

The historical episodes within which the idea of human dignity has unfolded can be summarised by what Beitz (2013:271) calls the 'senses', in which the concept of human dignity occurs or has been used. First, human dignity is used in the sense of rank or high status. In ancient times, those people occupying high social rank or privileged positions and others were called 'dignities'. This is equivalent to the respect that a court judge is shown in contemporary times. His pronouncements are equivalent to the law itself. Secondly, dignity is used to designate a value or a kind of value that is intrinsic. For example, to say something has dignity is to say it has a value. Value can be extrinsic as others see it in something else. It can also be intrinsic as it forms part of the nature of something. In some instances, human beings have value because they are created in the image of God. It is for this reason that human beings are thought to occupy a special and high place in the order of creation, although we may not dismiss the claim that beings other than humans have their own value as well, and so could imply their own dignity.

Understood in the Kantian sense dignity is unconditional value, even if people might not see it. It is not a particular value. Human beings are endowed with a capacity for choice. The third sense in which the concept of human dignity has been used is that which designates good conduct. Depending on the context, the good conduct is that by virtue of which someone is said to be dignified. For human beings, dignity should be a generic virtue characterised by self-control exercised in the overcoming of suffering. In the moral sphere, this virtue concerns one's ability to act well despite the resistance of her natural inclinations. However, it is not everyone who can achieve this sort of virtue pitched at this level. Fourth, human dignity is used in the sense that designates deservingness of treatment consistent with one's dignified character. One is respected

because he or she displays a certain disposition. That is to treat someone with dignity (Beitz, 2013:271-273).

The question that needs to be answered is whether, given all these historical frameworks, it is possible to have a single common account of human dignity that can accommodate the insights peculiar to each framework. This is certainly not a simple task, for each episode has reasons for why it considers that a particular treatment towards human beings confers on them their dignity. For Lebech (2004:69), the essential connections between the types of explanation mean that none of them taken on its own can be a sufficient condition for personal identity, and consequently, for human dignity. Certainly they are complementary. Given Aristotle's *Metaphysics*, one learns that although matter and form are opposite principles that require one another in order to exist, they are joined by the efficient cause, and are in whatever condition for the sake of the end. Hence it is difficult to understand a person unless we recognise what her nature is. It could be one's rationality and social integration. Although we appreciate the individuality of the self in metaphysical terms, in practice love should be able to give content to the idea of human dignity. The claim that the principle of human dignity is the basis of the international world order means that the world order should be the civilisation of respect and love (Lebech, 2004:60; 70). Thus far, human dignity is more than one's possession of rational powers, or indeed, one's being created in the image of God, but recognition of one's relation to each other, participating in the life of human species.

#### **1.4.2 Conceptualisation of human dignity**

Conceptualisation is a process of forming meaning and clarifying an idea about something. It goes beyond dictionary definition (Khan, 2008:15). An intimate relationship exists between the historical accounts of human dignity considered in the previous chapter, and the conceptualisation of human dignity. Historical episodes provide particular and concrete specifications in terms of which the meaning and application of the concept of human dignity can be understood. Thus, an understanding of dignity can be aided by such historical episodes. The meanings of the concept and conception of dignity must not be confused even though it is attractive to think they mean one and the same thing. They are different in many respects. Central themes like truth, wisdom, friendship, love, freedom, and justice, for example, stand for basic philosophical notions or concepts that are hugely contested in terms of what each stands for. As Pollmann says (2010:248), the interpretation and usage of such terms are highly contentious. The manner in which these terms are interpreted and used suggests a conception or an understanding which is often perspectival as scholars will rarely agree on philosophical interpretation of ideas. Similarly, dignity, is a highly

contested concept as implied by the four stages or episodes of its history considered in the previous chapter. From those four historical stages, four different conceptions of the idea of dignity can be inferred. Thus, the conceptions of human dignity somehow correspond to specific historical episodes.

There might be global consensus on the significance of the concept of dignity, but what each consenting party means by the term dignity is quite a different thing. This also suggests different usage of the concept. To understand this complexity, one needs to go no further than the bioethical debate on dignity of the human embryos. In Pollmann's (2010:248) consideration, each of the four different conceptions of human dignity that correspond to the historical episodes try to answer the following two main problems concerning the identity of the person and the nature of dignity itself. In the case of the embryo, the first question concerns the identity of who counts as a member of human species so that she has dignity and corresponding basic rights. An attempt is here made to distinguish between human beings in the 'full' sense (moral persons), and 'other' human forms of life, where only those in the first sense, namely full persons, may then have dignity. The foetus must have either full human status from the moment of conception or none at all.

In this regard, Susan Shell (2008:333) argues that Kant, who is cited as an authority on almost anything concerning the moral status of person, never directly offered his opinion on the moral status of the foetus or unborn child. However some of his remarks on the subject suggest that even new-borns may have lacked full moral standing for they are unable to exercise their autonomy which is in this regard the "ground of the dignity of the human and of every rational nature" (Kant, 2002a:54). Shell (2008:346-347) argues that despite Kant's "reputation as a rigid dualist," his thought has much to offer bioethical debate in a liberal democratic context. His conception of human dignity is hinged primarily not on metaphysical abstractions, but on the necessities that provide guidance on how to lead an effectual and morally decent life. Thus people's opinion on this matter will be divided according to whether the human foetus is a full human being or it is just another form of life below human life. The second question that individual conceptions of human dignity try to answer concerns its nature; whether it is true that the term dignity stands for an inalienable, and therefore absolute, worth that cannot and must not be graded according to the practices of Roman Antiquity period. It asks whether this sort of worth exists in everyone in exactly the same and equal way (Pollmann, 2010:248).

Throughout western and contemporary debates the term dignity has played a very prominent role within ethical, political and religious spheres, among others. The implication is that

the notion of human dignity can be approached from a variety of perspectives. Four conceptions or senses of human dignity which correspond to the four main historical episodes can be identified. Beginning with the Roman Antiquity, dignity is conceived as an *achievement of social status* (Pollmann, 2010:249). Dignity was a term that was used to distinguish few individuals from the vulgar masses in a hierarchical way (Donnelly, 2009:15). Cicero's account for example conceives dignity as a person's worthiness on account of her standing, reputation or office which ought to be based on one's true excellence (Sulmasy, 2008:471). This understanding resonates well with the Aristotelian sense in which 'dignity' was seen as a virtue, or the consequence or reward of virtue. This conception implies that dignity is a kind of respect reserved for a particular class of individuals who have excelled in achieving or earning this status. Certainly the dignity referred to here is not for all human beings on account of their participation in the life of human species. It does not seem either to arise from any conception of human nature, although one might argue that this conception might actually have affinity with the individualistic conceptions of human nature as it emphasises personal success as a criterion for dignity. As a status that one acquires in achieving excellence through successful performance of certain roles, dignity was the outer aspect of a person which evoked respect or reputation (McCrudden, 2008:656-657; Donnelly, 2009:15).

Through the historical episodes, dignity can also be conceived as a *gift*, given to someone especially at the beginning of life and cannot have graded levels. Pollmann (2010:249) calls this a theological or metaphysical conception of dignity where "dignity is a gift by human nature, a natural gift that even the human embryo can count on". The Biblical reference to God as its source of dignity differs from the treatment of dignity in Roman Antiquity where it was connected to honour, glory, and power. Through these, one would demand respect. The Biblical sense of dignity makes it God's, and not man's dignity. The worth or special value that human beings have or any protection they merited may not be rooted in their own intrinsic 'dignity' (Donnelly, 2009:18).

Before Pollmann, Lee and George (2008:173) had already defended this thinking when they argued that, all human beings, regardless of age, size, stage of development, or immediately exercisable capacities, have equal fundamental dignity. Accordingly for Lee and George, this reasoning occupies a central role in bioethical debates involving the killing human embryos, foetuses, and the severely retarded, demented, or debilitated human beings. For them (Lee & George, 2008:175), human beings in all developmental stages, including the embryonic, foetal, and infant stages, and in all conditions, including severely cognitively impaired conditions (sometimes called 'marginal cases') are endowed with full moral worth which entitles them dignity. Everyone is eligible for dignity on account of their rational nature. Rational nature is the

natural capacity for one to reason and make free choices. This capacity ordinarily takes months, or even years, to actualise, and sometimes various impediments might prevent it from being fully actualised in some human beings. It does not make sense therefore to use contingencies of life to deny others their dignity. Thus, dignity is granted to all beings participating in the life of human species. Although this idea can be contested in a wide range of disciplines, at least it seems to be accepted in both metaphysics and religion<sup>5</sup> where the idea exists independent of contingencies.

Dignity can also be conceived as *capacity*. This particular thinking about dignity is said to be influenced by the Enlightenment. The core of this conception is that it is not all human beings that can have dignity but only those persons with special property called capacity (Pollmann, 2010: 250; Shaoping & Lin, 2009:372). This position makes a moral distinction between forms of life and those stages of human development in which typical characteristics of human persons emerge. According to this conception, having dignity means having the capacity to choose a plan of life for oneself, and to successfully pursue and execute it without interference. Human rights protect dignity by protecting this capacity. Accordingly, it is not every human being that is endowed with dignity as an inherent gift. Rather, one gets her full non-graded dignity when she becomes a human person. When human rights are violated, human beings are said to have been treated without respect, and consequently, their dignity is said to be compromised (Cruft *et.al.*, 2015:12). This thinking is inspired by the Kantian tradition where dignity is associated with the possession of rational autonomy (Formosa, 2014:51). Hence, one's rational capacity enhances autonomous choice which is a criterion for moral worth.

The Kantian conception of human dignity, which is very similar to that of the UDHR, is placed at the centre of the contemporary moral and political theory (Donnelly, 2009:20). Accordingly, dignity is conferred to human beings on account of their rational nature. A person who deserves dignity is one who is capable of exercising conceptual thought, deliberation, and make free choices that affect their lives (Lee *et. al.*, 2008:187; *see also* Kant, 2002a:45). In this conception of human dignity, Kant tried to distinguish between two kinds of value, which correspond to two aspects of human nature, namely, *dignity* (*Würde*, worth), understood as human beings' 'an absolute inner worth', which is the standard of distinctively human or moral value, and *price*, the standard of value of the material world and man's animal nature (Kant, 2002a:52). Understood as a human being, man is a creature with a worth, a dignity that is priceless. This worth is outside the domain of instrumental value. Human being cannot be valued as a means. She simply

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<sup>5</sup> It must be noted that although beliefs in the existence of God and other metaphysical beings and positions are widely held as sources of the idea of human dignity, such positions remain controversial for some human beings don't believe in their efficacy in guiding human affairs.

possesses dignity by which all other rational beings in the world respect him. Thus the categorical imperative, which is the fundamental principle of morality, is restated in the language of dignity and worth (Donnelly, 2009:21; *see also* Kant, 2002a:56). Although this formulation of human dignity appears robust and rationally persuasive, it has attracted its own critics. Critics view the Kantian conception of personhood on which dignity is built as inhuman. Leon R. Kass (2008:312-313) for example has argued that this conception of dignity is inhuman because the concept of personhood on which it is founded is “against the nature and the body .....It fails to do justice to the concrete reality of human embodied lives. It denies the importance of life’s concrete particularity, always experienced locally and corporeally”. In the Kantian sense therefore, emotions are not a fundamental aspect of human nature.

Finally, the history of *dignity* leads us to conceive the term as a *potential*. According to this understanding, every human being already participates in human dignity but this participation varies in degrees of its realisation (Pollmann, 2010:250). Although every person is a member of mankind, effectively making them of equal dignity, she has individual potential to be exploited to realise a life of dignity. The question which remains is whether given the contingent circumstances of one’s life, such a potential can unfold to its full realisation. The realisation of this potential of dignity is very much dependent on appropriate decent, or humane life conditions. Consequently, the conditions in which human beings live are critical to the realisation of human dignity as a potential.

This conceptualisation of dignity provides an important challenge to the one which views human dignity as a gift offered to all in the same measures. It is a challenge because human dignity as a potential is no longer seen as a natural gift that everyone simply has (because she is human), and which they cannot lose anyway. Accordingly, human dignity is essentially a fragile possibility, a possibility of human flourishing, and not merely something present in human beings on account of possessing freedom or reason. Hence, as a potential, human beings have dignity in part because of their ‘animality’ (especially the physical and emotional side of it). This way avoids romanticising human beings as essentially incorporeal minds, angels, or gods. The fulfilment of the potential of human dignity is dictated by various conditions of life (Kass, 2008:320). On account of this animality an individual is in touch with her environment, and through the same that she actualises her potential.

The official understanding of human dignity in the contemporary period which is based on the western intellectual tradition. Although its development has originated from the challenges

aimed at human rights requiring some robust basis of universal pedigree that would make them globally acceptable, it has largely employed these conceptualisations.

### **1.4.3 Sources of the idea of human dignity**

Historical episodes are not only significant for the conceptualisation of human dignity, but they also give a hint about possible sources of the idea of human dignity. The sources provide the presuppositions behind various formulations of the idea of human dignity. Sources of dignity then consist various ideas or traditions from which various formulations of the idea have been made. That is, every conception of human dignity is inspired by particular sets of ideas or values. The sources of the idea of human dignity could provide the ontological basis of human dignity, which is essentially what Düwell (2010) has used in the development of positive account of human dignity. The ontological basis becomes a way of justifying the existence of the idea of human dignity.

Various ways of understanding the nature of human being within different historical episodes become an important source of human dignity. Each historical episode in the development of the idea of human dignity suggests that certain values about human beings have been dominant. It is those values that inform a particular understanding of human dignity. Each historical phase that has been discussed contains a unique idea of human nature. Exceptions can be made to the classical period where human nature was understood from the nature of the universe. During the classical era, the nature of the universe or the natural law was central. Everything, including human beings, was subjected to natural law. Everything had its designated natural place to occupy. Human behaviour was also explained in terms of natural law. It is rare to find the human dignity debate grounded in the nature of the idea itself, and how that nature can bear on human beings. Here I examine values that might have influenced respective conceptions of human dignity prevalent in each of the four historical episodes discussed so far.

Whereas several scholars have stated that history of the development of human dignity can be split into four episodes (Donnelly, 2009; Schulman, 2008; Lebech, 2004; 2009; Stoecker, 2010; Pollmann, 2010; Beitz, 2013), there is a handful of those who think these episodes should be reduced to two fundamental sources of human dignity, namely philosophical and religious. McCrudden (2008:658) argues that with the exception of the period after 1945, the rest of the episodes are tossing with ideas that are relevant for philosophical as well as religious terrains. Rex D. Glensy (2011:75) argues that world religions particularly provide an important source for the

concept of human dignity. He has cited the Second Vatican Council's understanding of human dignity which was grounded in the idea of human being as entities endowed with reason and free will. The period after 1945 is grounded in legalistic values. In this period there is little or no attempt at all to ground this understanding in relevant philosophical theory. If there is anything akin to that, then it must be something very recent, possibly attributed to questions bordering on what human dignity means in those documents. An attempt to address these questions has resulted into wider consultations with relevant religious and philosophical texts.

The classical period (Greek and Roman Antiquity) is usually associated with cosmological view of things. The central claim is that the cosmos behaves in a regular manner discoverable by reason. Each creature occupies its own rightful place in the hierarchical order. Human beings exist as part and parcel of the cosmological arrangement. That is, human beings act and behave in ways consistent with the laws of nature. Within the cosmological order, things inhabiting the universe are radically different in their metaphysical constitution (Lebech, 2009:29). Human beings differ with the rest of the creatures because they are endowed with rational capacity. Rationality which enables human beings to partially break with nature makes them special beings (Kateb, 2011:1). It is on account of reason that human beings are regarded as occupying a prestigious position within the hierarchy. In fact human beings are considered superior to, and independent of, the rest of the natural world. The value of human beings arises from their possession and use of reason as it enables them to have dominion over their passions, their household or group, or over the brute beasts. Moral dominion is regarded as characteristic of human beings, as well as a criterion for human dignity (Lebech, 2004:61).

Within the classical era however, there existed distinctions among human beings themselves, the most notable of which were those used to mark of certain few people from the vulgar masses (Donnelly, 2009:15). The distinct few were those people who deserved something like "worthiness for honour and esteem" (Schulman, 2008:6). Honouring or rewarding such people was necessitated by their achievements and excellence within the posts they occupied in the hierarchy. The implication is that dignity was an acquired status linked to public appearance, particularly formal office and informal social and political standing (Donnelly 2009:15). However, Lebech (2009:29; 45) draws out attention to the possibility that Cosmo-centrism justified slavery and the exclusion of women by making reference to the same reason that was said to permeate the cosmos. Thus, slavery was considered something good because it did not occur by chance. It was natural that some human beings were free and others slaves. This conception of human dignity points to, and is meant for, the consolidation of human being's lofty position in the universe as

they are considered to be special, and more valuable than other creatures in the universe. On this basis, human beings have the prerogative of governing since they are in command either of themselves individually, or of their households, or of some office within the State (Lebech, 2004:62).

That human beings are regarded as of special value within the classical era (Roman and Greek Antiquity) has resonance with some philosophical ideas. Human beings' distinction from the rest of the creatures consists in their possession of rationality. According to McCrudden (2008:2), the capacity of human beings to reason is the source of her autonomy making her responsible for her fate. It is held that human beings were created with special endowments which enabled them to break with nature. These special endowments sometimes made human beings to care to care for nature (Kateb, 2011:x). The belief that human beings had a special status which entitled to human dignity, was based on the prevailing worldviews about the nature of the universe and the nature of man. Accordingly, the universe was a complex organisation, and hierarchically ordered. Every creature maintained its natural position. Human beings occupied a central and lofty place within this hierarchy.

Although this sort of thinking is philosophically relevant, it contains some religious undertones. It seems that the belief that human beings are special is not only based on the recognition that human beings are endowed with reason, but also that the universe was created by God, and entrusted to human beings as it were. Perhaps this can better be articulated within the religious conception of human dignity. Another important observation which can be made on the classical account of human dignity is that, the fact that human beings are distinguished from one another on account of their status or personal accomplishments, entails the exclusion of others. Accordingly, human dignity ceases to be a real possibility for all human beings regardless of their contingent circumstances such as social standing or accomplishments. Yet, human dignity ought to exist in people in an egalitarian way. Human beings have dignity since they possess reason, and live the best life according to nature, which is available to anyone who chooses to live in a thoughtful or reflective way (Schulman, 2008:7).

In the medieval period, religion, especially biblical religion, became an important source of human dignity. Pollmann (2010:246) for example, argues that Christian theology of the Middle Ages explicitly gave the term 'dignity' its universalistic shift. For Adam Schulman (2008:10), religion "is a power source of a broader, shared notion of human dignity". Human being is a dignified creature on account of her status as the image of God, or *Imago Dei* in Latin (Donnelly, 2009:18; Schulman, 2008:8). There are two theses identified in the idea of *imago Dei* namely,

*creation and resemblance*. Creation thesis, which consists in the belief that the world in general, and human beings in particular, are God's creation, does not distinguish human beings from other creatures, or creation in general. All creatures are dependent on someone or some principle for their existence. All sorts of beings come into existence by powers originating in a being different from the creatures themselves. Human dignity does not originate from this thesis for lack of distinction between created beings that have dignity and those that do not.

The resemblance thesis holds that humanity resembles God. It is this thesis that is regarded as giving rise to human dignity. Resemblance to God is what makes human beings deserve special worth (Dan-Cohen, 2011:11). Within the biblical tradition therefore, humanity's resemblance with God in whatever aspects come under considerations, is considered as providing a more reasonable ground for claims to human dignity. Thus human dignity is simply embedded in humanity's very nature, that of being the image of God (Chan, 2014:3). The central idea then is that because they are in some respects godlike, human beings possess an inherent and inalienable dignity. While the idea of a special dignity in the classical historical era was conferred only on those privileged persons on account of their extraordinary career achievements, the religious or biblical type consisted in the transference of this ancient dignity to all human beings regardless of their achievements. The conditions on which the ancient conception of human dignity was based on compartmentalised humanity, while biblical religion interpreted by Christianity universalised dignity as it became unconditional. The exalted role that human beings played in the realm of nature as God's image satisfied the criterion for dignity (Pollmann, 2010:246). Thus, despite the contingent differences between individuals, dignity was to be conferred on every human being because it is only human beings that shared in the divinity of God.

As a source of human dignity, the image of God would imply that all human beings, healthy and upright, as well as those broken in body or soul, have a share in this God-given dignity. Human beings are given their dignity by God in that they possess unique characteristics that give them a special status or a high place above everything else in the created universe. Using the book of Genesis, man is seen as resembling God not only because he has been entrusted with stewardship or dominion over the created universe, but also because he alone is able to understand everything, and he eventually concerns himself with the good of the whole (Schulman, 2008:10).

For Stoecker (2010:8), the biblical conception of human dignity had nothing to do with social nobility of persons. On the contrary, the assumption that every human being was created by God, as well as in the image of God which became his nature, was meant to trump and annihilate all social ranks instead. It is important to note that within the biblical tradition, human dignity

shares two features of the ancient Roman and Greek understanding which it is said to have succeeded and ameliorated through universalisation. First, it is without doubt dignity was regarded as something of high value. Secondly, biblical account of dignity made strong demands on the bearer of dignity herself. For the best part of the history of Christian religion, human dignity was merely regarded in terms of its bearing on the appropriate behaviour of the subject of dignity herself, and for a long time emphasis was laid on the human failures to meet these demands due to human sinfulness, weakness and misery.

The rational nature of human beings or the intellect is considered as a philosophical source of dignity for Historical Modernity. Reason is the inherent capacity for self-determination and ethical autonomy among human beings. According to Donnelly (2009:81), as a source of dignity, reason is intrinsically available to all human beings on account of their participation in the life of the human species. Reason lies within human beings themselves, and not outside them. Intrinsic reason helped equalise any apparent differences in the appropriation of human dignity carried over from the Ancient Greco-Roman and Medieval periods (de Villiers, 2010:265). Josiah Ober (2012:832) argues that dignity is equitably distributed among all beings who possessed reason. No individual can possess it more than others, and so there is no competition over dignity.

Kant, who is often cited as representative of the philosophical thinking prevailing in the historical Modern period (Enlightenment), is well known for associating dignity with the capacity of rational beings to act autonomously according to universal principles or laws. Kant employs metaphysics of the human person to articulate a moral theory which in turn acts as a guide for human conduct in a society. For Kant then, dignity is that intrinsic worth that belongs to no other beings in the natural world but all human beings. All human beings possess dignity because of their rational autonomy. Rational autonomy is the capacity for free obedience to the moral law of which human beings themselves are the legislative authority (Kant, 2002a:56). Kant's doctrine of human dignity demands equal respect for all persons who are the ends in themselves. This doctrine forbids the use of another person merely as a means to one's own ends (Kant, 2002a:46). Accordingly, Kant's dignity reflects one's intrinsic worth which actually imposes on others a duty to respect that being as an end. One cannot be used simply as an instrument or means to serve the ends of others (Chan, 2014:2). In the modern period therefore, human dignity is understood as consisting in human being's chief endowment – reason – although reason consist in different things, one of which is the liberty to determine what one wants to be (Lebech, 2009:86).

Autonomy makes humans dignified beings in so far as they can obey the moral law of which they are legislators. This is close to speaking of the dignity of humanity in so far as it is

capable of morality, and to understand humanity itself as dignity (Lebech, 2009:100). Thus, to treat someone with dignity is to treat them as autonomous individuals able to choose their own destiny (McCrudden, 2008:2). Martha Nussbaum (2008:353) argues that the Kantian thinking on dignity is a refinement of the Greek and Roman Stoics who held that the basis for human community is the reason existing in every human being. It also helped secularise dignity which was already universalised by medieval Christianity. Secularisation was characterised by a kind of thinking free from the influence of theological dogma. According to this position, human beings have dignity not because they are created in the image of God, but because they are capable of something great on account of reason and moral autonomy (Pollmann, 2010:246). In addition, this conception of human dignity reinforced the view that human beings rank above all other living species. However, they are equal among themselves. For Lebech (2009:30), reason became the basis for negotiation among equal human beings.

Kant's thinking on individual autonomy and his subsequent prohibition of the 'instrumentalisation' of human subjects is certainly relevant and still celebrated as a landmark in the modern ethical thought in general, and in bioethics in particular (Schulman, 2008:10). Kant's understanding of human dignity is located in his *Groundwork to the Metaphysics of Morals* (2002a) in which he distinguishes two kinds of value. The first type is the price of something, say monetary value, which allows for its substitution by something equivalent or of similar price. That is, it can be exchanged for something of a similar value without any loss. The second understanding of value is dignity whose value is above any price and forecloses the kind of exchange that takes place in the first one. Dignity is an intrinsic value or inner worth, as against relative worth, of human beings (Kant, 2002a:53). Almost everything that has value has price except human persons, who because of their rational nature, have dignity. The categorical imperative puts them under the obligation not to treat someone's humanity as a mere means to an end (Stoecker, 2010:8).

The concept of human dignity appearing in the 20th-century international declarations and constitutions which draws from international law appears to have initially ignored the need to provide a solid foundation for validating its claims. It is argued by many that the atrocities of the Second World War, and particularly the Holocaust of the Jewish People, are the primary factors that led human dignity to assume a central role of legal discourse (Barak, 2015:34). Human dignity became useful for human rights revolution. For example, the preamble to the Charter of the United Nations claims to "reaffirm faith in fundamental human rights, in the *dignity and the worth of the human person*, in the equal rights of men and women" (*cited in* Barak, 2015:34). The charter does not indicate the source of this claim except that it is a reaffirmation making references to 'human

nature' and 'human dignity' found in the many other United Nations declarations and conventions (van Dun, 2001:13). This thinking is shared by many scholars. Shultziner (2003:4) expressed similar worry when he explains: "While human dignity in these documents plays the role of a supreme value on which all human rights and duties are said to depend, the meaning, content, and foundations of human dignity are never explicitly defined". One can only assume that this reaffirmation merely restates those values contained in the religious and philosophical accounts of human dignity, which were at least explicit about the source of human dignity, namely that human beings have rational autonomy and are created in the image of God. Scholars suggest that the affirmations of human dignity in these United Nations documents only reflect a political consensus among groups that may well have quite different beliefs about what human dignity means, what its sources are, and what it entails for practice (Schulman, 2008:13).

It seems reasonable to think that the legalistic account of human dignity, which does not explicitly commit to either philosophical or religious sources, owes much of its development to the values that gave rise to the Cosmo-centric, Biblical and the Kantian accounts of human dignity. That is, it appears that the notion of human dignity that is used as the basis for the 20<sup>th</sup> century declarations and constitutions is drawn from a combination of values that I have discussed as forming the foundation of Cosmo-centric, Biblical and the Kantian accounts of human dignity. These are philosophical and religious values that make reference either to the nature of human dignity or of human being as the subject of human dignity. For Milton Lewis (2007:93-94), the universalistic view of man's unique place in the cosmos is founded on both the Judeo-Christian monotheism and the Greco-Roman world's understanding of humankind. Human nature is very important to the religious, and particularly Christian conception of dignity. Christianity unambiguously claims that human person is important because he is created in the image of God. The kind of equality of humanity from the theological perspective makes dignity an ontological category.

There could be important reasons why most legalists tend to avoid entanglement with philosophical or religious claims and argumentations, given they still find them useful for their work. For Aharon Barak's (2015:16), jurists, who make use of the legalist conception of human dignity are neither philosophers nor theologians because their primary job is to interpret the law based on the constitution. Within the legalistic approach, the importance of the intellectual history is limited. However, Barak (2015:33) admits that many upstanding members of modern society are influenced by religious and philosophical perspectives, and he suggests the importance of acquainting oneself with the approaches of theologians and philosophers from the intellectual

history. He explains that theologians and philosophers did not have to deal with the constitutional value of, and right to, human dignity as part of the constitutional bill of rights. By then there was no constitutional bill of rights and there was no discussion of the constitutional meaning of human dignity, whether as a value or right. It is for this reason that there is merit in thinking that the modern discussion of the constitutional value and constitutional right rests upon the long theological and philosophical history of human dignity (Barak, 2015:4). The theological and philosophical history of the notion of human dignity is important because human dignity is a contextually dependent value. So, it is very possible that the concept of human dignity in a given society was initially based upon the religious view that sees man as the image of God or God's image in man.

## **1.5 General features of the concept of human dignity**

Having considered the definition and history of the development of the concept of human dignity, one can identify certain features that are recurrent within any discourse on human dignity. That is, although a great deal of scepticism confounds any discussion involving human dignity with regard to what it means or to what it refers as a concept, there is nonetheless something to say about human dignity in terms of its general features. These can still be identified from whatever vague idea is there about human dignity. It is similar to what Leszek Kolakowski (2002:46) says of social justice in relation to human dignity that,

In its vagueness, 'social justice' resembles the concept of human dignity. It is difficult to define what human dignity is. It is not an organ to be discovered in our body, it is not an empirical notion, but without it we would be unable to answer the simple question: what is wrong with slavery?

Failure to define concepts must not blind one into ignoring the existence of notions such as human dignity. Although the concept is perceivably vague, it is still useful. In most cases, the notion of human dignity is abstracted from the common human experiences (Bernadini, 2010:50). More importantly, as Edmund D. Pellegrino (2008:521) demonstrates, human beings are aware of their own dignity by circumstances of life. For Pellegrino, the most significant for our understanding of our own or another's dignity, is that we experience them only in community with others. This explanation of human dignity has qualities of Gabriel Marcel's dimension of inter-subjectivity of human experience. Pellegrino further argues that the experience of dignity is inescapably a phenomenon of inter-subjectivity. It is only in the encounter with others that human beings gain knowledge of how they have to value each other. It is with such and many other related experiences, that it is possible to identify features associated with human dignity.

The features discussed here will in turn influence the way human dignity, the value inherent in human nature, is conceived. On this basis there should be several ways through which human dignity can be conceived considering that human experiences vary significantly. This is notwithstanding the fact that there is no single way of defining its content. Additionally, agreement regarding its beholder or its effective applicability is lacking. Since the notion of human dignity generally refers to a quality that is inherent in human nature, Paola Bernadini (2010:46-48) argues that this quality raises human beings to a status that is higher than any of the creatures, and it renders one's life precious. From this, it is unavoidable to engage the subject of human dignity without examining the notion of human nature influencing a particular conception of human dignity. The human nature in question becomes the foundation of human dignity.

Several scholars have contributed to our understanding of the general features of human dignity. However, features discussed in this section are based on Düwell (2010) and Arnd Pollmann (2010) whose writings have made significant contributions to the standard account of human dignity. In their accounts, they have each isolated common and important features. They have also recommended features which should characterise any discussion of human dignity. Specifically, the features in Düwell's standard account of human dignity are drawn from actions that are carried out to safeguard human dignity, whereas Pollmann discusses features based on the human being who is considered as central to the theory of human dignity.

Düwell's (2010:218-221) proposal of the positive accounts of human dignity is that it should contain at least four characteristics namely, a) *equality of dignity*, b) *the other-regarding nature of human dignity*, c) *dignity as an inherent worth of the individual*, and d) *overridingness*. Accordingly, each account of human dignity should ascribe the status of human dignity to all human beings equally. In such a theory, human dignity will be the source of prescriptions concerning other-regarding behaviour which in contemporary political and social order which is characterised by democratic principles, is generally formulated in terms of rights, and accompanied by prescriptions about morally acceptable political institutions. Such a theory will have to say something about the inherent worth of each individual for that is the motivation for which respect is demanded. Finally, Düwell (2010:222) considers respect for human dignity as more important than any other consideration for human beings as it emphasises the worth of human beings within the created universe.

In explaining the *equality* of human dignity, Düwell (2010:218) adopts the usage present in the human rights documents especially the Universal Declaration of Human Rights. In these documents, human dignity is granted to all members of the human family indiscriminately. It is a

feature present in all human beings regardless of their other features like race, gender, intelligence, race, or contingent features such as honour, rank, or status. All it takes for one to be granted dignity is to be a human being. One deserves human dignity because she is human. This understanding of human dignity is placed against the one which is usually associated with the equalisation or universalisation of the contingent dignity of rank or social status which is in central Jeremy Waldron's hypothesis (*see also* Waldron, 2009:29). However for Düwell, the universal dignity does not take into account one's accomplishments as an individual. This becomes the fundamental differentiating feature between the modern and pre-modern concepts of human dignity.

This notion of human dignity is also in stark contrast with Peter Singer's (1990:7) suggestion of *speciesism* which consists in prejudice that favours the members of one biological species. Düwell (2010:218) sharply criticises this suggestion for what he considers as Singer's failure to make a distinction in his usage of the term 'speciesism'. The first usage accepts the basic fact that being a member of a biological species is a sufficient reason for human beings to be granted a specific moral status. For Düwell this is a flawed argument. The second usage holds that members of species of the *Homo sapiens* are morally special. This is more specific. This later position may be justified by different arguments. There are specific features that can only be found within human species and are absent in others. These include communicability, (moral) agency and creativity. To grant human dignity to all members of the human family is, according to Düwell, not necessarily a speciesistic position. For that reason, human dignity is not a speciesistic concept as Singer would maintain. Although Düwell seems to have managed to put aside the speciesistic arguments, Singer might have been right to some extent any way. Animal ethicists and animal rights/welfare activists such as Singer himself could argue that animals have their own dignity.

The *other-regarding* nature is the next feature that any positive account of human dignity should have. This feature for Düwell (2010:219) regulates the relationship between human beings themselves, and between human beings and political institutions. To explain this feature properly, Düwell has had to contrast it with certain features of renaissance and religious accounts of human dignity. Whereas the renaissance account of human dignity was interested in the already determined cosmological position of the human being in relation to God, and angels and beasts, the religious accounts of human dignity were concerned with the salvation of human being determined by her religious position or relationship with God her creator. The *other-regarding* nature of human dignity is on its part well positioned within ethical accounts. Ethical considerations may be aimed at developing excellence in human beings. This is the perfection of human beings serving as the aim of an ethical theory. At the same time, ethical considerations can

be primarily concerned with the other-regarding obligations on the part of human beings. That certainly looks like a sort of tension existing within ethical theories themselves. That is, on the one hand there is regard for oneself to develop self-regarding excellence or virtue. But in this case, the interest is in the other-regarding behaviour displayed by an individual.

Like Düwell, Thomas M. Jones *et al.* (2007:138) argue that it is not so much of an intellectual stretch to say that ethics is about other-regarding, rather than self-regarding, thought and behaviour. Thus, an ethical theory can deal with obligations towards, or harm to other people, as well as with obligations towards, and harm to oneself. However, ethical excellence which is normally regarded as an obligation towards oneself, can be seen as a specific form of fulfilment of moral obligations towards others. It is for this reason that Düwell (2010:219) thinks that in this context it is only relevant that a modern account of human dignity should formulate moral prescriptions concerning the way people ought to treat each other, independently of the justification for those prescriptions. In modernity, a positive account of human dignity has had to deal with other-regarding obligations through different forms of human rights injunctions. Human rights consists of obligations determining how human beings should relate to each other. However, Düwell is quick to point out that a positive account of dignity is not only about a theory of rights. At least an account of human dignity must prescribe how human beings should treat fellow human beings. That is the most important feature.

The third feature that Düwell, (2010:220) identifies for any positive account of dignity is the *inherent worth of the individual*. This feature presupposes that each individual has a moral status, which is a special characteristic for moral agents. The implication for this is that every moral agent is unique and cannot be replaced by other individuals in a morally relevant sense. This uniqueness is what is described as the inherent worth of the individual, which effectively forbids determining the value of the individual through a system of goods and values. Human value is of special kind which cannot be measured in ordinary terms, or using instruments designed for measuring the value of other valuable things. The value and worth of human beings consists in their capacity to make choices, create or perceive values and to follow moral norms which they have formulated themselves. The moral capacities that human beings are endowed with necessitate the ascription of the status of human dignity to human beings. Such a value is not subject to valuation. It is just special for human beings.

However, Düwell (2010:220) does not think there are specific forms of social arrangements or political institutions that *a priori* grant the respect for human dignity. What this means is that the content of any standard account of human dignity will have normative implications for political

institutions and for the rights of individuals. But it is not conceptually evident that the appropriate institutions that protect and promote human dignity are only those western social and political institutions in which the concept of the autonomous individual is central. This propels one to suggest that there could be other social arrangements in which the central feature is not the autonomous individual, but the community itself which protect and promote human dignity but in a different way.

*Overridingness* is the fourth and final feature that Düwell considers as fundamental to any standard theory of human dignity. In the context of human rights framework for example, human dignity is characterised by a claim of overridingness. According to the *Overridingness Thesis* (OT) moral considerations are always overriding non-moral reasons; they always take precedence over non-moral justifications (Zimmerman, 2001:240). There is no justification for doing what is morally wrong (Louden, 1992:61). For this reason, Düwell (2010:221) argues that in one sense or another, every standard account of human dignity will have to articulate normative considerations that trump other considerations. Hence, only actions that promote human dignity must be what human beings should strive for, whereas those actions that violate human dignity are not morally permissible, for a moral action must override other considerations.

In his contribution to the general features of human dignity, Pollmann (2010:243) has listed a number of characteristic features attributed not to the concept, but to human being for her to be considered as special and deserving of human dignity. That is, for human beings to deserve human dignity, there are special features that they ordinarily exhibit, that perhaps no other creatures do. This results from Pollmann's notion of dignity as 'self-embodied' which he proposes is able to bring all characteristics, claims, and interests together. Hence, Pollmann argues that dignity can no longer be seen as an "inalienable value (absolute/that cannot be taken away)" that human beings cannot lose. On the contrary, it should be conceived as a precarious capability for basic human flourishing, and more specifically, as a potential for embodied self-respect that needs to be protected by corresponding institutions such as those provided by human rights. In other words, lack of equal human dignity from the start is the reason that all human beings have equal human rights.

In fact in an earlier publication, Pollmann (2005:611-619) had already suggested that human dignity must be taken as a highly vulnerable and, therefore, threatened capability to lead a life worth living in self-respect. It was the reason he argued that human dignity is grossly misunderstood when it is presupposed to be an 'inborn' and, therefore, an indefeasible value. The self-embodiment argument is according to Patrick Lee and Robert P. George (2008:413), similar

to the one advanced by animal welfarists who contend that the criterion for moral worth is simply the ability to experience enjoyment and suffering. Therefore, all the features that Pollmann has discussed help to come up with substantial picture of human dignity.

In the first place, Pollmann (2010:254) argues for the need of a single *basic characteristic* that makes human beings count as actual, or at least as potential holders of human dignity. That fact is the nature of human beings itself; the fact that they are human. In his argument, the nature of a human being by itself can sufficiently render the human being a possible candidate for human dignity. Membership to human species by definition, sufficiently qualifies human beings, actually or potentially, as the owners or holders of human dignity. This actually contradicts Pollmann's own assertion that human beings do not have equal human dignity from the start or that they all have equal human rights. That is, in one moment he thinks dignity is not equal among human beings because of their self-embodiment. In another moment he thinks that to be human is all it takes to deserve human dignity. There is reasonable evidence to suggest that perhaps the influence of human rights has taken the better of Pollmann's discussion of characteristic features of human beings. Human rights use the same argument that human beings are holders of human rights simply on account of their membership to the human species.

*Equality* is the second characteristic which according to Pollmann (2010:254) makes human beings count as candidates for human dignity in the same way. It is not just a simple fact of one's membership to the human species. However, there is a connection between equality and being human. It is in being human that human beings are equal. Granted that this is a fundamental feature, then the notion of human dignity seems to imply the opposite as it is closely connected to the idea of "equality". Some critics on equality would argue that human beings might have different moral worth, specifically if adults were of more worth than embryos because embryos lack that moral worth. This thinking characterises fundamental debates in bioethics contesting whether human embryos should be accorded moral status (*see also* Lee & George 2008; de Melo-Martín, 2011; Chan, 2014). So far, there seems to be no end in sight on such contestations as each theoretical position, be it religious or economic, tends to push for the acceptance of their argument.

The third characteristic feature that makes human beings deserve human dignity is *respect* or social recognition. For Pollmann (2010:255), respect is considered at three levels: general respect human beings have for each other, self-respect which is a self-relation with oneself, and the actual embodiment of self-respect through public expressions of that respect. *General respect* is sometimes referred to as social distinction or recognition. Respect is a distinctive form of social recognition that human beings claim to be entitled to when they grant moral or legal equality to

other persons. This is a kind of mutuality from which each expects to benefit equally. *Social respect* is egalitarian in nature, and must forthwith be distinguished from the term 'esteem' which results from individual and special efforts or personal achievements. In short, respect is social and mutual while esteem is personal. To be respected as a person of equal worth is to be treated in what Pollmann (2010:225) calls a decent or humane way. This means one is treated as someone with equal worth and not just as a mere object, animal or machine.

This extension of the argument has a hint on the Golden Rule. That is, one has a moral claim or right on the basis that he expects other mature rational agents to respect one's reasonable pursuits and real fulfilment. This is exactly what Antje Kapust (2011:154) says of respect: "as an attitude of general consideration respect is demanded in the categorical imperative, especially in the 'end in itself' formula". In keeping with this claim, consistency demands that one respects reasonable pursuits and real fulfilment of others as well (Lee & George, 2008: 190). Respect has become such an important moral concept. When we talk of respect we do not refer to a mere feeling, but rather a form of behaviour which people owe each other. It is an attitude which calls for considerate behaviour. Without it the call to treat each other as ends would be empty. The importance of respect to human dignity cannot be emphasised enough. It is enough to think of respect as the primary value of relationships. How can it be enhanced? According to Larry Gostin (1991:193), the primary way to respect individuals is to abide by their choices, whether or not others believe their choices are wise or beneficial. Hence for Kapust (2011:153), the respect one has for other people is evidence of the acknowledgement of their dignity.

While general respect deals with reciprocity and mutuality between equal individuals, Pollmann (2010:255) explains that *self-respect* is the inner relation with oneself. Self-respect is reflective of oneself. Self-respect could be said to originate from respect as a social distinction. One who is given respect by others has every reason to feel important. This is vital for the development of the idea of dignity. Mutual respect then leads to self-relation in which one respects oneself. This self-relation, Pollmann (2010:255) explains, reflects equal social recognition into the 'inner' world of the self.

*Expression of self-respect* is another feature that Pollmann (2010:255) identifies as significant for the positive account of human dignity. He says: "Whereas self-respect is first and foremost an inner self-relation, people want to authentically express or 'embody' self-respect in social life". Expression of self-respect is an outward appearance of a person or how she actually acts and behaves in the public sphere. For Pollmann (2010:255) the expression of self-respect can sometimes contradict one's inner conviction of equal worth. That is, one's outward behaviour may

in real life turn out to be at variance with one's inner conviction of equal worth with others. Sometimes a person is considered as having forfeited her own dignity by acts of self-degradation if she does not express self-respect as is required in public life. The degrading acts or behaviour suggest failure to express one's self-respect in public life. Hence, through one's public acts such as appearance, disposition or conduct, there exists that balance between general respect originating from one's relations with others and self-respect as one's inner relation with oneself.

The last but one characteristic feature that makes human beings worthy of dignity is human *vulnerability*. Vulnerability is a fact of human life which entails the need for inter-dependency. It is one of those characteristics of the human condition. It is the universal expression of human condition (Pollmann, 2010:255). Martha A. Fineman (2008:1) suggests that we should understand vulnerability as universal and constant, inherent in the human condition. It is a concept that is used to argue for a more responsive state and more egalitarian society. Such institutions must address common vulnerabilities. Therefore, it is not limited to the poor and the weak in society as is often thought to be the case. Since there is a constant possibility that human beings will be exposed to some kind of harm, vulnerability is not a negative and temporary stage that must be overcome in one's life. On the contrary, vulnerability should be considered as the capacity or susceptibility to being hurt. Vulnerability reflects the precariousness of the human condition, finitude and the fragility of the human species. Some consider vulnerability as the foundation for morality where morality is a compensation for man's vulnerability. The moral imperative is to take care of the other and this an ethical responsibility for the other (Rendtorff, 2008:77).

Vulnerability for Pollmann (2010:255) is the reason that people want to *express* and embody *self-respect* in public life. It is in the public life, in their interaction with others, that human beings become assailable and vulnerable. Whatever people do in order to live a decent life is meant to enhance a life of dignity for they realise their weakness. Almost every human being realises that. The immediate impulse is to overcome vulnerability as it leads to all kinds of disrespect. Typical forms of such disrespect to which a human being could be subjected comes under various banners such as *discrimination, instrumentalisation, debasement, and humiliation*. All these can collectively be called dehumanisation. To be dehumanised it to be stripped of all respect that typifies every form of dignity. What this suggests is that the vulnerability of the human being is the reason for enhancing human dignity. It is an acknowledgement that human beings are weak in many respects and this weakness bears heavily on their dignity. Therefore, vulnerability is closely tied to one's dignity. Without this vulnerability, weakness, there would be no need to devise systems and means for enhancing human dignity. It is in the interest of all human beings to protect

dignity because it is such a universal good on account of their participation in the life of human species.

The final feature of human beings that has a bearing on the positive account of human dignity considered by Pollmann (2010:256) is *personal responsibility*. First, responsibility indicates an internally self-driven commitment which is not motivated by personal gain or loss. For Yechiel M. Barilan (2012:262), a person who is sufficiently responsible does not depend on inspection or external command as her source of action. Thus, personal responsibility does not depend on the help or intervention of another person (Brown, 2009:14). Given this is what personal responsibility is all about, why does Pollmann think personal responsibility is important for human dignity theory? What is the connection between personal responsibility and dignity? It is safe to say that the focus is on the subject of dignity. Pollmann (2010:256) states that even though the modern state has the responsibility to protect human dignity, it is not always the case that respect on our dignity is sufficiently upheld. The protection of dignity of the human person is squarely the responsibility of the same individual it seeks to protect. After all the state does not feel vulnerable to any loss of dignity even though it has a duty to protect it. When the state cannot sufficiently protect the dignity of its citizens, it requires human beings themselves as individuals or a group to assume responsibility for guarding against any potential or actual violation of that human dignity. Human beings have the ability to withstand humiliation and maintain their dignity. Any loss or preservation of dignity will to a large extent depend on human ability and power to preserve it. The state can do so much but the sole responsibility to preserve dignity lies with human beings themselves. It is only human beings who are vulnerable to different types of humiliation that can understand what it means to lose dignity and how to preserve dignity. Thus, personal responsibility is crucial in the protection of human dignity. It becomes an important aspect of the subject of human dignity.

## **1.6 Conclusion**

The chapter introduced the problem of human dignity by engaging its definition, historical development and sources of human dignity, and some general features. This undertaking was necessary because, although the idea is frequently invoked in a number of spheres, what people refer to in those invocations may significantly vary. On account of its varying meanings and lack of conceptual consensus it appears to be a useless concept. However, the state of its ‘uselessness’ has been offset by constant references that are made to it.

For this reason, the chapter focused on some features that are common to those instances that make appeal to human dignity. It also discussed common features that are considered essential

to any standard account of human dignity. These characteristic features were finally traced to their historical antecedents, understanding how they have evolved. The principal motivation was to get a general view of the concept of dignity before examining how it is understood and applied within the African communitarian thought.

Through conceptualisation I engaged the idea of human dignity as it appears in many discussions. This was necessary because dignity is a contested concept with multiple meaning consistent with history and contexts in which it is used. Thus, the idea was to determine what exactly it is that the mind can construct when people employ the idea of human dignity. Such clarification of the concept and content are not only necessary for philosophising about human dignity, but also for the practical significance of the idea as will be seen in the following chapter. Careful consideration of concepts is critical part of theory development. Conceptualisation makes ambiguous and vague terms clearer. Thus, through the historical contexts considered in chapter one, dignity was regarded first as *achievement of social status* used to distinguish few individuals from the vulgar masses in a hierarchical way. Secondly, dignity was conceived as a *gift* given to someone especially at the beginning of life and cannot have graded levels. Thirdly, dignity was regarded as a *capacity*, a criterion used for making moral distinction between forms of life and those stages of human development in which typical characteristics of human persons emerge. Fourthly, the conceptual history regarded *dignity* as a *potential* whose realisation varied between individuals.

The sources of the idea consist of a set of ideas or traditions from which various formulations of the concept of human dignity originated. That is, every conception of human dignity is inspired by particular sets of ideas or values. That could be religious, philosophical or scientific values. Such values provide us with assumptions for why ideas are employed in the way they do. In the historical classical era human beings were regarded as of special value. This had resonance with some philosophical assumptions through which human beings were considered as distinct from the rest of the creatures on account of their possession of rationality. In the medieval period, religion, especially biblical religion, became an important source of human dignity. That human beings were created in the image of God was reason for human beings to deserve dignity. In the Historical Modernity, the philosophical rational nature of human beings or the intellect was regarded considered as a source of dignity. Reason, an inherent capacity available to all human beings was important for self-determination and ethical autonomy among human beings. Kant is often cited as representative of the philosophical thinking. In the contemporary period especially beginning from the 20<sup>th</sup> century, the source of human dignity was not philosophy or religion but

the law. However, constant references were made as reaffirming ‘human nature’ and ‘human dignity’ found in a number of United Nations declarations and conventions. In terms of the concept’s general features, the chapter looked characteristics of the idea of human dignity when it is invoked in different spheres. The general features that characterise the idea of human dignity included equality of dignity, the other-regarding nature of human dignity, inherent worth of the individual, and overridingness.

## CHAPTER TWO

### THE PRACTICAL SIGNIFICANCE OF HUMAN DIGNITY

#### 2.1 Introduction

This chapter discusses the practical significance of the idea of human dignity as it is invoked in the various domains where it informs practice. The practical significance of human dignity is important for it provides further insights into its nature, as sometimes definitions may sometimes fail to capture it. Such functions also contribute to the definition of the concept. More importantly, in the contemporary period, philosophical ideas are challenged to make themselves relevant and practical, providing solutions to many life's problems. The same challenge applies to the idea of human dignity which is regarded by some as useless not only because it lacks precise definition, but also because it is seen as irrelevant for practice. To some extent, this practical significance of human dignity offsets such challenges as it has significant influence in practical domains such law, ethics, and politics. It also broadens its conceptual horizon. That is, where definitions or conceptualisation still falls short of clarification, the idea's operationalisation in a specific domain will give a hint of what it is like. Such clarifications are critical to the broader aim of this thesis. It will broaden the horizon of human dignity to include certain elements which are consistent with the African communitarian thought.

#### 2.2 The significance of human dignity

The notion of human dignity can be understood by examining its linguistic functions. It performs various roles in various contexts. This 'functional analysis' enables the idea to escape the characteristically controversial nature regarding its normative status. The concept of dignity becomes vague, especially when it is sometimes employed in defence of contradicting situations or actions. Whether the concept is clear or not, we still use it in one way or another. A single concept however can have multiple functions within the same or different linguistic cultures. In the same manner, the functions that the concept of human dignity serves relate to shifting discourses of what it means to be human. Variations in the functions of dignity could be a reflection of different epistemological contexts. Certainly, the scope and meaning cannot be identical.

In fact Shultziner (2003:1) contends that there is no one true meaning of the concept of human dignity. He says that different levels of ‘thickness’ and ‘thinness’ in the meaning are culturally determined by each society. This renders human dignity a rather eclectic, and an ambiguous notion that cannot be precisely defined. Shultziner is however optimistic that although human dignity is this eclectic and ambiguous, lacking precise definition, a better understanding of the meanings that pertain to this term is possible by outlining and mapping the main linguistic functions of human dignity. This undertaking will help clarify both the ambiguity concerning the concept of human dignity, and its recurrent use within different domains. Indeed the existence of possible linguistic functions of the concept of human dignity implies the existence of corresponding different and quite distinct meanings in various contexts. Thus, the meaning of an idea is also accessible through its usage. Certainly the functions that human dignity performs as a concept will justify its prevalence, expand its meaning, and reinforce the need for its protection in the modern day.

For lack of consensus on meaning, Shultziner (2003:1-21) argues that human dignity serves as a placeholder for “whatever it is about human beings that entitles them to basic human rights and freedoms”. It can function as a basic principle for legal, political and ethical theories and practices, making it indispensable to many of our experiences as human beings (Lebeck, 2009:18). As McCrudden (2013:1) argues, the power of the concept within human rights debates is hugely unquestionable, for it presents a simple command to everyone, whether individually or collectively, or indeed both, to value the human person, simply on account of her human nature. For example, the concept of dignity is said to have played a significant role in several social and political movements of the 20th century where it became a central factor in the discourse on rights, both on national and international levels (McCrudden, 2008:7).

For McCrudden (2013:12), the significance of the concept of human dignity can be demonstrated by the multiplicity of meanings as it frequently appears in a number of spheres. For him, the competing versions of dignity, which cannot easily be harnessed and reconciled, leads to a dilemma about “who should decide between these competing versions?” The dilemma involving multiple meaning suggests that the significance of the idea is not limited by linguistic vagueness and ambiguity. Rather, in light of the flexibility of its substantive meaning, the intelligibility of the idea of human dignity may lie more in the functions that it fulfils, than in any uniqueness of *a priori* meaning that is attached to human dignity as a basic moral concept. McCrudden (2013:13) thinks the question ‘What are the functions of dignity?’ sheds more light on the concept.

Given that human dignity is in most cases understood intuitively, the purely analytical approach might not sufficiently succeed negotiating the insidious terrain through which this concept has had to pass as it manifests itself. Some aspects will be left out. The significance of human dignity therefore goes beyond the rigors of general philosophical interest in examining concepts. Its intelligibility can as well be enhanced by focussing on the concept's usage in concrete situations. This approach signifies a move from the metaphysical characteristics and genealogy of the concept, towards its functionality in specific practical matters. Even though the discussions about human dignity are as abstract as other foundational concepts, people are able to intuitively recognise its presence, as well as its absence in particular situations. That is, what appears to be the centre of fierce intellectual debate concerning the kind of thing that dignity is among scholars of various academic alignments, seems to be something ordinary with practical influence in certain spheres. In these spheres, the concept of human dignity does not cause significant problems since it forms part of social intuition.

Despite its lack of official position on its usage, which has often been left to one's intuition or exigencies of circumstances, human dignity finds itself embedded in much of the contemporary political and legal discourses (McCrudden, 2013:1). Its profound significance in these spheres appears to be genealogically connected to philosophical and theological intellectual traditions. This is the case because solutions to most contemporary problems are considered to be the province of law and politics. This explains why human dignity has become integral to the vocabulary in comparative constitutionalism, assuming a pragmatic role. Consistent with this claim, Botha has argued that human dignity is part and parcel of a shared constitutional vocabulary which cuts across national boundaries. In that regard, dignity is considered as a right, and at the same time the basis for human rights claims (Botha, 2009:171).

Appeals to human dignity are characteristically and prominently on display in many of the contemporary intellectual debates that feed into practical domains. As Shultziner (2006:663) says, the concept of human dignity is prevalent in modern discourses within philosophical, political, ethical, legal, or theological spheres. For him, although it is becoming more and more ambiguous and blurred in its meaning, the concept of human dignity has assumed an undoubtedly central status with universal pedigree, in the process transcending cultural diversity, and eventually becoming the source for all human rights claims. In attempting to grasp the concept, scholars emphasise the different cultural conditions in which human dignity is entrenched, crystallised, and gains its meaning. Concurring with Shultziner on human dignity ultimately becoming the basis of human rights are (Cruft *et al.*, 2015:1) who recently suggested that human rights should be

regarded as the distinctive legal, moral, and political concept of the last 60 years. The idea of rights which has enjoyed wide recognition, can be traced to a period before 1948 when the Universal Declaration of Human Rights was made. In fact rights as *natural rights* such as the preservation of mankind, can be found in the works of influential 17th and 18th century thinkers such as John Locke, Immanuel Kant and others. But there are also claims that suggest the idea of natural rights first appeared much earlier, namely either in early medieval thought or even before (Cruft *et.al.*, 2015:1).

As a key concept, the notion of dignity runs through many of the constitutions that were enacted or amended after the Second World War (Barak, 2015:34; Schulman 2008:13). The important roles that dignity performs extend to discussions bordering on the ethics of biomedical research where reproductive rights, anaesthesia, genetic manipulation/engineering, among others, feature highly (McCrudden, 2008:7). Within the contemporary political domain too, human dignity plays two important roles, specifically in relation to human rights. First it is considered as the *foundation of human rights*, a function which effectively gives them normative force. Secondly, it is regarded as the *goal of human rights*, a function which gives them a standard and teleology (Riley, 2013: 90).

In its vagueness human dignity has been a particularly useful concept. A great deal of recognition and influence is noticeable in many aspects of human life. That is, although dignity means different things to different people on account of which there is lack of standard agreement on what it actually means or what it should stand for, one cannot ignore its influence. In what follows, I examine three selected areas in which the concept of human dignity appears central to their objectives. These spheres are law, politics and bioethics. Although one might argue that the choice of these knowledge areas appears arbitrary, the concept of human dignity features particularly highly in these domains. Needless to say, there are significant other areas in which the concept is central, but those other domains are more or less represented by these three spheres.

Misztal has also observed “a growing visibility of the notion of human dignity within human rights, bioethics and public discourse generally” (Misztal, 2013:101). It is in these and other spheres that human dignity is considered as one of the main human achievements of modern times. Although these three areas are distinct in their respective perceptions and use of the concept of human dignity, there exists a nexus in the way dignity is employed. For example, it is commonplace to find the legal sense of human dignity being of assistance in the political as well as in bioethical spheres, and the opposite is also true for other domains. However, of particular interest in these knowledge spheres is the examination of the assumptions behind their persistent

use of the concept of human dignity to settle disputes intended to advance humanity's welfare. The metaphysical and epistemological assumptions that these various usages of human dignity convey is what is sought here.

## 2.3 Human dignity in the legal sphere

There is a resounding consensus in international academic as well as non-academic circles that the concept of human dignity is more than anything else closely related to the idea of human rights (*see also* Tasioulas, 2015; Donnelly, 2009; Waldron, 2015; McCrudden, 2013). The obvious entry into the legal discussion about human dignity is through the context of human rights framework. As a result, the concept of dignity has become indispensable in the theoretical formulations of human rights (Shaoping & Lin, 2009:371).<sup>6</sup> Human dignity is central to law in general, and in particular to its interpretation, enforcement and application of the idea in different contexts. This demonstrates the usefulness of the idea of dignity in this particular discourse despite its vagueness in meaning (Gilbert, 2015:196). The relationship between human rights and human dignity has become important in our quest to understand the concept of human dignity through the functions it performs within the legal sphere. In recent times, appeals to human dignity have been used to advance the relevance of human rights worldwide, providing the much needed normative basis with universal acceptance in the face of accusations that human rights are in general a western ploy bent on reviving colonial ambitions. Hence, the foundational role that the idea of human dignity plays within the realm of human rights is very critical in the legal sphere.

The concept of human dignity is considered as more fundamental than theories such as the pluralist's basic justificatory schema (interest-based account) which offers one of the most robust grounds of human rights. The interests on which the pluralist account draws its legitimacy are always the interests of human beings in their individual capacity. However understanding the plurality of interests as of normative significance requires a grasp of the intrinsically valuable status which is equally possessed by all human beings. This status consists of the fact that individuals are human, and this what they share amidst a variety of interests. The interests which generate human rights and duties are crucial because they are interests of human beings who possess equal moral status or worth. Since human dignity and universal human interests appear to

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<sup>6</sup> It should be acknowledged here that it is not everyone who thinks this makes sense. And the same is not assumed in this thesis. Doris Schroeder has argued that human rights and human dignity should be separated for three reasons. The first reason is the justification paradox which includes both religious and secular, where the concept of human dignity does not solve the justification problem for human rights but rather makes it worse in secular societies. The Kantian *cul-de-sac* is the second reason. That is, if human rights were based on Kant's concept of dignity rather than theist grounds, such rights would lose their universal validity. The third reason is called hazard by association. Human dignity is nowadays more controversial than the concept of human rights, especially given unresolved tensions between *aspirational dignity* and *inviolable dignity*. She concludes by saying that the proponents of universal human rights will be much better with alternative frameworks to justify human rights rather than relying on the concept of dignity (Schroeder 2012: 323). This reasoning serves to underscore the difficulties involved in using human dignity to justify human rights, where human dignity is more controversial than human rights.

be characteristically bound together in their operations, they are considered as fundamentally equal in their role of grounding human rights (Tasioulas, 2015:53).

However, human dignity sounds more ontologically robust than individual interests. The same kind of interests cannot be found in different individuals at the same time. The ontologically robust conception of human dignity is based on human nature. That is, the value of human dignity is grounded in the elements that constitute human nature (Tasioulas, 2015:54). Human nature is that which enables human beings enjoy equal importance. Human nature does not make any claim about the social, political or legal status which should be conferred on human beings from outside. Similarly, the claim of human dignity is not in and of itself a claim about any such social status which should be conferred. It does not in itself consist of political claims like human rights often do. However, the possession of this social status for example, is contingent upon the possession of a human nature. The value of human dignity is shared by all human beings despite other ethically salient differences among them, such as those that bear on virtue (Tasioulas, 2015:55).

In spite of their supposed controversial particularistic origins, namely the western civilisation, which often cast a shadow on their claimed universality, it is generally agreed that the motivation behind human rights is the promotion and protection of human dignity. Although the history is significant to the intelligibility of the concept, it is considered even more important to move beyond a limited genetic perspective, to the more important substantive issues raised by human rights. On this point, human rights are said to represent a distinctive approach to the problem of human dignity, and this deserves to be fully and fairly evaluated on its merits, regardless of its parentage (Donnelly, 1982:303). Human dignity therefore is considered as a universal value applying to all human beings regardless of their origin, culture or race, which are merely contingent factors. Thus, dignity can play the fundamental role as the foundation or justification of human rights (Misztal, 2013; McCrudden, 2008), as well as the moral substance of human rights (Habermas, 2010).

But how exactly does the concept of human dignity play that foundational role in human rights? How does that role which human dignity duly plays in human rights contribute to its own intelligibility? Within human rights framework, human dignity is dealt with at two distinct, but not unrelated, levels. Human dignity first plays the foundational role to human rights. This foundational role that human dignity plays in human rights consists in justifying why human rights are important for everyone. This is the most prevalent perception about human dignity. Secondly, human dignity is considered as one among so many rights that can be claimed by an individual against the state or another person. Consideration of human dignity as both the foundation and the

goal of human rights gives them normative force, as well as a standard teleology (Riley, 2013:90). This idea helps to underscore the significance of the contention that human rights are not entirely an end in themselves. They also play an ideological role. More importantly, human rights are a means to realise a greater value, which is human dignity. At best, and in a more precise way, it can be said that by providing one of the means for realizing human dignity, human rights have an instrumental value of serving human dignity (Donnelly, 1982:314).

Understood thus, human dignity has formed the axis of human rights law exemplified in international treaties, conventions and organisations where such treaties openly prohibit practices deemed to be an affront to humanity and its dignity. Such practices include torture, slavery, summary execution without trial, and arbitrary detention or forced exile. Hence, human rights are meant to deal with critical vulnerabilities of individuals and risk of abuses, creating a buffer protecting human beings from oppression, discrimination and providing them with opportunities to prosper as human beings (Pillay, 2014:4). Prospering as human beings in this case entails being treated with dignity. What appears to be central in the whole human rights edifice is the protection and promotion of human dignity. In her contribution to the justification of human rights, Hina Jelani (2014:10) has written that “human rights framework provides the essential components for effective remedies in the form of redress, compensation and reparation, through institutions that are independent and impartial and adhere to the basic principles of human dignity, equality, and non-discrimination”. The significance of human dignity within the legal domain where it forms the basis of human rights appears to be a straightforward case.

Scholars have demonstrated the significance of human dignity to the legal sphere by giving a fairly elaborate account of the relationship between human dignity and human rights. Düwell (2010:224) argues that in the context of the UDHR framework, the bond between *having human dignity* and *having human rights* is necessary, and therefore unbreakable. The majority of the international human rights documents present the idea human dignity as the basis of human rights through which everyone is entitled to a number of rights whose sole aim is to realise and ensure human dignity. Understood along the same lines of foundationalist thinking, human dignity is considered to be ‘the right to have rights’. To talk of human dignity as Düwell (2010:225) argues, is to claim a ‘right to have rights’, or the reason for making claims to various rights. The implication is that the first ‘right’ in the ‘right to have rights’ must be of another kind different from those ordinary ‘rights’ that come with citizenship to a particular political community. This concept of human dignity emphasises the rights-orientations of human dignity. However, it leaves the content of the human rights in question unexplained. This difficulty notwithstanding, the

intention of this section is to examine the centrality of human dignity to human rights which are generally understood from the legal perspective.

In trying to grapple with the central question concerning the particular philosophical role that human dignity plays within the realm of human rights, or the conceptual function that human rights do in preserving human dignity, Pollmann (2010:251-252) has distinguished four ways in which dignity is related to rights. For him human dignity, a) *provides the ground of human rights*, b) *is a special human right*, c) *is the sum of human rights*, and d) *as the purpose of human rights*.

The relationship according to which human dignity is the *ground for human rights* involves the assumption that the idea of dignity is the normative basis from which human rights can be derived. Human dignity is the source and the end of human rights. Understood in that way, then dignity cannot be itself a human right as we shall see later, but the justificatory ‘ground’ from which to deduce and proclaim concrete human rights. In Shultziner’s (2003:3) thinking, “because of human dignity, human beings have rights and duties”. Human dignity becomes an *a priori* bedrock-truth justification for the human rights documents. It is because human beings have dignity or equal worth, the argument goes, that they also have special human rights. Dignity is a presupposition or reason for having and claiming human rights. It is their necessary as well as the sufficient condition. And human rights are indispensable imperatives deriving from human dignity. Like Pollmann 2010:251) wonders, the reason for which human rights should be motivated by human dignity, nothing else, is not clear. However, Donnelly (2009:82) has described the function that human dignity plays in the UDHR as that of being a formal or transcendental norm.

When dignity is considered as a *special human right*, which suggests it is just one among several rights, we can assume and interpret it as saying that human dignity should not be taken as a ground or justification of the idea of human rights anymore. Rather it should be considered as a right in itself. In this case, human dignity is regarded as a special right because it informs the legal system about what the most important human good is, and that it needs special protection in constitutional and international law. Although all other rights are important, for example, rights to liberty and security, rights to freedom of speech and religion, or even right to life, they are considered as of less value when they are compared to the protection of the right to dignity, which is in this case more fundamental and is the basis of all other rights. As it turns out, dignity is not seen as the ‘first’ reference point to human rights but rather as their ‘last’ or ultimate. The state authority may decide to suspend and violate all other citizen rights or legal rights for whatever reasons. However, there is at least one human right that simply must not be violated in any way, and that is the *right to have one’s own human dignity protected* (Pollmann, 2010:252).

Human dignity appears to be the *right of all rights* for in one instance it is like all other rights, and in another, unlike them. Even if it is a right like no other, it still requires for itself another foundational principle, for in its uniqueness it may not have a foundation similar to the rest of other rights. Such a foundational principle is difficult to establish what it exactly could be. It is for this reason that there is some fear of possible regression into infinity in an attempt to establish that which should be the basis of human dignity as a special kind of right. Although some have argued that human rights and human dignity must be seen as two sides of the same coin where a person may have only one of them or both, it makes this task of understanding the relationship between dignity and rights even more difficult. This is the case because, as Klaus Dickie (2002:251) has contested it, dignity and rights are not the same since the role of dignity for having concrete rights is just about the same as that of the foundations of a house on which its walls rest and rely upon.

Some of those who argue that human dignity is a special kind of right have sometimes gone further to suggest that human dignity is just one among so many rights that one can claim. For example, Glensy (2011:65) has talked about the right to dignity or dignity rights which he believes presents the best possible relationship between human dignity and human rights, and as frequently used in judicial opinions. That notwithstanding, Glensy is worried that the legal pronouncements that frequently make their way into judicial opinions as dignity of rights have been quite dissatisfying, in that most of these allusions seem haphazard and lacking in theoretical foundations. As a consequence, interpretations whose contexts are extremely varied with reference to specific aspects of law also suffer from an inherent absence of coherence. What this means is that human dignity is reduced to the level of other rights such as the right to liberty and the right to security. For Glensy (2011:67-68; *see also* Macklin, 2003:1419) therefore, the basis of dignity should to lie in the autonomy of the self and a self-worth that is reflected in every human being's right to individual self-determination.

The right to dignity is used in resolving disputes and announcing legal rules, although such reference does not always involve constitutional values (Glensy, 2011:70). Under the rubric of dignity rights, dignity becomes a barrier to illicit state behaviour; dignity becomes autonomy, dignity becomes liberty, dignity is actually respect, and dignity is basic decency (Glensy, 2011:93). Above all, Glensy (2011:110) has emphatically argued that "any definition of dignity rights must, at a minimum, acknowledge that every individual has protected specific inner attributes, such as thoughts and feelings, and possessed the independence to choose his own course in life, unfettered by interference from the state or other people. In other words, dignity embodies the principle of an

individual's entitlement to exercise his free will". As a result, human dignity cannot in any way be said to be central to the human rights claims. Understood in this way, human dignity does not become the basis and justification for any of the rights. This understanding throws the concept of human dignity further into deeper problems as its relevance may become not as urgent when it is presented like any other rights, as when it is presented as the basis of rights. What this means is that if human dignity is taken as just one of the many existing rights, it may not attract the urgency and importance with which it is presently perceived as preference may be given to other rights seen as more urgent or relevant.

The third way in which dignity plays a significant role in human rights consists in conceiving *human dignity as the sum of all human rights* (Pollmann, 2010:252). According to this interpretation, the notion of dignity is equivalent to the aggregate or 'sum' of all human rights. Understood in that way, human rights simply become a detailed picture or demonstration in concrete ways of what it would mean to live a life in (of) dignity. For Pollmann (2010:252) therefore, the UDHR should be interpreted as a 'list' of necessary aspects of human dignity, and steps that should be taken to fulfil living a life of dignity. This idea suggests that if dignity is equivalent to the sum total of rights, one may as well claim that it is only through human rights that one can lead a life of dignity. Thus, human dignity and human rights become a necessary and sufficient condition for each other's existence.

Macklin (2003:1419) has expressed her discomfort with the kind of relationship between human dignity and human rights as it lacks logical soundness. She contends that although the term dignity is rich in tradition and has become a well-established concept in law as a reference to many of its claims about human rights, it can be dispensed with, without any loss, for it adds nothing to the idea of human rights. There is simply no logical relationship between dignity and rights. The idea of human rights is adequate for many purposes. Macklin's argument suggests the possibility of human rights and human dignity to thrive without reference to each other. Hence, the legal discourse can dispense with the concept of dignity without human rights suffering any negative consequences. The idea of human dignity has nothing new that can change the idea of human rights, and the other way round. This according to Pollmann (2010:252) explains why the older human rights declarations of the 18<sup>th</sup> century were able to roll out without making any reference to dignity. Another problem that might be encountered when human dignity is seen only as another label for 'the entire set of human rights' whose difference is merely linguistic is that, it is impossible to think again that human dignity could be the basis of human rights. Eventually, any

discussion about human dignity would add nothing to the general discourse of human rights, further confirming Macklin's discomfort with its current formulation.

The fourth significance of human dignity in connection with human rights is that it is considered as *the purpose of human rights*. The assumption behind this idea is not different from those of the first three significant relationships in the sense that dignity is a decisive normative reference for human rights (Pollmann, 2010:252). Human rights are meaningful so long as they are grounded in human dignity. In other words, human dignity is the purpose for which human rights are claimed. If human dignity is the purpose or goal for which human rights are granted, then human dignity is something special and of high value. A corollary to that statement is that the realisation of human rights would lead to the realisation of a human potential to dignity or that human rights are sufficient for human dignity (Pollmann, 2005; Nussbaum, 2008; Kass, 2008).

The different interpretations to the possible relationships that exist between human dignity and human rights reflect lack of a precise definition to the concept of dignity when it is used for making serious and binding decisions, as is the case with the courts. Thus, things become more interesting when binding judicial decisions are made on the basis of a nebulous concept. If the foundational principle on which court rulings are made is controversial, what would stop such rulings from becoming controversial as well? It appears the discretion to use a particular interpretation lies with the person entrusted with decision-making in courts. Obviously decision-makers are biased towards one interpretation or another. For Oscar Schachter (1983:849), where an unambiguous definition is lacking, it is difficult to assume we are making a sound judgement as to the correct or incorrect usage of the concept. Additionally, this renders it difficult to draw specific implications for relevant conduct. However, what is clear from this sort of link between human dignity and human rights is the fact that individual autonomy is the basis for both human dignity and human rights. Whether dignity is conceived as the ground of human rights, a special human right, the sum of human rights, or the purpose of human rights, it reflects a particular social and political structure supported by individualistic metaphysics or values. As long as human dignity is tied to human rights, every interpretation is meant to advance interests of autonomous individuals. This interpretation is replete with atomistic and individualistic assumptions of the liberal political philosophy.

Proponents of human rights emphasise that human rights create favourable conditions for the life of dignity to flourish. For example, the economic, social and cultural rights are considered as indispensable for (persons') dignity, and the free development of (their) personality. Thus, dignity is no longer the foundation of human rights but that for which human rights are enforced.

In spite of vagueness or perceived uselessness that is implied by the many interpretations about the link between human dignity and human rights, human dignity plays a very fundamental role within the legal domain. Importantly, human dignity is regarded as the foundation of human rights. It would be difficult to think of rights once human dignity is pulled under their feet.

## **2.4 Human dignity in the political domain**

Although human dignity has such a commanding presence within human rights, its political role is even bigger. For the moral and legal precepts to crystallise into working policies, they require the powerful hand of politics. That is, the moral idea has no binding force unless it is supported by political forces. Human dignity is considered as the centre of the contemporary moral and political theory (Donnelly, 2009:20). It is also seen as a basic concept of the moral and political order which emphasises the equality of dignity, the other-regarding prescriptivity, the inherent worth of the individual, and the overriding normative claim of human dignity (Düwell, 2010:215). Human dignity has been used to legitimise a wide range of liberal public policy initiatives usually directed at the welfare of poor people. This is the reason Brad Stetson (1998:10; 11) has argued that when dignity is perceived as a self-esteem it becomes a very handy tool for manipulation by politics and law. He thinks that way makes it a poor definition and completely arbitrary and subjective, deprived of any moral weight.

The use of human dignity is central in most of controversial debates. These include such issues such as abortion, euthanasia, genetic experimentation, freedom of expression, and gay rights where human dignity is invoked to justify the apparently conflicting positions. Solutions to such debates lie in political decisions that are based on dignity. Human dignity is used to defend or rebut many of such controversial debates bordering on controversial morality (McCrudden, 2013:1). Thus, in general, human dignity becomes the very foundation of society. As Lebech (2004:68) argues in her polis-centred account of human dignity, human dignity is what society ought to recognise as its foundation, ideology notwithstanding. Since personal identity is understood as consisting essentially in social relations, it was recognised and made a criterion for human dignity in the first place. Human dignity became a linguistic tool by which ordinary people themselves gained self-esteem and some political leverage, and it became therefore part of the Post-Modern framework, where it was thought to be the foundation for democracy and human rights.

As a linguistic symbol which can represent different outlooks, human dignity can justify a concrete political agreement on a seemingly shared ground. For Shultziner (2003:5), human dignity is considered as an *a priori* bedrock-truth justification for the human rights documents. There is no rationale as to why dignity ought to be respected and protected. All that is known is

that it resulted from a political consensus, although there were some philosophical influences. The very fact that various worldviews and ideologies are strongly related to the concept of human dignity is paradoxical in the sense that for itself, human dignity does not contain any concrete content or meaning. In fact it lacks fixed content. Because human dignity anchors different worldviews, it cannot represent any particular set of values or meaning that one can claim to 'naturally' stem out of it, for that will be limiting its reach. There is no fixed and universal content that spouts out of human dignity and hence, its content and meanings are determined separately in each legal document in accordance with the political agreements achieved at a particular time. Eventually its contents and meaning are subject to different interpretations (*see also* Shultziner, 2003:5; McCrudden, 2008:663). The political environment will in this case determine the meaning and application of the idea of human dignity. For example, liberals will differ in their interpretation of human dignity with the communitarians. However, each one of them will have reasons for claims that that policies derived from their respective political ideologies are in position to enhance human dignity. This makes human dignity central to political decisions regardless of the differences to its meaning.

Different theories of dignity proliferate the contemporary political philosophy. For example, Will Kymlicka (2002) offers a critical appraisal of theories such as *utilitarianism, liberal equality, libertarianism, Marxism, communitarianism, and feminism*. These are actually chapters in his *Contemporary Political Philosophy: An Introduction* whose primary objective is to defend values of liberal democracy against theories that act as critiques and alternatives to liberal democracy. Kymlicka (2002: viii-xii) argues that such philosophies can be viewed as various interpretations of the principle which demands equal treatment of all people. It should be recalled that the notion of human rights, which is widely considered to be inspired by human dignity, is a result of political consensus. Political notions of equality and right are said to be based on human dignity. Such political ideals are closely associated with human nature, and subsequently enhance human dignity. The centrality of human dignity in the political and social sphere is evident in the formulation of social and political policies. For example, in direct and consensual democracy, the idea of consent is critical as it entails recognition of dignity on the part of the governed. In formulating policies, human dignity is used as an ideological tool with unrivalled appeal (*see also* Barak 2015:6; Glensy, 2011:68; 135; Botha, 2009:193; Elshtain, 2004:15).

The polis-centred account of human dignity appears to represent the political significance of human dignity best. This account is based on a utopian vision of a world where all human beings would be happy. This is typically the vision of the idea of the just state. Dignity is considered to

be closely associated with those people who care to be just, sensible, and are in relentless pursuit of justice. It is according to Lebeck (2004:65), what society ought to recognise as its foundation, ideology notwithstanding. In that way, social and political actors have on numerous occasions claimed that their responsibility is to ensure that such a vision is fulfilled. Within the same political domain, the notion of human dignity is also understood in terms of one's capacity to form a conception of good life and to pursue that conception of the good life for herself, without any interference. To have dignity is therefore to have the capacity to choose a plan of life for oneself, and to successfully pursue it without interference. Human rights protect dignity by protecting this capacity. When rights are violated, human dignity is compromised, and leads to human beings being treated without respect (Cruft *et al.*, 2015:12).

The political domain brings together questions of human dignity, democracy and human rights. However, the claim that human rights are common to all cultural traditions, and adaptable to a great variety of social structures and political regimes is according to some thinkers greatly misleading, and should be discouraged outright. According to Rhoda Howard-Hassmann and Donnelly (1986:801), such arguments are deemed as confusing and unable to distinguish between human rights and human dignity. However, as these two argue, it is more reasonable to think that all societies possess a conception of human dignity, than to think that all societies operate under human rights. Human rights and human dignity are quite distinct notions. One should not be confused with another. The conception of human dignity which underlies international human rights standards requires a particular type of liberal type of regime. For this reason, every political regime (be it liberal, minimal, traditional, communist, corporatist and developmental regimes) implicitly reflects a particular social conception of human dignity. Hence for Howard-Hassmann and Donnelly (1986:802), "conceptions of human dignity, in their social and political aspects, express particular understandings of the inner (moral) nature and worth of the human person and his or her proper (political) relations with society.

For Howard-Hassmann and Donnelly (1986:808), "human rights are a particular social practice that aims to realize a distinctive substantive conception of human dignity". For instance, communitarian societies are distinguished by their adherence to the ideological and practical priority of the community (sometimes embodied in the state) over the individual. The notion of dignity is therefore not rooted in the notion of human rights. It is common knowledge that strict communitarian societies do not support human rights, and the individual has no autonomy by herself as when she is in the company of others. Communitarians reject the autonomy of the individual, the irreducible moral equality of all individuals, and the possibility of conflict between

the community's interests and the legitimate interests of any individual. Thus for Howard-Hassmann and Donnelly (1986:813),

Whether communitarianism is forward or backward looking, it is structurally, ideologically, and philosophically incompatible with human rights. The view of human dignity found in all communitarian societies is that the individual realizes himself as part of the group by unquestioningly filling his social role or being loyal to the state. This conception of human dignity is incompatible with human rights.

The strong point that Howard-Hassmann and Donnelly try to make about the incompatibility of systems is important. Indeed, whether a political system is backward or not, it harbours some notions of human dignity. Attempts to make theories compatible with each other are dangerous, as one of them will inevitably appear more important to the extent of modifying the other. Anthony O. Oyowe (2013a) has launched a similar criticism against Thaddeus Metz who attempts to force compatibility between an African *Ubuntu* moral theory and individual freedom and human rights. Metz (2011b:532) intended to make *Ubuntu*, the Afro-communitarian theory the basis of individual freedom and human rights in the South African context and beyond on the basis that human rights are more plausibly grounded in other-regarding concerns. Oyowe (2013a:103) then argued that the collective and the individual are totally different dimensions of reality. He maintains that when Metz seeks to integrate two potentially-conflicting and non-instrumental values in his theory by modifying his original *Ubuntu* ethical principle, the communitarian/*Ubuntu* status of the theory is eventually undermined to the extent that it cannot become an independent theory which can deal with ethical issues in the African context. The implication is that it is incapable of dealing with moral issues in the absence of the liberal ideals.

Today, democracy as a system of government, is said to be committed to the cause of human dignity (Elshtain, 2004; Ober, 2012). Although democracy, which comes in many forms working alongside each other such as hybrids of majoritarian and non-majoritarian (*see also* Schmidt, 2002:148), is not itself a perfect system, and therefore not a panacea to the world's political problems, it is considered by some as the world's best political hope so far. Democracy is according to Jean Bethke Elshtain premised on the dignity of the human person as a statement of fact and as a cry of hope by those whose dignity is being assaulted on a daily basis (Elshtain, 2004:25). Democracy is therefore deemed as the form of government which is most consistent with the premise and promise of human dignity (Elshtain, 2004:16). However, the premise of human dignity is clearly at odds with any system that traffics in routine horrors and cruelties or any system that singles out whole categories of people for death and destruction. The action of a

free citizen is a mark of human dignity and generates new possibilities (Elshtain, 2004:17-19). Ober (2012:827) considers dignity to be one of the core values of democracy. Democracy protects human beings from humiliation. The robust exercise of other democratic values such as liberty and equality can only be enhanced by the underlying idea of human dignity.

While Ober's argument seems straight-forward, he appears to confuse concepts. In one moment he appears to suggest that dignity which is fundamental principle, and in another, he appears to suggest that it is rather democracy which is a more fundamental idea, while human dignity is subservient. As a fundamental principle on which a political theory is based, dignity must be more fundamental than that which it supports in practice. Dignity is a necessary condition for democracy. Citizens require dignity as a prerequisite for which self-governance is seen as desirable. Again in democracy, the idea of consent of the people in political practice is very significant for human dignity. Through consent people actively take part in political affairs. It is not uncommon to hear the rhetoric that the legitimacy of any government rests on the consent of its people (*see also* ten Have, 2011). In politics, active consent is exercised through active participation in an election which is a form of decision making process. By exercising their right to vote the people authorise the government's existence. And just like Elshtain (2004) has argued, democracy provides the best environment in which human capabilities can be actualised (Kateb, 2011:70; 80). The actualisation of those capabilities is what affirms human dignity.

Political theories often operate concurrently with theories of justice. Within its understanding, any political theory suggests a particular conception of justice and the way that justice is to be administered. For example, John Rawls (1985:223) has argued that in constitutional democracy, justice should be conceived as fairness, and this assertion is independent from the influences of controversial philosophical and religious doctrines. Schachter (1983:851) has argued that a deep analysis of human dignity involves its relation to the material needs and to the ideal of distributive justice. Accordingly, no one will dispute the fact that a person in abject condition, deprived of adequate means of subsistence, or denied the opportunity to work, suffers a profound affront to her sense of dignity and intrinsic worth. Therefore, economic and social provisions cannot be excluded from a consideration of the demands of dignity. This can be related to Ordera Oruka's concept of human minimum which is a condition necessary for the preservation of human life as well as for human beings to function as a being with minimum human dignity. A human minimum can also be considered as a fundamental principle of justice (*see also* Nyarwah 2009). At the least, dignity requires recognition of a minimal concept of distributive justice that would require satisfaction of the essential needs of everyone. Therefore, respect for human dignity may

be realised in other important ways, and not necessarily by asserting claims of human rights alone. Social processes such as education, material benefits, political leadership, and other are equally important for this end. May be with the exception of education and material benefits which today are classified as human rights, political will is required to make sure such rights are respected. In that case, political leadership will by all means claim a commitment to the realisation of human dignity.

In her contribution to the human dignity debate, Nussbaum (2008:351) sees political principles as having a moral content. She has linked her human-capability conception of human dignity to social justice. First, she claims that capability, not the actual function, is the appropriate goal for any political organisation. We have seen that as well as playing a key role in international human rights movements, and many other documents that ground political principles for individual nations, human dignity has played a critical role in abstract theories of justice and human entitlement. According to Nussbaum (2008:352), human dignity plays a key role in her “own political conception of justice, holding that a hallmark of minimum social justice is the availability, to all citizens, of ten core ‘capabilities’, or opportunities to function”. Although she does not explicitly say what the contents of that conception of human dignity exactly are, why human beings deserve it, or whether human dignity is inherent, or indeed something achievable in one’s life, she nonetheless maintains that her list of ten capabilities are essential for a life of dignity. But on her account, it appears she firmly believes that human dignity is something that can be achieved once the listed ten capabilities are given a chance to flourish. In fact, it can be said she is answering the question how human dignity can be achieved and not what human dignity is. She (2008:357) is convinced that her account which is based on the Aristotelian/Marxian account of dignity in which human being is seen as a part of the natural world, and does not split between rationality and other human capacities, might ground basic political entitlements. This non-metaphysical way is more suited to a pluralistic society. The need to respect the plurality of comprehensive political doctrines cannot be overemphasised. Since liberty is a central political good, political organisations that are based on singular ideas do not represent the majority. If these were forced on others, it would mean lack of respect for the dignity of those who do not share in such doctrines.

The human-capability conception of dignity that Nussbaum pursues makes capability, and not the actual functioning, the appropriate political goal. For example, a just society would offer its people the opportunity to vote, it does not require or force them to vote. Forcing someone to fulfil her capacity, would outright be a violation of her liberty, and consequently an affront to human dignity. Similarly for Nussbaum (2008:367), “a just society offers people freedom of

religion, but it does not drag all citizens into mandatory religious functioning, which would be violative of the commitments of the atheist, the agnostic, or whoever does not share the sort of religion that the state has chosen” to align with. This conception of human dignity becomes the object of an overlapping consensus among people who hold different comprehensive views of the good human life. Hence, political arrangements that are not founded on liberty, but on a single comprehensive doctrine are according to Nussbaum a violation of human dignity.

It is not difficult to see why for a long time political domain has had special interest in the idea of human dignity. That interest has influenced the idea’s conceptual and practical significance. Although political life is characterised by a diversity of opinions on different subjects, those working in the sphere at least agree on the importance of human dignity, and the implication that its absence would have on the society. Richard J. Neuhaus (2008:218) argues that because the concept of human dignity is vague and ambiguous, its meaning becomes a product of political consensus, where it serves as a placeholder for whatever it is about human beings that entitles them basic human rights and freedoms. The placeholder for human dignity has been necessitated by a significant number of crimes against humanity, the most infamous of which is the Holocaust. The 1948 Universal Declaration of Human Rights (UDHR) is in this regard aimed at reaching a political consensus, and does not necessarily have an interest in any philosophical or moral treatise on human nature forming the basis of human dignity.

Although philosophical treatise of human nature is not necessarily in the interest of political engagement with the idea of human dignity, the political engagement of human dignity through human rights is not necessarily inferior to its philosophical articulation. Rather politics played, and continues to play, an instrumental role in restraining evil, although often times, politics is frequently considered as an intrusion and an inappropriate guide for a moral life. Along these lines Neuhaus (2008:219) thinks that the vocabulary used in the political domain, especially concerning what is fair or unfair, good or bad, right or wrong, or common good, obviously belongs to the moral province, whereas the question of the dignity of the human person is rightly understood as a political question. It is a political question because the resolutions (which are always provisional and open to revision) of the majority of political disputes do not ordinarily require delving into the foundational truths explored exclusively in detail by disciplines such as philosophy, ethics, and theology. The political discourse concerning human dignity is on the other hand guided, and frequently misguided, by custom, habits, and tacit understandings.

Thus far, human dignity has been of huge significance within the political sphere. As Mattson and Clark (2011:304-305) concur with this assertion, dignity has acted as springboard for

many of the policies that guide public life within the political world, at both local and global levels, although the sense in which the concept is used remains problematic, especially that we do not know whether it should be viewed as an antecedent, consequence, a value, or indeed a principle. In the political domain however, human dignity appears to be used more as a pragmatic than a diagnostic concept. However, when an idea is used in an ideological sense, it is highly likely to become insensitive to the context, and indifferent to unique circumstances of situations and people for which it is supposed to be of relevance. This would become a form of incivility and indignity for many, as it would contradict the generally considered view of human dignity as a universal good serving as a common ground in efforts to identify and secure local to global common interests in an increasingly interconnected world.

## **2.5 Human dignity in Bioethics**

Human dignity is equally a useful concept in the domain of Bioethics (Schulman, 2008; Pellegrino, 2008; Chapman, 2011; Kass, 2008; Andorno, 2009; Griffin-Heslin, 2005). As an umbrella domain, Bioethics covers such important areas as technology, medicine, health, nursing care, and others. The *United States of America President's Council on Bioethics* has underscored the usefulness of human dignity to bioethics. In 2008, the Council commissioned essays on *Human Dignity and Bioethics*. Recognising the usefulness of the concept in bioethics, this publication's primary aim was to shed "important light on the whole range of bioethical issues" (Schulman, 2008:3). These essays make a deliberate exploration of the idea of human dignity, especially its meanings, foundations, and relevance for Bioethics. This section of the chapter pursues one intention presented by some of the essays, namely to consider the relevance of human dignity to Bioethics. Focussing on the assumptions behind the usage of the concept within bioethics, it broadens our broader understanding of the idea of human dignity.

Just like it is with the legal and political spheres, human dignity is within Bioethics articulated in the context of human rights debates. The problem however is that in some bioethical debates human dignity is conceived as a human rights issue, and not necessarily as a fundamental principle. Thus, as the principle of respect, human dignity plays a crucial role in the emerging global norms relating to bioethics, and has been codified in the UNESCO Universal Declaration on Bioethics and Human Rights. Some consider it as the extension of international human rights law into the field of biomedicine (Andorno, 2009:223). Others, for example McCrudden (2008:20), consider human dignity as a fundamental organising principle. Whether it is used in a human rights context or as an organising principle in a different domain, the ubiquity of human dignity cannot be missed (Malpas & Lickiss, 2007; Donnelly, 2009; Gilibert, 2015). Scholars

attribute this ubiquity to the new developments in science and technology. Thus, science and technology has prompted the fast development of bioethics as a discipline servicing many areas. For example, Daniel C. Dennett (2008:39) argues that most debates in Bioethics are prompted by the fear that science and technology are slowly encroaching on life domains in ways that are considered as undermining human dignity. Since science and technology appear to be a major threat to the dignity of human beings, they must be re-directed towards that which is considered as their proper role before they get out of control. Hence, human dignity has emerged as a key point of reference for the said regulation of science and technology.

McCrudden (2013:3) agrees that the visibility of human dignity in Bioethics has been provoked by the developments in the life sciences, in biotechnology particularly, where deep moral questions concerning the direction and the practice of this science are raised. He sees dignity as potentially placing limits on some developments in these areas of scientific development. This is particularly the case in those areas of biotechnology related to genetic engineering and other technologies involving human enhancement. Human enhancement is identified as problematic, so the argument goes, because it compromises human dignity. Such concerns have led to the identification of human dignity as a foundational principle that must be safeguarded at all costs.

However, we should be reminded as McCrudden (2013:56) says, that the relatively recent resort to human dignity as a basic principle in bioethics is in part a consequence of the limits of the human rights project itself, where the disagreements that have persisted about their origin have now been pushed back onto the question of human dignity. It is not sufficient to rely on a practical (political) consensus alone as a method of resolving the meaning of human dignity because in its arbitrariness, it lacks stability and sustainability. In this regard, it is no longer the interest of science but that of human beings to cultivate the *spirit* of scientific and technological research (Chapman, 2011:9). Hence, although science and technology seem to have excelled in their sphere, such excellence will be useless if it is not at the service of humanity and its dignity. To be at the service of humanity and its dignity, scientific and technological research should be seen to prioritise the interests and welfare of the individual over the sole interest of scientific progress. Hence, the concept of human dignity has become handy in approaching debates about controversial new biotechnologies. However, given the history of the concept of human dignity where its meaning is also controversial, lacking a clearer conception, it becomes very difficult to determine the ability for technological innovation or scientific developments to protect human dignity.

Although the threat arising from recent advancements in science and technology is real, human dignity might as well be under threat even without scientific and technological

developments. That is, human life and that of other creatures would still be under threat without having to suffer under scientific and technological advancements. However, the speed and magnitude with which the threat affects life appears bigger and more devastating with technological advancements. Without assuming the role of a moralist bent on undermining the fruits of the free inquiry that has characterised the achievements of the contemporary scientific world, a scientist, and not his tools or discoveries is more liable to questions and worries that human dignity raises. In fact it is to the researcher, and on the basis of her innovative work, that bioethical questions are directed. The hope is that if a given researcher understood what uncontrolled and irresponsible research activities in her field might lead into, she would be in position to focus much of her energies and free inquiry on issues that can positively affect human life. Adam Schulman (2008:6) has in fact asked this question: “Do modern technological inventions relating to biosphere enhance one’s dignity?” However, we can acknowledge that the rate at which biosphere such as the environment gets damaged, is more devastating with scientific and technological innovations. Human disturbance and destruction of the environment which directly or indirectly affect human life, are faster than would be the case in purely natural setting, where such advancements and innovations were non-existent. Human attitude towards the environment also contributes to damage in the biosphere, especially the human life.

Human beings are protected from different kinds of abuse because they have dignity. In the moral domain, the moral status refers to what is so valuable in human beings so that it should be treated with special regard. For Agnieszka Jaworska (2018:1), “an entity has moral status if and only if it or its interests morally matter to some degree for the entity’s own sake”. Thus, moral problems arise when we shift from an entity of value to that without value. It is because of an entity’s value that it is supposed to be treated with dignity, and under no circumstances is it permitted to treat it as a means towards another end. For example, in the context of the use of embryos’ or monetisation, or indeed what Marx famously called the commodification of people, there is always a feeling that one is being treated as a mere means towards a different end (Kapust, 2011:151). Dignity therefore embodies respect accorded to certain entities.

Respect is a form behaviour people owe each other. It does not arise from mere feelings or sympathy. It occurs in the form of a debt. It is an acknowledgement of the dignity of other people. By extension, it is an acknowledgement of human vulnerability whose protection rests in the formation of mutually beneficial relationships. Hence, a moral status becomes the condition, or consists of characteristics, which human beings attribute to an entity, in this case fellow human beings, by virtue of which they are morally significant. Humanity becomes our priority when we

act in whatever manner. We often determine the goodness of our actions in terms of how they will affect the interests of others. A moral status is therefore something that has to do with individuals. It is a condition that enables individual human beings to act with freedom. It is for this reason that dignity as freedom or autonomy is the most popular conception of dignity, particularly in the USA (McCrudden, 2013:37). Indeed, this conception underscores the idea that human beings occupy the uppermost position in the hierarchy of moral statuses, and this guarantees them a high degree of protection and inviolability (Toscano, 2011:21).

The question of individual autonomy dominates any discussion concerning the role of human dignity in Bioethics. As an extension to the legal and political function, dignity within bioethics becomes the ability to choose one's preferences. Understood as a moral status, dignity becomes a protecting and an instantiating dimension of human autonomy. For Stuart M. White (2004:286), this autonomy is further protected and expressed by informed consent which is a legal instrument that allows individuals to define their own interests, and to protect their bodily privacy as is the case for consent to anaesthesia. White (2004:288) further argues that the current medical practice prioritises respect for autonomy, making it more imperative than beneficence. The question of beneficence applies only when a patient is deemed incapable of exercising her autonomy, or when she explicitly entrusts her best interests to the doctor.

Consent, which has to do with a trusting relationship, is an important aspect of dignity emphasised in Bioethics. It is meant to address paternalism. White (2004:289) argues that consent maximises a patient's welfare by respecting both patient's autonomy and medical beneficence. The re-establishment of trust in the relationship would facilitate an active, reciprocal, and fluid dialogue between both parties that would enable exploration of the overall best interests of the patient. What this means is that the best way to show respect of human dignity is to allow people of any condition to take part in matters that affect their lives, and medicine is one of those critical areas where respect for dignity is critical. However for White (2004:290), the unconditional respect for patient's autonomy through consent has several disadvantages. Patients might only ever be partially autonomous, leading to bad, uninformed or impractical decisions. Paternalism, for which autonomy is meant to address, also has a number of disadvantages, but its limited implementation under certain conditions may provide very real benefits to patients undergoing anaesthesia, either in terms of medical outcome or by enhancing autonomy in situations in which patients find themselves vulnerable.

As alluded to earlier, lack of precise meaning for the concept of 'human dignity' is exploited to advance conflicting arguments within the contemporary bioethical debates. That is, as

a nebulous concept, dignity has become vulnerable to rhetorical manipulation advancing the cause of otherwise conflicting sides of most bioethical debates. Daniel P. Sulmasy (2008:469) has described how the word 'dignity' has become something of a mere slogan in bioethics, often invoked by both sides of debates about a variety of scientific and clinical issues, supporting contradictory positions. Debates about euthanasia and euthanasia, for example, provide us with the clearest examples of significance of the notion of human dignity, albeit invoked in contradictory ways. On the surface, it appears proponents as well as opponents have valid and genuine reasons for their case. They might argue that a particular practice ought to be permitted because the extent to which some illnesses and injuries affect people can be extremely overwhelming. Some patients might be persuaded to think of their lives as of no value, a feeling that makes euthanasia a reasonable option. In defending their claim, Macklin (2003:1419) says proponents of the legalisation of euthanasia often appeal to the supposed 'right to die with dignity'. The appeal to the legalisation of euthanasia is said to be based on the notion of human dignity. On this understanding, dignity is a property that human beings can lose as a result of extreme health deficiency which often leads to helplessness and total dependency on others to function. Thus, pain becomes something that deprives human beings of their dignity, and to preserve this dignity in instances such as this one, people resort to euthanasia (Gentzler, 2003:461). For the patient, the actual suffering constitutes a loss in dignity. Opponents of euthanasia also make dignity-based argument which does not deny the extent to which the gravity of some illnesses and injuries can undermine dignity of a human being. They however argue that to kill oneself, or to ask to be killed in the face of suffering or imminent death, in the case of euthanasia, is precisely the opposite of what it means to face death with dignity. As Jyl Gentzler (2003:462) argues in a Kantian way that to kill oneself is to undermine one's absolute dignity.

In the Kantian tradition, ending pain through death, becomes an instance of treating oneself as a mere means to an end of limited value. There is no moral justification in treating oneself without due respect. Hence, every form of suicide is in all circumstances considered morally impermissible. On this understanding, there is no chance Kant would support the legalisation of euthanasia (Gentzler, 2003:463). Gentzler (2003:468) thinks an argument can be advanced that that dependency which appears problematic is an essential part of all human lives. Even those most admirable and worth living are involved in some sort of dependence on others. Hence, dependence on others does not conclusively compromise one's dignity; it simply makes a life more human. It is safer to say that it is part of the design of the human social world. Besides, human beings are generally considered to be capable of resilience and exercising mental strength even in face of

danger or absurd conditions that seem to undermine their sense of dignity. No circumstances should eliminate intrinsic dignity that characterises essential nature of human beings. Therefore, legitimisation of euthanasia is considered as undermining the fundamental basis of morality itself, which is respect for intrinsic dignity. The kind of dignity that euthanasia opponents are really worried about is for Sulmasy (2008:487, the attributed dignity which is not that fundamental, and therefore should not be a source of worry.

Kant's celebrated concept of human dignity, which is associated with individual autonomy, dominates the modern moral discourse. It is seen as a potential resource for contemporary bioethical debates. In the Kantian tradition, to treat someone with dignity is to treat them as autonomous individuals who are able to choose their own destiny (McCrudden, 2008:660). For Shell (2008:333) even though such a claim has a resounding consensus in many quarters, there are those who think dignity is a mere 'place holder' and those who think it is useful in bioethical debates. For the liberal and secular left, human dignity is generally associated with personal autonomy and expanded individual choice. For the conservative and religious right, it is generally associated with the sanctity of life and related limits on such choice. Although such conflicts occur because of lack of clarity of meaning, human dignity continues to command great respect through its great symbolic power, and its potential usefulness cannot be disputed. Moreover, as Audrey R. Chapman explains (2011:12), "Human dignity is too important a concept with too rich a heritage to be allowed to be languish on the trash heap of useless concepts". In a similar way, Andorno (2011:969) emphasises that lack of precise definition, does not by itself prove that dignity is an empty concept or a purely rhetorical notion. Apart from dignity, there are more concepts that would fall in the same category of vague concepts for want of precise definition. Such concepts include freedom, justice, solidarity, happiness, love, etc. as they express social value. There has been no suggestion that they be abandoned because they lack precise meaning. Andorno therefore suggests that such problems exist not because the concept of dignity is too poor, but because it is too rich to be condensed into a single definition that everyone assents to.

The appearance of such controversies in bioethics is attributed to lack of distinction between two different roles that human dignity plays in bioethics. Andorno (2011:972) has identified the dual role that the concept of human dignity plays in bioethics, especially biomedicine: 'as an overarching policy principle' and the other 'as a moral standard of patient care'. These are also considered respectively as objective and subjective components of human dignity. When considered as a very general concept, human dignity fulfils the role of foundational and a guiding normative framework governing biomedical issues. This is the sense that generally

prevails in most of the international policy documents where everyone has the right to be recognised and valued as a person. Like all other principles, human dignity does not by itself determine the content of a particular decision attributed to it as its inspiration. It has to be balanced against other principles since it is unable by itself to provide practical guidance for responses to particular pressing issues. The practical effect of it is aided by their legal recognition in different states. Dignity thus is that ‘super’ principle which not only provides the foundation of all legal and social institutions, but also shows a general direction towards which a civilised society should tend (Andorno, 2011:971).

When human dignity is used as a moral standard of patient care, it reflects a much more concrete and context-specific understanding of the patient as a ‘person’. This according to Andorno (2011:971) is based on one’s feelings about herself being a subjective human person. As a patient, one naturally expects certain dispositions, attitudes and behaviours from health care professionals, which recognise her status as a subject. This is the case because patients are in a situation of greater vulnerability, which if not protected can easily be abused through disrespect of their intrinsic worth. Dignity is then more visible in weakness than in power, in vulnerability than in self-sufficiency. This is what it means treating someone in a dignified manner. These two senses by which human dignity is used in biomedicine are but just two sides of the same coin. For Andorno therefore, there is no real conflict between the two different approaches to human dignity. Rather than causing misunderstanding, Andorno (2011:967) expects that such distinction should play a complementary role in bioethics. Their role is that of expressing the same widely shared view that all human beings possess an equal and inherent worth.

Kass (2008:297) has outlined various aspects of human dignity that are at risk in our biotechnological age. They include the *dignity of procreation*, the *dignity of nascent human life*, the *dignity of human difference*, the *dignity of bodily integrity*, the *dignity of dying*, and others. In an attempt to protect human beings from such risks, human dignity is invoked as the underlining principle. It is the end for which medical activities should be performed. Research activities in medical practice and nursing care all make dignity their reference point. In order to be deemed suitable, activities in these areas are tested against human dignity. Hence, human dignity sheds light on so many important bioethical issues, ranging from embryo research and assisted reproduction, to biomedical enhancement, to care of the disabled and the dying (Schulman, 2008:3). Thus the edifices of bioethical systems are grounded in some idea of the purposes and destiny of human life. As to the end or objective of any medical practice, which would in turn be considered to be advancing human dignity, Pellegrino (2008:530) argues that,

The preservation of human dignity and the prevention of indignity are obligations built into the ends of medicine. The ends of medicine are focused on the good of the patient as a human person. Medicine's ends are ultimate, intermediate, and proximate. Ultimately, medicine aims to restore health; its intermediate aim is to cure, ameliorate, or prevent illness. Most proximately, it is to make a right and good healing decision, for a particular patient in a particular clinical encounter. Any behaviour that frustrates those ends or causes suffering is a violation of the moral trust patients must place in physicians if they are to be helped.

Going back to science and technology, Kass (2008:302) has no doubt that biotechnological revolution has as its ultimate end the enhancement of the dignity of human beings, especially improving human abilities. It would seem, without working with these ends in mind, even medical practice would not be advancing human dignity. Since technology initially developed as a means to improve human lives, no one would be against improved and efficient transportation systems, abundant food availability, or modern instant communication technologies. However it is not everyone who perceives technology that way. Excitement has led to the development of ulterior motives in some scientists. The power of technology sometimes suffers abuse for advancing personal gratification. Perhaps capitalism is the reason that people tend to think technological power can be used for personal glory. Indeed any invention must benefit its owner more than the end users. This abuse and manipulation for self-gratification sometimes has led to the suffering and manipulation of the weak. For example, as Kass (2008:301) observes, with biotechnology, hormones can be manipulated to produce 'human beings' of the scientist's liking say short or tall individuals. They can control behaviour or boost one's intelligence, and other manipulations. Apart from the abuse and manipulation of technological capabilities, sometimes things often get out of control of the researcher. Sometimes they might be unable to reverse adverse effects resulting from a particular technology. This is where human dignity meets technology with a challenge to limit such damage and redefine its ends.

The concept of dignity is also central in the nursing profession (Griffin-Heslin, 2005:252). It is useful in the nursing profession especially the aspects of nursing care. In their profession, nurses are frequently called upon to act in the manner that enhances the dignity and integrity of individuals, clients, groups, or communities under their care. Nurses can express that dignity through speech, dress, language and actions. Specifically, dignity makes a person feel important, valued and worthy. Through these expressions of dignity, one's self-esteem may increase which would encourage one to respect others as well. In the absence of dignity one may feel degraded and dehumanised (Griffin-Heslin, 2005:255). Drawing from the political sense of dignity, access

to both health care and distribution of health care resources are important questions that preoccupy both individual nations as well as the global community. In addition, when human dignity is invoked as the foundational principle for all human rights, it includes health rights. The argument that intrinsic dignity is the fundamental sense of dignity has in this sense significant moral implications. Human beings have moral obligations to themselves, to any other entities recognised to have intrinsic dignity, and to the rest of what exists. Dignity helps to provide the conditions by which everything can flourish as the kind of thing that it is (Sulmasy, 2008:482). Individuals deserve good health care not necessarily because they have rights, but because there is a general and intuitive recognition of their intrinsic worth or dignity as persons. In this regard, a just society recognises dignity as an intrinsic and inalienable value, and does not admit of degrees. The able bodies, the sick, the lame, are all dignified persons. In a just society, moral obligations are founded upon human dignity, to provide equal access to health care, to the extent possible in its particular ecological, historical, physical, social, and economic circumstances. Hence human dignity provides a normative basis for determining what it means for a society to distribute health care resources justly (Sulmasy, 2008:484). Above all, human dignity becomes the ultimate principle that governs the decisions that nurses make concerning those individuals placed under their care.

There exist ethically controversial medical and health related issues that frequently seek the intervention of human dignity, for example organ donations, human cloning, and abortion, among others. A particularly common feature of arguments in favour of abortion by its proponents is that abortion is connected to dignity as a right. Women are said to have the right to the control of their own reproductive health. They have the ability to make autonomous decisions concerning their bodies. The choices confronting women faced with the decision to terminate or keep a pregnancy are central to questions of personal dignity and autonomy. The basis of dignity can be said to lie in the autonomy of self and a self-worth that is reflected in every human being's right to self-determination (Glensy, 2011:67-68). Understood in that way, the decisions that women make must be consistent with their personal dignity and autonomy. Therefore, the authority to make such decision lies exclusively with women themselves on individual basis, which is an element of basic human dignity. So, as the argument goes, a law that bans, prohibits, or criminalises abortion deprives women of their dignity (autonomy) and equal liberty as any other person regardless of their condition. In this sense the idea of dignity ultimately consists in the form of government or community non-interference, while at the same time introduces an element of equal treatment into the mix by coining the phrase 'equal liberty' (Glensy, 2011:91).

Arguments against abortion are similarly based on the notion of human dignity. It is generally argued that carrying an abortion constitutes deliberate killing or committing murder. Hence, killing an innocent person cannot be justified. What this means is that the dignity of the unborn baby is undermined. In McCrudden's (2013:21) view of debates about abortion, whether we should regard the foetus as a 'human being' initially involves consideration of the scientific issues around the behaviour of the new organism (the human embryo) brought into being by the union of gametes (fertilisation). On these and many other controversial bioethical issues where human dignity is considered as relevant, some have chosen to remain indifferent. They neither support nor object to the suggested actions, preferring to avoid careless and overzealous generalisation, as they examine case by case.

## **2.6 Conclusion**

This chapter sought to further understand the notion of human dignity. This was done through a discussion of the idea's practical significance within areas where it informs practice. In doing that, the chapter considered the legal, political and moral spheres. The assumption behind this chapter was that there is a great deal of suspicion concerning the significance of ideas if they cannot inform practice, even though it is not always the case that for all ideas to be significant they have to be tested for their practical significance. However, the modern day scholarship which is characterised by empirical scientific research, lays great emphasis on this. Hence, through the engagement with the legal, political and moral domains, we gained not only the practical significance of the idea, but further insights into the nature of human dignity as well when it is put into practical use.

Within the legal sphere the discussion of human dignity appears in the context of human rights framework. That is, the concept of dignity has become indispensable in the theoretical formulations of human rights. Thus, the idea of human dignity have been used to advance the relevance of human rights worldwide, providing the much needed normative basis with universal pedigree in the face of accusations that human rights are in general a western ploy bent on reviving colonial ambitions. Within the political domain, human dignity is considered as a basic concept of the moral and political order which emphasises the equality of dignity, the other-regarding prescriptivity, the inherent worth of the individual, and the overriding normative claim of human dignity. Policies are formulated on the basis of advancing human dignity. And finally, human dignity debates in Bioethics are prompted by the fear that contemporary advances in science and technology are slowly encroaching on life domains in ways that are considered as undermining human dignity. The major assumption in this regard was that although science and technology seem to have excelled in their sphere, such excellence will be useless if it is not at the service of

humanity and its dignity, or at least human dignity should be the aim of scientific and technological advancement.

This chapter was particularly necessary because there have been problems with the definition of human dignity in the sense that there is lack of consensus as to what dignity exactly, yet it is a fundamental principle in many areas of human life. If any definitions are given, they fail to capture the entirety of the notion. As a whole, the chapter shows that fundamental roles that human dignity plays in various domains of human life outweigh difficulties associated with its definition. Besides, such difficulties in the definition is an indication that idea is so broad that it cannot be captured by a single set of values.

## CHAPTER THREE

### THE COMMUNITARIAN VIEW

#### 3.1 Introduction

This chapter will discuss communitarianism with special attention paid to the African version which is the dominant and distinctive feature in African traditional thought. That is, communitarianism is understood both from the non-African and African traditions. The aim is to understand the central values and principles of the African communitarian thought. The ideas of human dignity has already been considered in the previous three chapters. Since the central thesis of this study is to determine how African communitarian thought promotes human dignity, it is instructive to explore the structure, presuppositions, values and principles of the African communitarian thought. That is, as a dominant philosophy in Africa, communitarianism the context or a platform for articulating a conception of human dignity with African pedigree. In other words, this chapter provides both conceptual tools and context in which to situate the discussion of human dignity in the subsequent chapter. Through this discussion I will be able to isolate elements from the African communitarian thought which are consistent with the requirements of human dignity.

This discussion will show that communitarian thinking or its practice is not unique to Africa alone, nor generalisable to the whole of Africa. For the purposes of this study, communitarianism is ordinarily understood as that particular philosophy that forms the basis of intelligibility of African social and political life. Communitarian thinking is also a feature of people from other parts of the globe. However, what might distinguish African communitarian thought from other forms could be its development and actual practice. The study distances itself from debates surrounding the enigmatic term 'Africa' which usually leads to questions like who an African is or what Africa is. It is unfortunate that most debates concerning something African start and end on these basic problems. Although such an analysis is intellectually significant, stretching the debates thus far is unnecessarily confusing. With the dynamic nature of the world's state of affairs bolstered by the phenomenon that is globalisation, thinkers will never agree on a singular understanding of the term 'African'. Indigenous values have been diluted by the incoming ones. However most writers on African thought confine their debates to the sub-Saharan Africa (*see also* Eze, 2012:250). This confinement however does not prejudice the possibility that some African

countries outside the sub-Saharan region might also share some of the cultures, history and understanding of the human person and the community as those of sub-Saharan Africa.<sup>7</sup>

The chapter proceeds by a discussion of preliminaries to the communitarian thought, the development of communitarian thought in the west where I show that communitarian thinking is not unique to Africa, and that communitarianism which the thesis considers is regarded the dominant feature of the African traditional thought.

### **3.2 Some preliminary considerations**

For many scholars, communitarianism is the dominant theme and distinctive feature in African traditional thought (Mbiti, 1970; Menkiti, 1984; Gyekye, 1987; 2004; Ramose, 1999; 2003; Ikuenobe, 2006a; Wiredu, 2008; Matolino, 2009b; 2014; Obioha, 2014; Chuwa, 2014). According to Tumaini Chuwa (2014:77) for example, “communitarianism is at the heart of indigenous African way of life, so much so that immediate community is viewed as an extension of the self”. For Masolo (2004:488), “Africa’s recent intellectual movements have tried to give communitarianism a robust and prescriptive status”. Thus, African communitarianism presents as a set of a priori categories and forms of intuition that regulate an African’s behaviour towards social reality. As Wiredu (2008:338) points out, the communitarian label is imputed to some thinkers on account of their works which contain communitarian elements and are deemed as such, while for others, it is their works that categorically state some facts about communitarianism as an ideal philosophy. Communalism or collectivism and communitarianism constitute a very important theme in post-colonial African social and political philosophy. As a philosophical system, it is a fairly recent doctrine in social and political philosophy (Masolo, 2004:483). In spite of the ubiquity of communitarian ideas throughout intellectual history, they lacked a deliberate articulation which would lead into a system or philosophy as coherent as liberalism.

The term communitarianism first appeared as late as 1841 (Etzioni, 2012:502). In the West, communitarianism provided strong criticism against the excesses of liberal ideology of individualism, the central feature of the western tradition (Hellsten, 2004:63; Masolo, 2004:483). It did so from both the philosophical and ideological points of view. As a philosophy, communitarianism does not prescribe a way of life, although its adherents usually subscribe to the general view that the political and moral community has rights of its own independent of those of the individual. Importantly, communitarianism advocates for the adjustment of freedoms of an

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<sup>7</sup> To some extent, sometimes the phrase ‘sub-Saharan’ African could have some exclusivist as well as colonial overtones.

individual to the conditions of the collective whole (Masolo, 2004:483). This collective whole is understood in the positive sense, since those who argue against communitarianism have deliberately distorted the meaning of the collective whole to imply something negative in the sense of imposition by authority. Within communitarianism, the political community is predicated on a conception of the public or common good (Sandel, 1984:93; Raeder, 1998:519; Hellsten, 2010:47; Etzioni, 2012:502; 2015:1; Gilman, 2005:736).

### **3.3 Communitarianism in the West**

As an organised thought system, modern-day communitarianism began in the western academia as a critique to John Rawls' (2003) *A Theory of Justice* (Bell, 2010). Amitai Etzioni is considered the best known exponent of modern communitarianism (Minogue, 1997:161). As an inchoate family of systematic social and political thought, the emergence of communitarianism can be traced to the early 1980s. The popularity of communitarianism originates from its role as a critique of modernist atomism and materialism, and the resultant individualism that has come to dominate the liberal social and political philosophy as well as public policy in the West (Ott, 2009:67). Systematic communitarian ideas gained ascendancy through the work of a small group of philosophers in North America who had argued for the importance of the common good. They saw it as a value that could be used to militate against the contemporary liberals and libertarians who themselves had emphasised the good of individuals, including personal autonomy and individual rights (Etzioni, 2012:502).

The foremost western communitarian thinkers include philosophers such as, MacIntyre, Michael Sandel, Charles Taylor and Michael Walzer, although it is sometimes claimed the label 'communitarian' was pinned on them by readers, especially their critics (*see also* Abbey & Taylor, 1996:1; Bell, 2010:1). It is argued that the core arguments that have for a long time been used to critique and contrast with the core of liberalism recur in their works. These arguments according to Bell (2010:1) include the "methodological claims about the importance of tradition and social context for moral and political reasoning, ontological claims about the social nature of the self and normative claims about the value of the community". Initially, these thinkers did not intend to offer a systematic communitarianism to act as an alternative theory to liberalism. Rather, they were concerned with the consequences of callous individualism which they accused as disrespectfully ignoring the importance of the community and social obligations (Walzer, 1981:7).

Since communitarianism raises problems with liberal individualism, which is itself founded on values of self-determination, communitarianism becomes the antithesis of liberalism by default (Walzer, 1990:6). It gives ideological priority to the community over the individual

(Howard, 1992:2). In fact as Walzer (1990:10) argues, the core of liberalism is communitarian itself, and the so-called encumbered individual in liberalism is a myth. Instead, communitarian views human beings are essentially social beings, and that their identity is embedded in a network of relationships within a community. Thus ordinarily, communitarianism advocates for the moral supremacy of the cultural or political community over the individual. The cultural community – a community where members share certain norms – is considered to be the primary common good for every individual. The sharing of norms according to Famakinwa, (2010b:153) “implies the existence and acknowledgment of common roles, values and obligations and meanings or understanding”.

Communitarian critiques liberalism for its strong emphasis on one’s choice and autonomy, which ignores the crucial fact about individuals, that they are actually socially ‘embedded’ selves. These individuals and their decisions, are inevitably affected by external forces, especially those of community. People inevitably feel the force of moral ties such as solidarity, loyalty, historic memory, and religious faith without having to choose to be pressured and shaped by them. One cannot avoid these pressures, or the influence of the community. For example, over centuries, human beings have been trying to improve civilisations they have inherited through their various communities. In spite of the liberal insistence on autonomy as a significant feature of the self, responsible for decision-making processes in one’s life, which is in principle a valid claim, the question they often evade, or sometimes attempt to answer in very unsatisfactory manner, is whether in practice one can really make any choice about being born into a particular civilisation. This and other similar observations strengthen the argument by academic communitarians who emphasise the importance of the community. In fact as Etzioni (2015:1-2) observes, most liberals did not deny, and therefore were not indifferent to the formative role of communities, even if they continued to prioritise an individual’s ability to choose as a normative good, and tended to value freedom over community.

In recent decades, there appeared two major waves of communitarianism namely, the academic communitarianism of the 1980s, and the responsive communitarianism of the 1990s (Etzioni, 2006:202). Academic communitarians belonged to a small group of political theorists which was concerned with outlining the ‘social dimension’ of the person. On their part, responsive communitarians, also called political or neo-communitarians, belonged to a group of scholars and policy-makers in the 1990s. The type of communitarianism they espoused is said to have provided a response to the increased atomisation of western societies, especially the USA and Britain during the Reagan and Thatcher years respectively. This communitarianism which is associated with

Etzioni and William A. Galston as its co-founders, aimed to fashion public policies that would resolve societal problems by balancing individual rights with communal norms (Minogue, 1997:161). Its proponents stressed that societies cannot be based on a single normative principle, and that both individual rights and the common good should be considered as major sources of normativity. Accordingly, there is no compelling reason that suggests either one of them should assume an a priori privileged position (Etzioni, 2015:1).

Responsive communitarians called for a balance between liberty and social order, arguing that individuals faced responsibilities beyond themselves for their families, communities, and societies. These responsibilities are above and beyond the universal rights that all individuals command which is the focus of liberalism. In his *The New Golden Rule: Community and Morality in a Democratic Society*, Etzioni (1996: xviii) proposed a ‘new golden rule’: “Respect and uphold society’s moral order as you would have society respect and uphold your autonomy to live a full life”. Accordingly, responsive communitarians consider the preservation of the social bonds as essential for the flourishing of individuals and their societies. Such sentiments are reverberated within liberalism as well. Daniel Bell (2010) suggests this could be the reason why states should “sustain and promote the social attachments crucial to our sense of well-being and respect, many of which have been involuntarily picked up during the course of our upbringing”.

Etzioni’s *Responsive Communitarianism* (1998:x) created a platform, with renewed impetus for communitarian ideas. This saw a sharp rise in similar publications which have been shared with the public, community leaders and citizenship worldwide. The main thesis of ‘responsive communitarianism’ is that there are two major sources of normativity that people face: (1) that of common good, and (2) that of autonomy and individual rights, neither of which principles should take precedence over the other. Responsive communitarians tried to distinguish themselves from East Asian communitarians, who in many respects were regarded as authoritarian (Etzioni, 2012:502). Although their interest was to promote communitarian approaches to social issues, they did not balance their concern for the common good with respect for rights as they regarded that all social relationships had to be absorbed into one community (Etzioni, 2010:7). This new communitarian movement had been credited with having influenced public leaders and elected leaders of various persuasions in a number of western countries. These communitarians also paid much attention to the symbiotic relationship between the self and the community. Since the self is essentially ‘embedded’ in society’, the self is always constrained by the community. Hence, individuals who are well integrated into their communities are in a better position to reason and act in responsible ways than isolated individuals. The balanced approach was necessitated by

the understanding that high levels of social pressure to conform will undermine the individual self (Etzioni, 2003:225).

Etzioni's (2012:503) responsive communitarianism argued for the significance of the common good. Socially conceived, the common good provides a normative foundation upon which conflicts of value between different individuals and groups are settled. The overriding good such as national well-being, enables persons with different moral outlooks or ideological backgrounds to find principled common ground. Responsive communitarianism provides the criteria for the formulation of policies that would enable societies to cope with conflicts between the common good and individual rights. These conflicts are alive in debates such as public health vs. individual privacy, and national security vs. individual liberty. For example, limitations on human rights can be considered as an option only if there are significant gains to the common good or compelling interest.

Although communitarian ideas gained such ascendancy at this period, they were not new. Communitarian elements are also found in the works of those thinkers who are not particularly keen to be labelled 'communitarians'. The writings of ancient Greeks, the Old Testament, the New Testament, the Catholic Social Teaching, and the writings of early sociologists such as Emile Durkheim are all replete with instances of communitarian reflections (Etzioni, 1998: ix). These writings also correspond to the moral and ideological principles that underpin Christian Democracy (Minogue, 1997:161). The term communitarianism can also be located within the authoritarian societies in the East especially China where its application to their social thinking is prevalent. These societies emphasised social obligations and the importance of the common good, and accorded much less weight to autonomy and rights. Thus individuals in these societies found meaning through their contribution to the social whole rather than as free agents (Etzioni, 2012:502).

Although communitarianism had for a long time lacked a competitively concise, well-articulated and comprehensive treatise like liberal philosophical systems, two senses in which the communitarian thought operates can be identified namely, philosophical and ideological. Others prefer to call these senses ontological and advocacy functions. The philosophical sense is chiefly concerned with metaphysical and epistemological questions in opposition to classical liberalism. The contention in this function is that the value of community is not properly recognised within liberal theories of justice. In the ontological sense, communitarianism embodies the relational or communal nature of human self. This is considered as the corrected understanding of human selves. Ideologically, communitarianism seeks to reinforce social capital and civil society

institutions. It pushes for policies that advocate for the recovery of the primacy of community in the contemporary social order. By seeking a balance between individualism and collectivism, the communitarian thinker or activist envisions a social order wherein human freedom and autonomy flourish but not at the expense of community and the common good (Ott, 2009:67). Debates around communitarianism generally take the form of any one of these senses where it performs any one of them, and sometimes both.

The idea of ‘community’ is a central feature of communitarian thought. For Andrew J. Cohen (1999:121), communitarians defend what is sometimes called the ‘social constitution thesis’, which understands that participation in society is what makes human beings to be what they are. Thus communitarianism views the individual as embedded in the context of social relationship and interdependence, but never as an isolated individual like liberal thinking would usually advance. It advocates for the politics of the common good (Ogunbanjo & van Bogaert, 2005:51). That is why in the contemporary period communitarianism is perceived as a philosophical position that militates against liberalism. Masolo has also noted that communitarianism has become an important critique of the perceived excesses of liberal ideology of individualism. Although communitarianism does not prescribe a specific way of life, its adherents are known to subscribe to the general vision that the political and moral community has rights independent of those of the individual. Importantly, it advocates for the adjustment of freedoms of an individual to the conditions of the collective whole in the positive sense (Masolo, 2004:483). Such aspects of the liberal-communitarian debate are common in many conceptual discussions. Some debates include those dealing with concepts like society, rights, common good, personal identity or personhood and many others.

While communitarianism generally confers on the community primacy over the individual, where the community has the duty of determining what is good for the individual and the means to pursue it, liberalism reverses the order where the individual assumes primacy over the community. Within liberalism, the government’s role is essentially that of providing a fair framework for individuals to seek what they consider as the good, in their own way (Bell, 1993:4). In this regard, Etzioni (2012:502) has described communitarianism as “a social and political philosophy that emphasises the importance of community in the functioning of political life, in the analysis and evaluation of political institutions, and in understanding human identity and well-being”. This view it is often considered as anti-liberal. For many critics, this is one of communitarianism’s central weaknesses. Indeed criticisms on ideas is fundamental to scholarship. However ideas can also be approached without necessarily comparing them with others. Ideas can

be good and logical in themselves without being contrasted with those others perceived as advancing contrary views. It is in this spirit that Philip Selznick (1998:3) argues that “if communitarians criticise specific liberal doctrines, it does not follow that they reject, or fail to appreciate, the main ideals and institutions of liberalism”. Indeed, ideas cannot be completely out of place. They are relevant for one occasion and irrelevant for another. Comparisons and contradistinctions are part and parcel of academic engagement and they are helpful in refining ideas. Communitarianism and liberalism have sharpened each other in this regard.

The beginning of communitarianism as a systematic philosophical thought can be traced to what is called academic communitarianism, and especially to some debates taking place in the West from the beginning of the 1980s. However, as historical accounts suggest, previous philosophical, sociological, political as well as anthropological debates are replete with communitarian elements, although such debates did not form the focal point of respective thinkers (Etzioni, 2015:1). The 1980s’ systematic debates on communitarianism are usually traced to three political philosophers, namely Sandel, Walzer and Taylor, whose works were influential, critiquing the abstract, atomistic and individualistic assumptions of the liberal political philosophy (Ott, 2009:67).

Sandel, for example, argues against procedural liberalism because it requires the notion of the community which it rejects in favour of individualism. He points out the difficulties within Rawls’ theory of justice which prioritises the right over the good. He says that we “cannot be persons for whom justice is primary, and also be persons for whom the difference principle is a principle of justice.....denied the expansive self-understandings that could shape a common life, the liberal self is left to lurch between detachment on the one hand, and entanglement on the other” (Sandel, 1984:90; 91). As citizens of the republic, people cannot run away from an array of dependencies and expectations they did not choose and increasingly reject. That is, although people are less attached, they are more entangled in the public life today (Sandel, 1984:94). For Walzer (1990:10), the very nature of a human society makes individuals within find themselves caught up in patterns of relationships, networks of power, and communities of meaning. Since they are necessarily caught up in such networks, they become persons of a certain sort. It is because of this that they can now make themselves persons that are different from the rest by reflecting on themselves, and by acting in more or less distinctive ways within the patterns, networks, and communities. For Walzer therefore, the deep structure, even of liberal society, is in fact communitarian. Liberal theory distorts the reality and deprives individuals of any ready access to

their own experience of communal embeddedness, yet individuals are persons that are bound together.

In order to distinguish their thought from the one whose principal role is that of being critical, radical and reactive, Etzioni with his colleagues, developed responsive communitarianism, which I will discuss in the following section. However, these thinkers have often expressed their discomfort at being labelled 'communitarian'. For example, during an interview with Ruth Abbey, Taylor accepted the label of communitarian only at an ontological level and not at advocacy (Abbey & Taylor, 1996:3). For Taylor (1995:183) then, taking an ontological position does not amount to advocacy of something, although the ontological position does help to define options taken by advocacy. Hence the ontological theses are far from innocent. However, he insisted that a totally unencumbered is a human impossibility. The radical communitarian thinkers generally consider the liberals' idea of the self as an unencumbered self as problematic. They contend that the conception of the unencumbered self as an atomistic chooser of personal destiny is false. They add that the liberal conception of the self which is prevalent in the contemporary social and political theorisation deliberately ignores other competing conceptions of the good especially those inspired by the conception of the self an encumbered self. Accordingly, this renders the liberals' conception of the self less neutral (Dickson, 2008:38).

While the philosophical position of (classical) liberalism holds that each individual should formulate her conception of the good, communitarians are interested in examining the ways in which shared conceptions of the good (values) are formed, transmitted, enforced and justified (Etzioni, 2010:6). In particular, the communitarian theory of the self emerged largely as a critical reaction to liberalism, especially the liberalism of Rawls which characterises his *A Theory of Justice* (2003) which is itself arguably the major text of contemporary liberal philosophy. Rawls' (2003:3) concept of justice concerns the possibility of a just and morally acceptable society. To have a well-ordered society where individuals are not naturally altruistic or egoistic, Rawls employed two fundamental principle, namely *equal liberty* and the *difference principle*. Through equal liberty each person possesses an inviolability which guarantees her the right to the most basic liberty compatible with that of others, while the difference principle proposes while the social and economic inequalities are open to all under conditions of equality, they should be arranged in ways that ensure the greatest benefit of the least advantaged persons. The key to the realisation of all this is the hypothetical "veil of ignorance" (Rawls, 2003:118). This puts everyone in the "original position" (2003[1971]:17; 118) where people lack specific information or knowledge about themselves, guaranteeing impartiality by ruling out disagreements. In that way, they are forced to

adopt a generalised view akin to a moral point of view. Thus Rawls' conception of justice consists in the notion of equality by which every individual chooses what she considers to be good, although Rawls himself does not make a choice of any substantive good over the other. For this reason, the notion of individual person is so central in Rawls' theory of justice that even the welfare of society as a whole cannot override it.

For a long time communitarians have been uncomfortable with Rawls' theory especially when it emphasises the view that the self is an autonomous creature who individually weighs various goods and makes free choices among them. The implication is that an individual can thrive outside the confines of communitarian vision of the good. Communitarians criticise this sort of conception of the self which makes unconditional emphasis on the autonomous self, and overlooks the crucial fact about individuals, that they are essentially 'embedded' within their societies. Individuals cannot avoid the influence of external forces on their decisions. One does not have to be pressured in order to demonstrate that external forces contribute to her inner self, for this force is subtle in moral ties such as solidarity, historic memory, and religious faith (Etzioni, 2015:1). The significance of one's embeddedness can also be demonstrated by one's inability to choose her place of birth. One inherits the world and its civilisation from others.

In his assessment of the communitarian critique of liberalism, Allen E. Buchanan (1989:852) drew up a summary of five points which he considered as fundamental to the communitarian criticism of liberalism. The first is that liberalism devalues, neglects, and/or undermines community, while community is such a fundamental and irreplaceable ingredient in the pursuit of good life of human beings. The second is that liberalism undervalues political life, viewing political association as merely an instrumental good. Liberalism is thus blind to the fundamental importance of full participation in political community. Thirdly, liberalism fails to provide, or is simply incompatible with, an adequate account of the importance of certain types of obligations and commitments. These are the obligations that are not chosen or explicitly undertaken through contracting or promising as assumed by liberalism, for example, familial obligations and obligations to support one's community or country. One simply does not enter into contracts to fulfil such obligations. However, such obligations form the nature of, and are part and parcel of, the social and political establishments. The fourth fundamental point is that liberalism presupposes a defective conception of the self. It fails to recognise that the self is 'embedded' in, and partly constituted by communal commitments and values which are not objects of choice. The fifth point is that liberalism wrongly exalts justice as 'the first virtue of social institutions', while

it fails see that justice is at best a remedial and instrumental virtue, needed only in circumstances where the higher virtue of community has broken down.

Buchanan's (1989:852) first reaction to these radical communitarian theses is that, "it is fair to say that the eloquence and rhetorical power of communitarian writers frequently exceed their ability to expound their theses clearly and to make the logical structure of their arguments manifest". Indeed, this has been one of the major weaknesses of communitarianism, for in its reaction to liberalism, it has often lacked a systematic and robust conceptual framework. Buchanan (1989:852) further argues that "communitarians have failed to appreciate the diversity of justificatory frameworks that can be invoked to support the liberal political thesis .....the liberal political thesis ..... can survive the abandonment of those views which communitarians rightly criticize".

Focusing on the liberal political thesis, especially the thesis that the state's obligation is to enforce the basic individual civil and political rights, Buchanan (1989:854) thinks these rights include the rights to freedom of religion, expression, thought, and association, the right of political participation, and the right of legal due process. This thesis, he admits, is closely related to, and indeed appears to imply another that is associated with liberalism again, namely, that the proper role of the state is to protect basic individual liberties, not to make its citizens virtuous or to impose upon them any particular or substantive conception of the good life. Hence, if the state enforces the basic civil and political rights it will leave individuals free, within broad limits, to pursue their own conceptions of the good, and will preclude itself from imposing upon them any one particular conception of the good or of virtue. The liberal political thesis thus defined is according to Buchanan neutral as to whether the state may or ought to engage in redistribution of goods.

In addition to Sandel, Walzer and Taylor who disputed the idea of the self as an unencumbered self, MacIntyre also made some important contributions to the systematic development of communitarian thought through his treatise on morality. Thus in his *After Virtue: A Study in Moral Theory* (2013) (first published in 1981), MacIntyre had argued that morality based on the enlightenment project was bound to fail. For him, liberal individualism and abstract rationalism render ethics unintelligible. Moral decision-making can only be rational in the context of communities. The community or society in which the individual functions, not the individual herself, determines in large measure his constitution. The social setting is what identifies the individual and induces in her feelings of community and self, although this does not suggest lack of autonomy. For MacIntyre, 2013[1981]:205), "I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These

constitute the given of my life, my moral starting point". As Daniel J. Ott (2009:68) explains, it is within concrete communities that "habits and wisdom are developed that shape a person's sense of virtue and character. Ethics is the practice of rationally weighing concrete situations against the values of the community". The importance of society in the moral sphere cannot be overemphasised. Ott (2009:69) further states that "a society is a particular kind of nexus or grouping of actual entities. In order for a nexus to be called a society it must exhibit social order". In this regard, society is considered as a source and principle of continuity of values by virtue of which it exerts influence among the entities that constitute it. This influence is exerted upon all of the constituent members of the society from generation to generation. Thus, communities account for an inherent interdependence and communal nature of all living things (Ott, 2009:70).

Beyond the social analysis of human conceptions of the self and community offered by Sandel, Walzer, and Taylor, the first leading systematic communitarians, Ott has argued that the relationship between the individual and society which is at the centre of liberal-communitarian debates can better be understood through his own version of communitarianism called *Process Communitarianism*. In his submission, all things are internally related. In order to understand any individual or event, one must understand something about the complex web of relationships that co-constitute that individual or event. The communities, tribes, and cultures to which all persons belong, not only shape how they understand themselves, they also provide most of the constitution of the self. Human beings are therefore 'encumbered selves', and are deeply embedded, and wholly relational selves (Ott, 2009:70). Ott's process communitarianism appears to be more valuable than other versions. He has discussed several contributions that process communitarian thought is capable of making, namely universal well-being, environmental consciousness, pluralism, democracy and adventure (Ott, 2009:71-74).

The sort of communitarianism presented in this section is one that can be called radical or at least one that is heavily leaning towards radicalism of some kind. The reason is that it absolutely rejects the primacy of individual civil and political rights out of hand. It further seeks to replace references to individual rights either with teleological talk about the goods of communities or with talk about group rights (Buchanan, 1989:855). Radical or authoritarian version of communitarianism is unambiguously unapologetic to liberalist concerns. It holds that values must be beaten into human beings, and that this process can be enforced through coercion. What this seems to demonstrate is that the individual-community debate has been polarised between two extremes. Liberalists also do not find anything of value in the communitarian position. Although Buchanan's interpretation of the communitarian thesis might have been exaggerated for the

purpose of easily attacking it with his counter-criticism, it is not hard to see that the ideological rivalry between communitarianism and liberalism has as well been extremely exaggerated.

### **3.4 Responsive communitarianism**

'Responsive Communitarianism' was championed by Etzioni (together with his friend William A. Galston) at the beginning of the 1990s, the period in which the idea of community became a policy slogan. The ideas behind responsive communitarianism have in modern times found resonance across the political spectrum. As Adam Crawford (1996:249) has observed, today more than ever before, politicians and political commentators have been jostling for promoting 'community' as their own grand idea. Whether such politicians and political commentators understood what the idea of the community means, and what its attendant demands and implications are, is not known. However, the important thing is that responsive communitarianism appeared as a response to the increased atomisation of western societies, especially the USA and Britain (Etzioni, 2015:2). It is argued that while classical liberalism of the enlightenment is viewed as a reaction to centuries of authoritarianism, oppressive government and rigid dogma, modern communitarianism should be seen as a reaction to excessive individualism. For many communitarians, freedom not to be interfered with is not sufficient. Rather, one's respect for other potentially fellow rational beings, not only entitles them to protection from the interference they so relentlessly seek to avoid, but also to the means for becoming more autonomous (Friedman, 1994:299).

Communitarians often contend the undue emphasis placed on individual rights, citing the tendency for people to become selfish and egocentric. Selfishness and egocentrism are regarded as antisocial behaviours emanating from the idea of modernisation which is itself regarded as a consequence of breakdown of tradition authority and institutions such as marriage (Etzioni, 2012:502). Responsive communitarianism became an important project aimed at securing balance between extreme liberal ideas and radical communitarianism, two philosophical and ideological poles which are unrepentant and unwilling to speak to each other. Etzioni (2006:202) (and his colleagues) did not seem to be impressed by the sort of communitarianism advanced by his predecessors whose critique of western liberalism he considered had gone incredibly too far. In his argument, emphasis on the distinction between the two poles of the debate is unreasonable and unnecessary for it is possible to draw a clear distinction between autonomy and the common good for analytical purposes without having to deny that there also exists a deep connection between the two. Thus, in its development, responsive communitarianism placed emphasis on communitarian values, while at the same time its proponents fulfilled the imperative to respond to some liberalist values.

Through responsive communitarianism, which appears to be a compromised position in relation to the radical communitarianism, Etzioni together with his colleagues, sought to balance individual rights with responsibilities to communities as these form the crux of arguments between the two extreme positions. Indeed, individual rights and social responsibilities had for a long time characterised previous communitarianism-liberal contestations. Crawford (1996:247) commends such efforts since Etzioni does not merely go beyond mere critique of excesses of liberalism, but he sets a positive vision of communitarian politics on its way. Indeed a positive vision of communitarian politics becomes a normative social and political theory. This is what in the later years Etzioni (2012:503) had to say about responsive communitarianism:

Responsive communitarianism developed criteria for the formulation of policies that would enable societies to cope with conflicts between the common good and individual rights, including in areas such as public health vs. individual privacy, and national security vs. individual liberty. For example, limitations on human rights can be considered only if there are significant gains to the common good or compelling interest.

For responsive communitarians, the values that characterise any social co-operation are diffused and internalised through persuasion and moral dialogues (Etzioni, 2006:202). The main thesis of responsive communitarianism originates from the observation that in the contemporary period people face two major sources of normativity namely, that of common good and, that of autonomy and individual rights, neither of which should take precedence over the other (Etzioni, 2012:502). Both these sources of normativity have something to contribute to the welfare of society. The concern is to have a society which is well-founded, attentive to its members, as well as a society which is profoundly democratic (Etzioni, 1998: xi). It is not only communitarians who think about the welfare of the society. Liberals too consider the preservation of the social bonds as essential for the flourishing of individuals and societies, and that the role of the state is to promote social attachments which are crucial for human well-being and respect (Bell, 2010).

Within responsive communitarianism the self is understood as situated and embodied. Individuals are members of one another, and they are ontologically embedded in a social existence. Their needs traverse each other's. For this reason, human beings gain their initial moral commitments from the communities into which they are born. Over time these moral commitments are reinforced by other forms of community membership. It is also argued that as an individual owes her values to, and is dependent upon her society, a degree of commitment to the communal good has a moral standing within a community. In this case the community does not only become a means to one's end as moral voices are nourished by the communities, but also an end in itself

in the sense that moral values are attainable because of the social pressures which the community puts on its members (Crawford 1996:248-249). Since communitarianism promotes and strengthens moral voices by whose values people act, responsive communitarians therefore pay special attention to social institutions such as families, schools, communities, and the community of communities. These, according to Etzioni (2015:3), form the moral infrastructure of any society. Through families and schools, societies impart the community's shared norms and values onto its new members. In contrast to authoritarian communitarianism, members of these communities in responsive communitarianism are free to accept or reject those norms. They can either embrace those values or leave the community, but the community maintains its role of inculcating norms and values in individuals.

While Etzioni and his colleagues are strong proponents of communitarianism and its responsive version, they are not oblivious of the fact that communitarianism has attracted a great deal of criticism. The critics first charge that communitarianism nurtures hostile environment which inhibits the realisation of individual rights and autonomy. To be precise, communitarianism is accused of annihilating individual autonomy, and dissolving the self into whatever roles are imposed by one's position in society (Phillips, 1993:183). Secondly, communities which form the basic structure of any communitarian arrangement are accused of having been dominated by power elites or that one group within a community will force others to abide by its values (Etzioni, 2015:3). In response to the first charge, Etzioni makes a clarification about this perception that in fact responsive communitarians do not favour rolling back individual rights. Rather, it is in their interest to put rights parallel with concerns for the common good and the discharge of social responsibilities. Certainly this criticism is valid when one considers it from the point of view of old or authoritarian communitarianism which is notorious for its heavy-handed treatment of its members. For responsive communitarians, the type of communities on which this sort of thinking and practice was grounded are obsolete. Besides, such communities are clearly different from those of the modern society, and they are not necessary for or compatible with, a modern communitarian society. It is true that old communities were geographically bounded while modern ones are not limited in scope and reach, thanks to the developments within the domains of information and communication technology. Today one can observe a great deal of interaction between members of different community groups. It is with little surprise that members of community have multiple attachments to other communities. In fact there is a great deal of fluidity in movements from one community to the other by members. In the words of Etzioni (2015:3), "this multi-community membership protects the individuals from both moral oppression and ostracism. However,

incongruity between the values of a person's multiple communities may substantially weaken the moral voice; thus the importance of the next level moral community". Justifying the need for the communitarian community, Etzioni suggests that it is likely a misguided thing to worry about traditionalism in the modern context.

Responding to the second criticism which touches on oppressive nature of communities as forming the basic structure of any communitarian arrangement, Etzioni (2003:227) argues that the perceived dominance by power elites and other forms of authoritarianism does not constitute basic or inherent features of community, but reflections of the way it has been distorted. Besides, such dominance is not typical to traditional communities alone. Even in the much-venerated modern democratic societies, power concentrates in the hands of few individuals. It is not in their nature, but this is a gradual phenomenon present in all forms of political organisations. Communitarians emphasise their members' authentic adherence to a set of core values. Such commitment from the members is only possible if the values that are being fostered are truly accepted by the members themselves, and are responsive to their underlying needs. For Etzioni (2015:4), community members react in an antisocial manner if the community in which they are members lack responsiveness which presupposes the exclusion of some members of society from whatever decisions. Generally, it is those individuals in power, and not necessarily the community's premeditated actions, who distort communities.

It is not uncommon for early communitarians to be charged with being social conservatives, if not authoritarians. They were accused of ignoring the less attractive features of traditional communities, as well as longing to revive these features. However, as Etzioni argues, there is no necessary link between communitarians and conservatism or authoritarianism. He rejects the suggestion that responsive communitarians seek to return to traditional communities with their authoritarian power structure. On the contrary, they seek to build communities based on open participation, dialogue and truly shared values. In fact these features for Etzioni (2015:4) do not become bad because they have their origins in communitarianism.

Another common criticism against communitarianism that Etzioni responds to concerns the definition of the community itself. Critics argue that the definition of term community is beset by conceptual problems. They contend that it is a nightmare to try giving a precise definition of the term community since there are as many models as there are their corresponding motivations. Besides, other communitarians are simply not forthcoming to define the term community, arguing it is difficult to operationalise. Therefore, it is not clear the sense in which many use it for there exist different communities in their variety at different levels. For instance, Katerina Dalacoura

(2002:75) argues that the term community from which communitarianism is derived cannot be applied to societies at a national level for it is a vague term. Besides, principles underlying communitarianism have pernicious impact on political freedom. Community as a political project is often linked with ideological, hierarchical and corrupt practices. While Etzioni (1996:5) agrees with this concern, he argues that there is at least a consensus on what constitutes a community. Enlisting the help of his sociological background, Etzioni (2010:6; 2015:4) offers a reasonably precise description of the term characterised by two qualities. First, a community is characterised by a web of affect-laden relationships among a group of individuals, relationships that often crisscross and reinforce one another. Secondly a community is characterised by some commitment to a set of shared values, norms and meanings, and a shared history and identity. This is sometimes called culture.

Contrary to its critics, Etzioni (2015:4) argues that community should not be viewed as composed of millions of individuals, but as pluralism (of communities) within unity (the society). The existence of subcultures and dissent within the community does not undermine the societal unity as long there is a core of shared values and institutions. This is also true of democracies as well. Thus, even democratic communities can become communitarian for their existence depends on shared norms and values. True to this, communities should be characterised by a high level of responsiveness. This is the society's responsiveness to the needs of members which necessarily constitute it. Hence, communities that embrace this characteristic are considered as authentic communities. The type of communitarianism that Etzioni (1996: xix) has in mind is that which is built on the concept of the community where both social order and autonomy thrive. Without social order anarchy prevails, and without autonomy communities turn into authoritarian villages, gulags or slave colonies.

To be a communitarian therefore has nothing to do with what critics have pointed out as forming its major weaknesses. Neither is it a preoccupation with the communitarianism that grew out of disagreements with liberals. Communitarians do not sit down and plan to oppress people. Oppression is something that should be attributed to individuals who act as leaders, and not necessarily a system, for oppression exists in various ways even in the systems that are said to be fighting oppression. This is the reason responsive communitarianism quickly moved in to dispel such a perception, distinguishing itself from the authoritarian communitarianism. Its main task is to promote communitarian approaches to social issues. Accordingly, Etzioni (2003:225) emphasises that,

Communitarians pay special attention to social institutions, several of which form the moral infrastructure of society: families, schools, communities, and the community of communities. Infants are born into families whose societal role is to introduce values and begin the development of the moral self. Schools' role is to further develop the moral self and to remedy moral development if it was neglected or distorted by the family.

It is with little doubt that this approach to communitarianism is on record as having influenced notable public leaders and elected leaders of various persuasions in a number of western countries.

Communitarians also pay much attention to the relationship between the self and the community. In their criticism of communitarianism, most political theorists depict the self in authoritarian communitarianism as 'embedded', implying that the self is constrained by the community. Responsive communitarians however stress that individuals who are well integrated into their communities are in position to reason and act in responsible ways than isolated individuals. The critics add that if social pressure to conform rises to high levels, it will undermine the individual self. For responsive communitarians, communitarian society is good for it is based on a carefully crafted balance between autonomy and the common good. Additionally, the common good is largely promoted through persuasion rather than coercion (as is the case with authoritarian communitarianism).

Responsive communitarians go on to argue that good societies cannot be designed by drawing on one principle such as adhering to either a strong liberal or social conservative position exclusively. Such societies are doomed to be subject of constant tensions and conflicts. To avoid this, they must rely on various combinations of select principles of both, say on various combinations of autonomy and the common good (Etzioni, 2006:200). It is in this spirit that Cohen (1999:124) argues that there is something in communitarianism that can be assimilated to liberal theory such as that advanced by John Locke. He says, if we hold true that human beings are a *tabula rasa* upon their entrance into the world, it is likely that their personalities are formed through socialisation process. The influence of others will obviously play a significant part in such an upbringing. Accordingly, the blank slate theory definitely suggests a social approach to learning. This thinking blends ideas from each of the opposing theories, namely liberalism and communitarianism.

### **3.5 African communitarianism**

While communitarianism is generally approached from the point of view of critique of liberalism, it is considered as a distinctive feature of African traditional worldviews, characterising the works of a great deal of African scholars. As a version of broader communitarian thought, African

communitarianism provides a coherent philosophy through which social and political life in the African context can be understood. It provides meaning to different practices labelled 'African'. African communitarianism is well-known for affirming the "logical or moral priority of the community or its interests over those of the individuals with respect to issues involving public policy" (Ikuenobe, 2006b:2). Normatively, the self can only be meaningful within a network of relations, where one fulfils her responsibilities prescribed by the community (Ikuenobe, 2006a:117). For example, John Mbiti's (1970:141) classic statement "I am because we are; and since we are, therefore I am" represents an aspect of the African worldview of personhood in which a person is wholly constituted by social relationships. What this suggests is that belonging to a community and participating in its activities makes one an authentic human being. Within this view, the community, not the person, is at the centre, and one's behaviour is modelled along the community's prescriptions. Mbiti's communitarian thinking has become a springboard to many similar formulations of the African worldview.

African communitarianism specifically refers to the social formation founded on kinship relationships (Wiredu, 2008:335). The very idea of the community here implies the common good. That is, the community is perceived as the embodiment of what is good for the community (Gyekye, 1987:158; 1997:42). The communal good is not implied merely in the aggregate of individual interests resulting from the agreements that those individuals enter into with each other based on convenience, but members' shared values such as peace, dignity, freedom, respect, security, satisfaction, etc. The fundamental meaning of community lies in the shared life for the purpose of achieving the common good (Gyekye, 2004:16; Deng, 2004:502). The expectation is that whatever an individual does must be adjusted in the interest of the public. As John A. I. Bewaji (2004:396) explains, the "human social and interpersonal behaviour is under the necessity of the adjustment of interests among individuals for attaining the general well-being of the community". Masolo (2004:483) has named this the "good of the collective whole". The good of the collective implies that its origins are from members' contribution. It is not something that belongs to leaders of the community as has the accusation always been.

The description of African communitarianism implies that the community is central even in its conception of the person, and that an individual is wholly constituted by the community, and that one is meaningful so long as she identifies herself with her community (Tempels, 1959:108; Mbiti, 1970:141; Wiredu, 2001:171; Gbadegesin, 2002:191; Bell, 2002:64). The communally-inspired beliefs shape one's life, attitudes, and ways of doing things (Ikuenobe, 2006b:118). The community-inspired life has precedence in the *Philosophy of Right*, in which Hegel (1967:279)

conceived of the state as the ethical whole, and accorded it supreme value and importance. The basis for morality of any society founded on communitarian ideals is human welfare (Wiredu, 1980:6; Gbadegesin, 1991:66; Bewaji, 2004:396). Hence, communitarianism demonstrates that the principle of practical altruism is an important social virtue as it guides the practice of everyday life, while each individual carries out her responsibilities towards the community (Masolo, 2010:246).

Although communitarianism characterises African traditional thinking, its systematic development within the broader literature of African philosophy can be considered as not too different from that of the West. It is helpful to remember that communitarianism in general was born as both a theory and ideology aimed at addressing some problems affecting society, by focusing on social relations and public policy responses. The important thing is how the embedded selves are dependent on, and attached to, each other, leading to the development of values and behaviours in the context of the wider community structures, principles and traditions (*see also* Bullock, 2014). The same can be said about African communitarianism, namely that problems affecting the society, can be used to account for the development of African communitarianism. To some extent, systematic African communitarian thought can be said to have developed as a reaction to some developments taking place on the continent at specific periods, responding to different problems. This has often been associated with post-independence African political leaders who had embarked on post-colonial reconstruction of their respective states, replacing colonial with home-made institutions. Their resort to communitarian ideals underlines their obvious dissatisfaction with capitalism as a socio-political and economic ideology which left most African states in ruins of many sorts (Obioha, 2014:17). In his doctoral thesis Matolino (2008:8) names the inordinate desire to find and present the difference between Africans and Europeans as one of the primary motivations that led to the development of the communitarian view and African socialism. Consistent with that desire, African communitarianism provided a unique philosophical as well as ideological platform for post-independence political processes in Africa.

Wiredu expresses his admiration for the first crop of post-independence African political leaders who saw philosophy as of practical importance. He has in mind leaders like Nkrumah, Senghor, Nyerere, Awolowo, Kaunda, and Sekou Toure who mostly made reference to the structure and dominant features of African traditional societies. In particular, Wiredu (2008:332) recognises the political leaders' trust in the philosophical significance of communitarianism, which eventually characterised their post-independence reconstruction programmes. This was a case of the relevance of theory to practice. At the same time, the post-independence African political

leaders in question had an equally strong sense of the importance of cultural self-identity. For Gyekye (2003:351) then, these leaders, “in their anxiety to find anchorage for their ideological choice in the traditional African ideas about society, [they] argued that socialism was foreshadowed in the African traditional idea and practice of communalism (communitarianism)”. In addition, they had hoped that communitarianism of the African version would easily lead to modern socialism, and would therefore be a readily available magic potion, a panacea, to economic and social ills that were mostly attributed to colonialism and its institutions, some of which survived the political independence of African states (*see also* Matolino, 2008). The African political leaders tried to instrumentalise Africa’s community spirit to advance their socialist ideologies (Gyekye, 1997:148-149). Some scholars, such as Bongmba (2014:75), have suggested that this thinking was based on erroneous assumptions that a communal spirit would translate easily into the structures of a nation-state inherited from the metropolitan states.

In its early development, African communitarianism was strongly associated with African communalism in the sense that the former was used as the traditional justification for the latter, and in turn was considered as a firm foundation for national reconstruction ideologies. Thus for Wiredu (2008:332), the term ‘African Socialism’ was conveniently deployed to describe such ideologies. In spite of some important differences in the thoughts of such leaders, African communalism expressed a basic commonality in the sense that the African traditional society was a form of socialism which at the same time acted as an economic and social theory characterised by social ownership of resources. In fact they claimed that communalism gave birth to socialism. For Wiredu (2008:333) therefore, there can be little doubt that traditional African society was communitarian, unless it is a matter of exception to the rule. Indeed we cannot rule out the possibility of existence of some African societies that do not fit this description, but that is a rare occurrence. African societies are structurally founded on kinship relations which begin from the household and expand to lineage and clan proportions. From very early childhood, young persons are raised in such a way that they develop a sense of bonding with large groups of relatives at home and outside it. African communitarianism then cannot be considered as a meeting of people for conveniently advancing their individuated interests. Rather it is something that is natural to human beings. Thus, Precious Uwaezuoke Obioha (2014:14) argues that society is not only a necessary condition for human existence, but it is also something natural to human beings. From the very moment one begins to exist, she is involved in an intricate web of social relationships with other members of the society.

Substantial rudimentary thoughts about systematic African communitarianism appeared concurrently with debates whose aim was to demonstrate the existence of African philosophy. The need to demonstrate the existence of African philosophy arose out of the then prevailing cynicism and rejection from the West that in Africa there was never a reflective thought that could be pitched at the level of Philosophy. However, thanks to the deliberate works on African philosophy by African scholars beginning with Placide Tempels through Mbiti, Menkiti, Gyekye, to Matolino and a host of other distinguished authors, African communitarianism has since become a significant theory of philosophical reckoning in its various conceptualisations and applications.

Almost every communitarian thinker derives his ideas at least from his engagement with the concept of personhood. The communitarian view of personhood is readily invoked by a number of African scholars seeking to demonstrate that there exist differences between African notions and European notions of personhood. The ontological position of the individual person in relation to other members of the community is also relevant in the articulation of the African ethical theory. While the western notion of personhood is articulated from the point of view in which a person is a holder of specific attributes such as rationality, consciousness or mind, the African communitarian articulation of the same seeks to demonstrate and re-affirm the primacy of the social reality over and above the individualistic sense of the self. Thus, the African communitarian position confers metaphysical precedence to the community over the individual (Matolino, 2014:33). According to Matolino (2014:33), this position effectively prescribes how individuals ought to conduct themselves if their lives should be considered as worthwhile, fulfilling and meaningful. In this regard, one is called upon to be responsive to the communal prescriptions determined in great measure by faithful and diligent fulfilment of one's obligations towards other members of the society. By discharging one's duties towards the betterment of his or her society, one is said to have become a complete person. According to Ikuenobe (2006a:58), beyond the western description of the person which characteristically consists in the Cartesian mind-body dualism, the African individual becomes a complete person through her actions which enable her meet the minimum standards of social responsibility.

Within the philosophical circles, African communitarianism has taken various forms with regional modifications around the world (Masolo, 2004:483). In the context of African scholarship, the known leading scholars to give a systematic account of African communitarianism are Menkiti and Gyekye. However, African communitarians are said to be divided into two camps namely, radicals and moderates, although recently Matolino (2014:160-186) suggested a further modification to the moderate communitarianism which he calls limited communitarianism because

it is based on the separateness of personal and social identities. These thinkers have brought the debate into sharp focus by articulating positions on individualism and communitarianism. It is not hard to see why these divisions are consistent with the contestations between Menkiti and Gyekye. In fact, it is Gyekye (1997:40) who has distinguished between these two versions of African communitarianism: the radical communitarianism which he rightly ascribes to Menkiti (c.f. 1984:179), and possibly other thinkers both before and after him, and the moderate or restricted version to Gyekye himself as he is the one who has championed and defended it. Thus, Menkiti represents the radical communitarians, while Gyekye the moderate ones.

In its formulation, radical communitarianism emphasises the central place of community in the conception of person within African thinking, and this claim is considered as beyond contest (Matolino, 2009b:160). The central thesis of radical communitarianism therefore suggests that community values should take precedence over individual values. This further entails that the welfare of the individual should be conceived broadly from point of view of the community and its end, commonly called the common good, since the individual cannot exist without the community (Obioha, 2014:15). The radical communitarians reject individual civil and political rights out of hand and seek to replace references to individual rights with either the teleology of the common good or talk about group rights. Buchanan (1989:856) reckons that in the West, the radical communitarian view was well worth exploring because it offered a bold and fundamental challenge to the mainstream of western political philosophy. Concerning the African version, Gyekye (2003:351) finds radical communitarianism, adopted by post-independence African leaders, unsupportable since it never allowed room for the exercise of individual rights. Thus, he sought to modify some of its features to take care of individual rights.

Moderate communitarians seek to provide a balanced understanding between the community and the individual person. They regard the relationship between the two as essentially that of mutuality, and not of priority. Like all other communitarians, they see the human person as an inherently communal being whose identity is imbedded in the context of social relationships and interdependence, never as an isolated, atomic individual. Here the notion of common interest and values is crucial to an adequate conception of community as it defines the community. Members of the community share goals, having intellectual, ideological and emotional attachments to those goals and values (Gyekye, 2004:351). Although a person is by nature a social being, Gyekye (2004:353) argues, she is by nature other things as well. An individual has other essential attributes which make her conscious of her responsibilities towards the community of which she is a member. These have to be recognised and taken into consideration; for if we do not, we might

end up investing the community with absolute moral authority to determine all things about the life of the individual person. This absolute moral authority is central to the liberal critique of communitarianism.

Gyekye's recognition of the individual person's autonomy is said to be the distinguishing feature between restricted or moderate, and radical or unrestricted models of African communitarianism (Famakinwa, 2010b:153). The moderate communitarians acknowledge individual civil and political rights but deny that rights have the sort of priority that the liberals attribute to them (Buchanan, 1989:855). Recognition of individual autonomy which is a precondition for rights claims serves to justify restrictions made on the radical communitarian scope (Buchanan, 1989:856). Indeed, moderate communitarians have attempted to strike a balance between classical liberalism which emphasises individual rights, and radical communitarianism which emphasises the community and its pursuit of the common good. According to the radical position, the community is "a good", in fact a common good, that must be protected, no matter what (Gyekye, 1997:36; Bongmba, 2005).

Moderate communitarians find the radical position as untenable. They therefore argue that although the African person is conceived as communally determined in terms of what her nature is, as is the case with radical communitarianism, it is only partly so. A person has other individualistic values that are not so determined. In fact, human person is other things as well (Imafidon, 2012:8). Gyekye also finds radical communitarianism adopted and popularised by post-independence African leaders, unsupportable because it never allowed room for the exercise of individual rights (Gyekye, 2003:351). To appreciate the structure of the radical-moderate divide in the debate about African communitarianism, it is instructive to begin with a brief survey of Tempels', Mbiti and Menkiti's works as representing radical communitarianism on the one hand, and then Gyekye as representing moderate communitarianism on the other. Mention must be made that a number of thinkers have embraced Gyekye's thinking with the view of accommodating human rights. Michael O. Eze (2008), Famakinwa (2010a; 2010b), Matolino (2009b; 2014) and a host of other thinkers seem to be subscribing to Gyekye's suggestion, although not in its entirety.

Within the African communitarian scholarship, Tempels, Mbiti, Kagame and Menkiti are all considered as classical proponents of radical communitarianism, whereas Gyekye is regarded as a champion of the moderate communitarian view (Matolino, 2014:34). Tempels' force thesis is considered as ultimately communitarian, and it sufficiently represents the radical side of the communitarian divide. The force thesis deals with the individual whose relation with the community is essentially ontological (Matolino, 2009b:161). Tempels' work is an attempt at a

Bantu metaphysics. While the metaphysical basis for western philosophy is *being*, Tempels' proposes the *vital force* as that the metaphysical basis of all Bantu thinking and behaviour (Tempels, 1959:17ff). This type of metaphysics becomes the basis of every aspect of Bantu behaviour, and ultimately expresses the philosophical principles underlying such behaviours. Vital force is thus the supreme value among the Bantu and their scheme of thought (Matolino, 2014:37). Accordingly, the living 'muntu' or human being exists in a relation with beings that form the ontological hierarchy. The hierarchy includes God, one's clan brethren, her family and with her descendants. The individual "is in a similar ontological relationship with his patrimony, his land with all that it contains or produces, with all that grows or lives on it" (Tempels, 1959:66). The ontological relationship with other beings and things involves moral achievement and worthiness. In order for one to be regarded as a person deserving the name, she ought to exhibit certain moral worth or its attainment which consists in performing one's duties within the hierarchy, and for that matter, commensurate with one's hierarchical position. In Tempels' (1959:69) articulation, an individual is not only a social being, but also seen as a force involved in intimate relations with other forces. This intimate relationship culminates in one's ability as a force to influence other forces in the hierarchy either positively or negatively, and in the same manner, she cannot avoid being influenced by other forces.

The necessity of the ontological hierarchy and the mutual interaction of forces implies that the individual has no existence of her own in the Bantu conceptions (Tempels, 1959:69). Matolino (2009b:161) expertly summarises Tempels' communitarian thesis as falling into two explicitly distinct but related ideas about personhood namely that, (1) "personhood is something that is wholly constituted by one's relations with and in her community", and that (2) "these relations should exhibit some form of moral worth or moral excellence as failure to show this plenitude effectively deprives one of the status of personhood". This is also the case with Menkiti's (1984) whose articulation of the conception of person within the African communitarian thought commences with the assumption that the African thought systems are dissimilar to their western counterparts. It appears therefore that African thinkers did not want to appear to be innocent of conceptual articulation of ideas which was by then, and presumably it is in the contemporary period, considered as a mark of a truly rational people.

Radical communitarianism is also ascribed to Mbiti who has developed much more improved and clearer thoughts on African communitarianism. This notwithstanding, Barry Hallen (2004:101) argues that Mbiti's typically essentialist approach to philosophy whereby certain beliefs and values are regarded as shared by all African people, renders his African philosophy

“much less technical both in character and content, more in line with the popular expression that every culture must have some sort of ‘philosophy of life’ or world-view”. Although Didier Kaphagawani (2000:72) scornfully describes Mbiti as one who “excelled as one of Tempels’ chief disciples”, Mbiti’s thoughts carry those of Tempels to another level where an attempt to emphasise the distinction in the thinking modes between Africans and westerners is made. For Matolino (2009b:161), the typical clarity about the African view of person lies in its insight which views one’s identity and existence as identified with the reality and existence of the community. That is, it is impossible to isolate one’s identity and existence from the identity and existence of the community of which one is a member.

Mbiti (1970:141) is of the view that the individual cannot exist or stand alone outside her community. In fact the individual owes her existence to her community, including past and present generations. The individual is inseparable from her community and is part of the whole. In Mbiti’s own words, “the community must therefore make, or produce the individual; for the individual depends on the corporate group. Physical birth is not enough: the child must go through rites of incorporation so that it becomes fully integrated into the entire society” (1970:141). It is through this process that the individual comes to be conscious of “his own being, his own duties, his privileges and responsibilities towards other people” (p.141). The ‘other people’ that Mbiti refers to are fellow members of one’s community with whom she shares the same fate. Ultimately for Mbiti (1970:141) then, “whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual.” Thus, the individual can only take consolation in the fact that her identity which is constituted in a network of relationships with others, provides her with a sense of security.

Mbiti’s dictum captures the idea which is central to the understanding of the person in traditional African thought. Again here Matolino (2009b:161) makes a brilliant summary, capturing the most important points, which makes Mbiti’s theory typically African communitarianism. He reckons that the three ideas emerge from this concerning the individual’s identity are: (1) that “the individual’s existence is bound to the reality of her community”, (2) that “the individual is produced by the community and her successful integration into that community ultimately depends on the rites of incorporation being performed on him throughout her life and beyond”, and (3) that “the individual and the community’s fate are intertwined”. Above everything else, the reality of the community and the common good supersedes that of the individual and her rights. For Kaphagawani (2004:337), Mbiti’s assertion that a society “makes, creates or produces

the individual” suggests Mbiti’s socio-centric view of personhood, in which the status of an individual is determined through cultural criteria.

Earlier, I mentioned that some scholars, like Matolino (2009b), consider Menkiti’s version of African communitarianism as radical on account of its excessive emphasis on the priority of the community over the individual. In fact, he is the representative of radical communitarianism for according to Obioha (2014:18), he is the first to develop a systematic account of African communitarianism through the communitarian theory of personhood. Thus, Menkiti is the face of this thinking. It seems not too far-fetched to suggest that Menkiti’s version of African communitarianism is informed by Tempels and Mbiti’s views (Matolino, 2011:25). He (Menkiti, 1984:171) articulates what he calls “a certain conception of the person found in African traditional thought”. In that project, Menkiti essentially endorses the positions of his communitarian predecessors, Tempels and Mbiti, tying all those loose ends together. Little wonder, Tempels’ and Mbiti’s ideas populate Menkiti’s formulation of the communitarian conception of personhood. Menkiti takes the communitarian view further by claiming that the community has ontological and epistemological priority over the individual. In his classic and celebrated essay, *Person and Community in African Traditional Thought* (1984), Menkiti argued that in Africa, the community had priority over the individual.

Like many other communitarians writing from the African traditional perspective, Menkiti’s communitarian discussion commences by distinguishing African from western conceptions of reality. For Menkiti (1984:171), the western views generally hold that a person is a lone individual, while African views hold that a person is defined “by reference to the environing community”. Hence, most western views of person proceed by abstracting certain features perceived to be essential in the individual. These features are mostly physical or psychological. Then the western thinkers proceed to make these features the defining or essential characteristics, which entities (individual) that deserve to be described as ‘man’ must have. The African view of person denies any suggestion that persons should be defined by focusing on this or that particular physical or psychological characteristic of the lone individual. So, features such as rationality, will or memory, which are usually regarded as forming the metaphysical elements of the western conception of the person, do not define a person (Menkiti, 1984:173). On the contrary, a human being in Africa is defined by his environing community. To emphasise this point Menkiti cites Mbiti’s popular communitarian dictum. For Menkiti (1984:171), the appropriate conclusion one can draw from Mbiti’s assertion is that “as far as Africans are concerned, the reality of the communal world takes precedence over the reality of individual life histories, whatever these may

be”. Since this primacy applies both ontologically and epistemologically, in Africa, the community has priority over the individual in virtually all areas.

While the conception of personhood within the western view emphasises the priority of individual, African communitarian thought conceives a person in reference to the enviroing community. Conceived in this way, the communal ethos has to be both ontologically and epistemologically prior to the individual. Menkiti’s (1984:172) communitarian argument is reinforced by his appeal to the processual nature of being which consists in an individual acquiring full personhood through social and ritual incorporation. Thus, personhood is something that individuals can fail at, be ineffective at, or worse at (*see also* Matolino, 2009b:162). Personhood is attained only after a process of incorporation into the values of the community of which they are members. Menkiti (1984:173) is of the view that personhood is attained when one is ‘well along in society’. In Africa, emphasis is laid on the rituals of incorporation, and the overarching necessity of learning the social rules by which the community lives. As a result, what was initially biologically given is able to attain social selfhood. One is able to become a person with all the intrinsic excellences that are implied by the term. It is through adherence to community rituals, and through responsible discharge of one’s moral duties that the individual attains personhood. Without this process individuals are regarded as mere danglers to whom the description ‘person’ is impossible to take full effect. Hence for Menkiti (1984:172), personhood is something which an individual has to merit, and is not given simply because one is born of human seed. Therefore, possession of biological as well as rudimentary psychological features is not sufficient for one to be considered as a person in the African world.

Although Matolino (2011: 28-33) makes a sharp criticism of Menkiti for the latter’s frivolous use and interpretation of the English word ‘it’ to indicate ontological progression an individual makes from childhood into adulthood, and then to the final end of one’s existence, it seems fairly acceptable for Menkiti (1984:172; 176) to use the word ‘it’ to refer to children because they are yet to acquire the status of personhood. It could be instructive to ask the English language itself as to why infants are generally referred to as ‘its’. Having said that, it appears the ‘it’ referring to children could still suggest something similar to what Menkiti had in mind. This is notwithstanding Matolino’s (2011:28) valid criticism that “this supposed normative significance of ‘it’ in African thinking is that the normative significance fails to find expression in any African language including Menkiti’s own Igbo”. In that way then, Menkiti’s African communitarian conception of personhood appears to have a hypocritical outlook as he seems to dispense with the western notion of personhood, while he is at the same time eager to borrow some western linguistic

notions to buttress the idea he advances. Towards the end of his essay, Menkiti (1984:180) is unambiguous about the place of an individual as well as what is expected of him:

In the African understanding, priority is given to the duties which individuals owe to the collectivity, and their rights, whatever these may be, are seen as secondary to their exercise of their duties. In the West, on the other hand, we find a construal of things in which certain specified rights of individuals are seen as antecedent to the organization of society; with the function of government viewed, consequently, as being the protection and defense of these individual rights.

Among the African scholars interested in systematic treatment of personhood from the communitarian point of view, which is considered as representative of the traditional African thought, there are those who have shown their disenchantment with radical communitarianism, especially its implications for human rights. For example, Matolino (2009b:163) has noted how Gyekye has singled out Menkiti's "moral achievement and rites of social incorporation", as requirements for acquiring personhood for sharp criticism. The moral requirement is beset with all sorts of confusions and incoherencies while the social incorporation requirement fails to shed any further light on the matter. Although Wiredu (2003b:367; 373; 376) shares Menkiti's thoughts on African communitarianism, especially the priority of the community over the individual, and goes on to defend it against its critics, he argues that the Akan political organisation, which is essentially communitarian, is replete with instances of human rights to the basic needs upheld in traditional thought systems as well as manifested in their daily activities. Similarly, in his critique of Mbiti and Menkiti's version of African communitarianism, which is referred to as radical for its failure to recognise the individual and his rights, Gyekye (2004:350) calls for critical engagement with the radical communitarian thesis, especially as it relates to the individual, where "it tends to whittle down an individual's moral autonomy".

Although Gyekye concedes that an individual is a social being who is born into a society made up of people interacting with each other, he thinks this does not suggest one must be stripped of all his individual attributes and capabilities that renders him unique. Gyekye's (*cited* in Matolino, 2009b:163) view on this is that radical communitarianism fails to account for the individual's rights and talents. The moderate communitarianism he espouses is meant to accommodate both communal and individual values, to social commitments as well as to duties of self-attention. However, although it gives prominence to duties toward the communities and its members, it cannot do so to the detriment of individual rights whose existence and value it recognises. As a consequence, Gyekye (2003:366) sees no tension between the self and her community. Communitarian life provides a viable framework for the fulfilment of the individual's

nature or potentials. Scholars who recognise communitarian values as constituting the central feature of African traditional thought, but then go on to show some reservations about its implications on individual rights, belong to moderate communitarianism camp. Gyekye has developed moderate communitarianism as a critique to the radical version, and Menkiti's in particular. He does not see any conflict between liberalism and communitarianism. They are rather complementary.

Gyekye's (1996:38; 2003:350 *cited* in Bongmba, 2005) articulation of moderate communitarianism commences with a critique of Menkiti for what he considers as the latter's overstatement of claims about the communitarian thought in Africa, and that his views on personhood are misleading. It must be mentioned first that Gyekye is first a communitarian at heart because, like Menkiti and other scholars before him, he endorses the moral superiority of the cultural community and certain duties. Gyekye (1996:37) says: "The individual human person lacks self-sufficiency ... clear from the fact that our capacities and talents, as human beings are plainly limited and not adequate for the realization of basic needs". In the spirit of moderate communitarianism, he intends to strike a balance between rights and responsibilities where possible. However, where there is a moral clash between duties and rights, and a balance seems impossible, the former ought to be salvaged (Famakinwa, 2010b:153). African Communitarianism becomes that model which acknowledges the intrinsic worth and dignity of the individual person and recognises individuality, individual responsibility and effort, thereby creating room for human rights (Gyekye, 1997:40).

Gyekye also takes issues with western communitarians like MacIntyre (2013[1981]) and Sandel (1984), who argue that individuals are only part of a community on account of their inheriting their narratives from the community in which they are embedded. Specifically MacIntyre (2013:69) says, "The truth is plain: there are no such rights, and belief in them is one with the belief in witches and in unicorns". For Gyekye and Wiredu (1992:113) this is an overstatement because those narratives are sometimes rejected by individuals who find them immoral or inconsistent. Where such a thing happens, it is a demonstration that an individual person is not entirely constituted by the social. A person's being is not completely determined by the community. In fact she is made up of other things such as rationality, which is an essential attribute that enables one to make moral judgments, hence her capability for choice. The community only nurtures such an attribute in an individual. If this indeed helps an individual to execute important decisions, then it is unreasonable to think personhood is completely defined by communal structures or social relationships. To assent to the community's overall authority over

the individual is therefore to provide the community or the state with an opportunity to violate the fundamental rights of people. For Gyekye therefore, it is a mistake to suggest that there are no individual dimensions to personhood in Africa. In fact, as we shall see later, Gyekye reinforces his argument by employing some proverbs that contradict the very same proverbs that others cite as affirming the priority of the community over the individual. Gyekye agrees the individual has certain attributes exercised in contrast to the community.

It is from here that Gyekye reveals his disenchantment about radical communitarianism, and the subsequent proposal of moderate communitarianism is telling. For Amasa P. Ndofirepi and Elizabeth S. Ndofirepi (2012:17), the suggestion that moderate communitarianism does not negate the individual as is the case with radical communitarianism, shows the superiority of moderate communitarianism. It offers what Gyekye (2003:359) calls “appropriate and adequate account of the self than the unrestricted or radical account in that the former addresses the dual features of the self: as a communal being and as an autonomous, self-determining, self-assertive being with a capacity for evaluation and choice”. Individuals have certain characteristics that make them unique. In this regard, factors that are said to characterise human beings include rationality, virtue, evaluation of moral judgments, and choice. Gyekye (1997:154) thinks these should be given space in determining personhood in Africa. With this, he hopes to settle the polarised individual-community priority debate, arguing that the African social order manifests features of both communality and individuality.

In his criticism of the radical communitarianism where he cites potential restriction of individual rights such as freedom of expression, Gyekye argues that the African social thought is deeply misunderstood. Accordingly, the truth is that the “community existentially derives from the individual and the relationships that would exist between them” (Gyekye, 1997:38). That people are born into community and naturally have an orientation towards others, is an obvious fact. However, the reality of the community is derivative and not necessarily primary. Equipped with basic abilities, individuals are at liberty to choose whether to retain their faith in the community’s goals or not. African communitarianism should be able to accommodate both the individual and communal values. In moderate communitarianism therefore, a person should retain her autonomy and individual rights while remaining a member of the community. The relationship between the individual and her community essentially becomes that of mutuality since individuals help shape the community (Gyekye, 1997:56).

To underscore and reinforce this balanced position, Gyekye deploys several Akan proverbs which demonstrate the existence of a symbiotic relationship between a person and his community,

for example the proverb “A person is not a palm tree to survive alone” (Gyekye, 1997:38) suggests that interdependence. All individual capacities, endowments, talents, dispositions, goals, and needs, are perfectly met in interaction with others in society. There are also proverbs that support individuality. This is contrary to the popular assertion that in African communitarianism, community reality is prior to that of the individual: “A clan is like a cluster of trees which, when seen from afar, appear huddled together, but which would seem to stand individually when closely approached” (Gyekye, 1997:40). Two other Akan proverbs underscore individuality: “One does not fan [the hot food] that another may eat,” and, “The lizard does not eat pepper for the frog to sweat” (Gyekye, 1997:41). Individuals have particular attributes, which they often exercise in contrast to the community. Gyekye cites another Akan proverb in which the view that individuals exist prior to community is implicit: “One tree does not make a forest” (Gyekye, 1997:39). For Gyekye (1997:38) therefore, “community existentially derives from the individual(s) and the relationships that would exist between them”. Hence, to exercise one’s potential in becoming something more, say morally, is to presuppose an existence of some kind. Without prior existence as individuals, it is difficult to conceive the ‘non-existing’ performing duties required of her community.

Several scholars have since supported Gyekye’s proposal of moderate communitarianism. They include Masolo (2004; 2010), Ikuenobe (2006a; 2006b) and Eze (2008: 386). Masolo (2004:495; 2010:249) has articulated a restricted communitarianism of active individuals. He sees no reason why the values of individual worth and freedom should be at variance with those of community. While he acknowledges that communities are natural places into which individuals are born and bred, Masolo rejects ontological determinism that restricts individual freedom. According Masolo (2010:249), the community thrives through individual persons’ contributions. This gives the individual some kind of latitude within which to exercise her rights unrestricted.

In seeking a balance between the individual and community, Eze (2008:386) is comfortable with dialogical communitarianism which has elements of moderate communitarianism, and argues that the individual and the community are not radically opposed in the sense of the supposed priority, but engaged in a contemporaneous formation. Like other critics of radical communitarianism, he charges Menkiti’s radical version of communitarianism with conceptual terrorism for emphasising unanimity and consensus. Eze (2008:392) attempts to *re-present* African Communitarianism as a discursive or conversational formation between the individual and community. This avoids the dominant position of many Africanist scholars on the primacy of the community over the individual in the ‘individual-community’ debate of

contemporary Africanist discourse. The relationship between the individual and community is for Eze dialogical, because the identity of the individual and the community is dependent on this constitutive formation. In this case, the priority question does not arise. That is, the individual is not prior to the community, and neither is the community prior to the individual.

Eze further argues that as a regulative ideal of moral discourse, consensus tends towards totalitarianism. For him, unity is not one's conformity to the ideal (Eze, 2008:392). It is a dialogical relationship. To suggest that the community comes before the individual is to threaten the individual's subjectivity to a vanishing point, or simply, to deny the individual a presence (Eze, 2008:386). To take care of his worries, Eze proposes *realist perspectivism* as an alternative to Wiredu's (1991:374-382) consensus as a principle of social and political organisation. He argues that realist perspectivism does not depend on the elusive prospect of conformity to community ideals, but strives for conversion of beliefs. To explain his realist perspectivism, Eze resorts to Ubuntu as one such discourse of African communitarianism where being a person is to be in a dialogical relationship with others. Accordingly, a person's humanity is dependent on the appreciation, preservation and affirmation of other person's humanity. To be a person is to recognize therefore that one's subjectivity is in part constituted by other persons with whom she shares the social world. To deny another's humanity is to dis one's own humanity. Hence, the social world is essentially dependent on this constitutive social intercourse (Eze, 2008:387).

Beyond these thinkers, there are those who have suggested improvements to certain aspects of the African communitarian theory, as well as possible applications to various aspects of real life experiences. Indeed African communitarianism in its various versions continues to engage various thinkers in the contemporary period. For example, although the attempt to distinguish between these two versions of African communitarianism is intellectually significant, Famakinwa (2010b) and Matolino (2009b; 2014) have their reservations about Gyekye's position on moderate communitarianism. Matolino (2009b:161) argues that there is very little in terms of distinction in substance. Since for both Gyekye and Menkiti, the moral achievement is critical in the determination of personhood, Matolino is in fact surprised with Gyekye's unwarranted suspicion of radical communitarianism when he imputes to it structures of oppression which it otherwise does not inherently have. Matolino (2009b:167) wonders as to what mechanisms Gyekye has put in place to show how his version would also avoid the vice attributed to radical communitarianism. Actually for Matolino (2009:168), there is no difference between the Menkiti's radical communitarian and Gyekye's moderate communitarianism. Both of them are evidently not obsessed with rights for they value harmony, peace, stability and solidarity before anything else.

On that score Gyekye's moderate communitarianism is the same as Menkiti's radical communitarianism. What Gyekye has done is merely to put forward claims that his version will recognise individual rights. For Matolino (2009b:169), the radical communitarian can also make the same claim as Gyekye has done. For this reason, it is difficult for Gyekye to realise the promises he makes in his proposition of moderate communitarianism without compromising the fundamental communitarian principle. Both versions do not regard rights as a fundamental value, but value peace, harmony, stability and solidarity.

In his *Personhood in African Philosophy*, Matolino (2014) claims to have identified where communitarians, radical or moderate, usually get it wrong, not in terms of the whole doctrine per se, but when communitarians discuss personhood. These are basically questions of authenticity and categorical mistake. First, Matolino (2014:112) is not amused when traditional communitarians present their theory as the only available authentic African view of personhood that has ever existed on the continent. Their way of presenting it is anachronistic. He suggests that it is safer to talk about it as something that once existed. Secondly, Matolino (2014:142) is convinced that traditional communitarians have committed a category mistake in their discussion of personhood. He accuses them of ascribing certain properties on an entity when in fact that entity could not be imputed with those properties. Therefore, Matolino suggests that if there is any serious issue about discussing personhood as a matter of strict ontological identity, then communitarian version is certainly not the best in that business. Socio-ethical considerations have nothing to do with an entity's ontological status.

On account of these shortcomings, Matolino (2014:186) proposes his own *limited communitarianism* which consists in the separateness of the personal and social identities because both radical and moderate communitarians have failed to untangle these. Although Matolino's intentions and efforts are genuine, Oyowe (2015:514) argues that attempts to remain authentically communitarian while clinging to very strong liberal ties, which is what Matolino's argument is actually trying to do, undercuts whatever force his argument to the contrary may have had. Indeed, Matolino's misgivings about authenticity seem to stem from an argument that tilts so close towards a straw man. Nowhere is it claimed that the communitarian conception of personhood is the only one available for Africa. Most authors have categorically stated that it is the dominant feature of most African communities. In any case it is African because it talks about African communities and seems to fare well in those communities where it is allowed to flourish. True to Matolino, not everyone shares the sentiments in this claim, and they need not.

At the core of any communitarian thought is the idea that individual interests are intrinsically bound up with the interests of others. That is, whether restricted or unrestricted (radical or moderate), African communitarianism suggests the moral supremacy of the cultural community (Famakinwa, 2010b:153). Both versions exhibit communalistic characteristics however methodologically different they might be formulated. It is interesting how, in defence of moderate communitarianism, Gyekye shows that radical communitarianism is hostile to human rights, charging it with totalitarianism. For Famakinwa, Gyekye's account is compromised by the prevalent desire to create favourable condition for human rights, and that his conception of human rights is the one that is inconsistent with Menkiti's version of African communitarianism. Gyekye still presumes human rights are essentially individualistic. That is the reason he finds radical version of African communitarianism inconsistent with human rights. Instead, he thinks human rights are more suited to moderate communitarianism. Although Gyekye plays an arbiter that is mandated with the task of diffusing tension between communitarian and individualistic conceptions of personhood, the communitarian argument will still not endear itself to the individualists. In fact, Gyekye's overall defence of moderate communitarianism perfectly places him in the communitarian camp, and his desperation to recognise human rights does not make him a non-communitarian either. That is, the fact that Gyekye takes cognisance of rights is not sufficient to make him a non-communitarian. This is the case because Gyekye affirms that an individual is morally obligated to respect values of her natural community. Gyekye could not avoid the vice of endorsing the moral superiority of the cultural community and certain duties one owes to the community of which she is a member (Famakinwa, 2010b:152-3).

Although scholarship on communitarian thought is characterised by regional modifications, it appears scholars emphasise similar principles. In his assessment of the communitarian thought, Kwasi Wiredu (2008:335) argues that western communitarianism is compatible with certain forms of cultural individualism, while African communitarianism is not. Additionally, western communitarianism is primarily a theory of the relationship between communality and individuality. Within this dimension, communitarians are in search of the right understanding of that relationship, which they believe is misconstrued by individualists and liberal theorists. Western communitarians live and work, and have their struggles in an individualist culture, and are not known for criticisms of that day-to-day individualism. On the idea of kinship for example, Wiredu (2008:335) explains that the western kinship systems are generally more individualistic than traditional African ones. By contrast, when people talk of traditional African communitarianism, reference is primarily to a social formation founded on kinship relationships.

It appears to be an afterthought that scholars have had to approach it as a theory. It is in the work of contemporary African philosophers, who have devoted special attention to the background of traditional communitarianism that this term comes to denote both the social practice and its theory.

In terms of the common charge laid against African communitarianism for its supposed degeneration into authoritarianism, Wiredu (2008:336) argues that it is not a fact that personhood which is defined by the community may have authoritarian implications. Literally speaking, it is not the community that does the actual defining of personhood, but individuals who do so using rules developed in the community over a very long period of time. For Wiredu it is rather the kinds of conditions that are set up as the criteria of personhood that may, or may not, be authoritarian or in some sense oppressive or unsound. Every society, whether individualistic or communalistic, has ways of defining what counts as a person in its own peculiar system of semantics. It does not matter whether the defining criteria are descriptive or prescriptive. This is simply a matter of communication. It is possible that the societies modelled on democracy and individualism are equally likely to display authoritarian tendencies. On this Wiredu (2003a:347) makes reference to consensus which is commonly considered in Africa as a preferred mode of decisions-making. This is contrasted to western democracy where decisions are coloured by majority opinion through a ballot, yet to the minority, the same would be as oppressive as consensus is perceived to be for individuals. The form of democracy at play in traditional African politics is therefore very different from the western variety. This entails that the general outlook on life for Africans is quite unique as most communitarians would argue.

### **3.6 *Ubuntu* as a form of African communitarianism**

*Ubuntu* is both a philosophy and a culture. In the analytical sense, *Ubuntu* is a term used amongst many sub-Saharan tribes of the Bantu language family to describe the essence of being a person (Eze 2008:387). It highlights the significance of human relationships. As a form of African communitarianism, *Ubuntu* emphasises oneness of humanity. It can simply be translated as humanness. As a process and philosophy, *Ubuntu* reflects the African heritage, traditions, culture, customs, beliefs, value systems and the extended family structures. It can also be understood as the collective consciousness of the people of Africa. It is a value system which governs societies across the African continent. In summary, *Ubuntu* is the art of being human, with emphasis on interdependence as a core value (Kamwangamalu, 1999:24-37). For Clifford G. Christians (2004:236), the philosophy of *Ubuntu* represents the communitarian consciousness, and it arises from African traditions without emulating European versions.

However, Ubuntu and its relevance in contemporary Africa have been subject of attack. These attacks originate from its perceived inability to bail the African continent out of its numerous predicaments that range from economic, political to health among others. However, in spite of its perceived irrelevance, there is evidence suggesting it has a part to play in some of these important domains in the contemporary world. Christian B.N. Gade (2012:486) holds the source of *Ubuntu* to be African indigenous cultures. As a *Nguni* word, *Ubuntu* represents notions of universal human interdependence, solidarity and communalism which can be traced to small-scale communities which existed in pre-colonial Africa. The basic idea that encapsulates *Ubuntu* is common among many indigenous peoples in sub-Saharan Africa. Despite Africa's conspicuous cultural diversity, there is a thread that runs through the beliefs, customs, value systems, and socio-political institutions and practices of the various African societies, one of which is *Ubuntu*. The idea of *Ubuntu* is found in African languages all over sub-Saharan Africa, and is known by different names with similar meanings.

When *Ubuntu* is invoked, it is defined as a human quality, and which most importantly, describe the moral quality of a human person (Gade, 2012:486-488). Such qualities include empathy and forgiveness towards one another. Like any other communitarian system, "*Ubuntu* stresses the importance of community, solidarity, caring, and sharing. This worldview advocates a profound sense of interdependence and emphasizes that our true human potential can only be realized in partnership with others" (Gade, 2012:492; *see also* Botha, 2009:204). For Moeketsi Letseka (2013:355), *Ubuntu* has normative implications as it encapsulates moral norms and values such as "altruism, kindness, generosity, compassion, benevolence, courtesy, and respect and concern for others. The underlying concern of *Ubuntu* (humaneness) is with the welfare of others". It is the basis of normative theory prescribing how one ought to interact with others in the community.

The human qualities that are characteristic of *Ubuntu* have been particularly instrumental in the post-apartheid South Africa. *Ubuntu* values were regarded as constituting an African renaissance. It was a rebirth of South African values which had been suppressed or marginalised by colonial powers, specifically apartheid and its institutions. *Ubuntu* was employed to address the divisions and strife created by the apartheid regime. Colonialism and racism had reduced African traditional thought to the level of irrationality, and for this reason, Africans were compelled to retrieve their dignity by the revival and defence of their traditions. *Ubuntu* became a principle that would eventually restore respect for human life and the inherent dignity which attaches to every person, and was lost during the apartheid era (Gade, 2012:485). *Ubuntu* would

eventually become a notion with particular resonance in the building of a democracy in a nation with a broken past. For Nonceba N. Mabovula (2011:42), the prominence of *Ubuntu* might be understood as an attempt to re-discover African cultural values eroded by both colonialism and apartheid. In the process of healing the nation, empathy was a critical value. Empathy provided individuals with an opportunity for reconciliation and reconnection with one another, having lived for a long time in a society fragmented along ethnic and racial lines. Forgiveness became one of the prime values in South Africa's truth and reconciliation process. It was instrumental in addressing the divisions and strife created by the apartheid regime. As an authentic African humanism, *Ubuntu* was key to the rebuilding process. It prized the restoration of the community, rather than retribution and punishment (Gade, 2012:489-492).

Mabovula (2011:42) argues that the process of reverting to old values appears contrary to the popular assertion that the practice of embodying such values gradually evaporated from the life of most, if not all, African communities in a natural way characterised by the cross-fertilisation of ideas. So, the reclamation and celebration of the same cannot be dismissed outright as incompatible with the requirements and human needs of the contemporary world which is regarded as modern. In this case *Ubuntu* became a unifying philosophy for people with different orientations, re-affirming humanity and dignity in every individual. Through *Ubuntu* one recognises that her subjectivity is in part constituted by other persons with whom she shares the social world. This is the re-affirmation that besides possessing certain abstract qualities, human beings are situated selves. The survival of individuated selves is guaranteed by living as essentially social animals. In recent times this thinking has been challenged by spates of xenophobic attacks in South Africa by some South Africans on other Africans from other countries perceived as responsible for the poor economic situation of some South Africans. But this is something that is localised, and cannot in earnest be used to undermine the validity of core communitarian principles and values.

### **3.7 Conclusion**

The chapter discussed the communitarian thought in general and African communitarianism in particular. Western communitarianism is here considered as a general communitarian thought for its distinction with the African version is relatively recent, and owes to the development of African philosophy. African communitarianism as an elaborate thought system of the precolonial African societies and cultures. Such societies placed community and its goals ahead of individual concerns. Although the concept of community is a central feature of African traditional societies, it is present in all cultures as a necessity. However, the assumption of the African communitarian claims is that

African people have got natural disposition to act in a communitarian way. Such thought systems depict life of the communities as indigenous, largely remain uninfluenced by external ideas.

Considering that communitarian thought systems are not unique to African traditions alone, there was need to examine how similar thought systems have developed elsewhere in the world. The western communitarian thought was particularly discussed focusing on its development that originated from people's disenchantment with liberalism. As a way of organising society, with its conception of the good, self and community diametrically opposed to liberalism, communitarianism considers the identity of the self as essentially embedded in community's aspirations. In the philosophical domain, communitarianism of various sorts has provided a conceptual normative account under which different relevant phenomena would be captured. Specifically in this thesis, it denoted those theories that critique the liberal conception of the sovereign individual while disregarding the common good. As an ideology, communitarianism in general directed policy formulation programmes through activities of civil society institutions. Such institutions emphasised activities that ensured the welfare transforming people's lives through state-led programmes such as subsidised education, subsidised housing, farming inputs, a safe and clean environment, universal health care, extensive public works programs, and many others.

African communitarianism has developed along a similar path of its western counterpart. The systematic study of African communitarianism has divided scholars into radical and moderate camps. The radical group is led by Menkiti emphasises the primacy of the community over the individual is central. The points of focus and motivation for radical communitarianism, were in part helped by the desire to formulate a conception of personhood that differed significantly from liberal type, which continued to thrive and haunt African people even after political independence. The moderate group, led by Gyekye, recognises the role of individual as equally important. The agenda of moderate communitarianism is to accommodate human rights whose basis is usually regarded as the individualistic articulation of personhood. Recently, it has been argued that these versions are essentially the same since African communitarianism suggests the moral supremacy of the cultural community.

The key theme within the communitarian ethos is the individual-community relationship. In African communitarianism, personhood is something which is not given, but must be attained by individuals graduating in ranks through different rituals leading to one's social incorporation. The individual's natural membership to the cultural community justifies certain obligations or duties. For African communitarianism, achievement of moral personhood is conditioned by one's

mastery of principles around which the community is organised. There are responsibilities that the community prescribes for individuals in order to lead an appropriately communitarian life.

The communitarian ethos provides conceptual tools with which to determine the extent to which African communitarianism succeeds in securing and promoting human dignity. In this regard, the communitarian social, moral and political ideal which mirrors the community's values will be shown to be consistent with human dignity in Africa. So the argument that African communitarianism grossly violates human rights cannot be used as a consequence that it also violates human dignity. The reason is that, as a moral ideal, human rights are informed by, and aimed at maintaining, a particular vision of society founded on individualism. This is also the case with African communitarianism which is founded on a unique conception of society dominated by one's duties and responsibilities to the society she is a member.

## CHAPTER FOUR

### HUMAN DIGNITY IN AFRICAN COMMUNITARIANISM

#### 4.1 Introduction

This chapter seeks to address the main thesis of this study. Its aim is to engage the idea of human dignity from the perspective of African communitarianism. It links ideas that were developed from the previous four chapters. Specifically, it demonstrates how the communitarian thought system actually reflects the idea of dignity in spite of the criticism often levelled against its perceived anachronistic and undemocratic nature. Indeed, there exist some elements within the African communitarian thought whose promotion is actually equivalent with the promotion of human dignity as a universal human value. These elements or values which contribute to the well-being of an individual and her community include generosity, compassion, reciprocity, mutual sympathy, interdependence, consensus, co-operation, solidarity, and social well-being. These values are consistent with the nature of human being considered as inherently a social being, where personhood is constituted by one's sociality.

Although human rights are today regarded as providing the only genuine values anchoring the contemporary political philosophy (*see also* Donnelly, 2009), these communitarian principles have for a long time continued to shape the moral practices for Africans, and are generally held to be of more importance than the value given to individual rights (Bell, 2002:64). Such considerations make this study move beyond compatibility between human rights and African communitarianism or comparison between individualism and African communitarianism. It should also not be construed as an exercise of intellectual or scholarly struggle between individualism and African communitarianism. Neither should this study be construed as an intellectual activism purporting to claim the existence of something that eventually cannot be demonstrated.

Thus, the chapter proceeds by first evaluating the evaluation of the autonomy-based human dignity. This conception of human dignity provides the basis against which this thesis seeks to demonstrate, namely that the African communitarianism is capable of promoting some aspects of human dignity. This will lead into a discussion concerning the motivation for communitarian-based human dignity which will eventually be followed the concept of person within communitarianism where I discuss several values and principles to be used in determining how human dignity is possible in African communitarianism. The last part is a discussion on the main

thesis where values of interdependence, consensus and common good are tested for their compatibility with human dignity. These values are important as they naturally compel individuals to exercise duties and responsibilities for the good of other members with whom they share the community.

## **4.2 Evaluation of the autonomy-based human dignity**

It is important at this stage to make a quick detour into the evaluation of the autonomy-based dignity. The autonomy-based dignity serves as the basis for criticism of communitarianism of various sorts. It is the same criticism which is used to militate against the possibility of African communitarianism to promote human dignity. The African communitarian conception of human dignity is largely a response to criticism that arises from the proponents of the liberal thought, that the communitarian thought is incapable of securing human dignity as it does not recognise autonomy which is regarded as a critical element for human dignity. This explains why in the previous chapter, moderate communitarianism was conceived as a response to such criticism, trying to create room for individual autonomy. It is against this kind of criticism that the thesis will demonstrate the capability of African communitarianism to promote human dignity. Some think ignorance about African realities has largely been responsible for the criticism against African communitarianism. Emeghara (1992:126) for example, argues that many of the critics have been influenced by what writers of the Eurocentric persuasion said about African societal life, and were made to believe that Africans had no regard for human dignity. He suggests this could partly be attributed to the lack of study of the African mind from which such conclusions could be inferred.

Emeghara (1992:126) argues that generally, writers working from the Eurocentric perspective had described Africans as brutes, cannibalistic, crude, primitive, dark, savages, pagan, ignorant, etc. Human sacrifice is among the practices that were commonly cited as evidence of this poor regard, or lack of regard, for human dignity by Africans. On the contrary, the examination of Igbos of Nigeria strengthens the argument that African society has for a long time had a very high regard for the human person, and has given the preservation of human dignity a priority. The dignity of the human person can be seen in the African view of human origins, worship and morals, and in community life.

Walzer (1990:16) refers to the general communitarianism as the dream of perfect free-riders, arguing that this tendency cannot happen in liberalism where every man is for himself. On the contrary it can be argued here that communitarianism is not necessarily a beehive for free-riding individuals. In fact it emphasises participation and engagement of all members in

community projects. Mostly those who care less about participation are those who champion liberalism which emphasises individualism, and find themselves in a society whose principles differ from what they are used to. They find communitarian societies easy to exploit and claim such societies are a haven for perfect free-riders.

Western communitarianism is also criticised for its perceived authoritarianism. The critics suggest that democracy, which is contra-authoritarian, is the only political arrangement consistent with the ideals of human dignity. Dignity is also considered as one of the core values advanced by democracy, especially its stand which is characterised by non-humiliation and non-infantilisation (Ober, 2012:827). In fact they claim democracy is premised on the dignity of human person. This claim is considered as a statement of fact and as a cry of hope by those whose dignity is assaulted on daily basis. However, as any other human construct, democracy included, although a popular political arrangement, can never be a panacea to the world's contemporary problems (Elshtain, 2004:15-25). Democracy has its burdens as well. It cannot make sense of all human experiences.

To the criticism bordering on cultural obsolescence Olufemi Taiwo (2004:243) responds with the argument that ideas cannot by themselves be discounted as worthless, or not worthy of a philosophical system, because they have failed in practice. Although there is a strong connection between theory and practice, these domains are logically distinct and conceptually separate. The question whether or not a theory yields a successful practice only arises when those who subscribe to it do try to embody it in their actual practice. Most ideas engaged by philosophy never have any real embodiments in practice, and that has never stopped some philosophers from spending their entire lifetimes trying to determine how good such ideas would be. As for theories, they are tested for their plausibility, cogency, coherence, adequacy, and on rare occasions, correctness.

Taiwo (2004:246) does not see anything wrong in historicising human nature, contextualizing it in definite cultural, geographical, and other boundaries. For him these contexts set the stage for the programme of retrieving Africa's past civilisations considered as a precondition for restoring the colonised and dehumanised Africans to their trodden dignity. The elements of this perspective of dignity are only partly contained in material artefacts; they are more to be found in the culture of the people, a product solely of their spiritual genius. Presently, two reasons can be offered for engaging the African communitarian account of human dignity. First there are misgivings about autonomy-based conception of human dignity. Secondly, following from the first, there is need to conceptualise human dignity in ways that are consistent with a people's metaphysical system, as it has become clear that not every culture prizes the autonomy-based conception of human dignity.

Until now, literature on human dignity has been replete with individual autonomy as the basic value considered as the only one that succeeds in promoting human dignity. Individualism has been the centrepiece of the liberal theory whose fundamental tenet is the centrality of the individual's concerns as opposed to those of the community such as family, school, village or state (Wing, 1993:297). In Bioethics for example, western theories such as Hobbesian egoism or Kantian respect for persons and their emphasis on individualism have been exceptionally dominant (Andoh, 2011:69; Metz, 2007:321). Much as most literature on human dignity point to Kant's moral philosophy as its foundation, Kass (2008:313) argues it retains some inhuman aspects, and yet it must deal with human dignity. It is limited as it cannot account for the totality of the nature of human beings or the totality of human experiences. Thus, Kant's concept of personhood as the basis for human dignity is deemed very limited. Further, the concept of personhood on which the autonomy-based conception of human dignity is grounded is against natural condition of the body itself.

In addition, Kass (2008:313) argues that Kant's morality which is derived from this autonomous personhood is dry, impersonal, detached from the human condition. It fails to do justice to the concrete reality of human embodied lives, lives whose meanings are not only drawn from willing and thinking, but also from a sense of belonging. Because of its obsession with universal rationality, the autonomy-based conception of dignity ends up denying the importance of life's concrete particularities which are lived always locally and corporeally. But humanity cannot be reduced to individual autonomy alone. It is complex set of internal and external conditions, material and immaterial. Consequently, human dignity as an intrinsic worth must be available to all human beings on account of their participation in the life of the human species, and not on the basis of a particular capacity or any other status. It is better to consider Kant's rationality and autonomy as just another way of being human, and represents just another way of articulating human dignity, just as is the case with conceiving human beings as created by, and in the image of God (Donnelly, 2009:81).

What human dignity is, and what it can achieve, vary between democratised and hierarchical cultures (Riley, 2013:91). The dignity of the person according to Anne Hughes (2014:36) refers to special status given to all individuals by virtue of being human. Importantly, literature presents the term dignity as having different meanings depending on the context in which it is invoked. Hughes (2014:38) further states that human dignity is that metaphysical anchor which becomes the basis for human freedom, equality and fraternity. Dignity is not only constituted by an individual exercising her freedom or claiming the right to self-determination, but equal

consideration given to each by each in order for that self-determination to be effected. Hence, not all of human dignity consists in reason or freedom. The inherent dignity of the individual demands respect from others on a reciprocal basis. The rationale for this goes back to what the purpose and meaning of human life is. Hence dignity cannot be reduced to one's autonomy, for autonomy alone is incapable of protecting an individual from all forms of aggression and humiliation.

The autonomy-based dignity is something that is distinct from human lives as embodied, rooted, and aspiring beings, and pays no respect at all to the dignity that persons have through their expressions of love and longing, the central aspects of human life understood as a grown togetherness of body and soul. The disembodied personhood cannot respond to threats of human dignity arising from the abuse of the human body because it is impossible to harm the disembodied personhood which resides somewhere detached from the bodily activities (Kass, 2008:313). Besides, an attempt to base all political arrangements on a single comprehensive doctrine is itself a violation of human dignity (Nussbaum, 2008:362). In her capability approach, Nussbaum (2008:359) has argued that respect for human dignity has to go beyond mere lip service. Human dignity should therefore consist in creating conditions favourable for development and choice. The purposes of any political arrangement is therefore to create conditions needed for the flourishing of human capacities. It is the task of the 'basic structure' of every society, she argues, to put in place the necessary conditions for a minimally decent human life, a life at least minimally worthy of human dignity, expressive of at least minimal respect. This is a holistic approach to human dignity which is beyond respect for individual autonomy.

The discourse on human dignity cannot be limited to a single set of assumptions about the nature of human beings. Although human dignity is considered as a supreme value in most of 20th-century constitutions and international declarations where it acts as the basis of human rights and duties, its meaning, content, and foundations are never explicitly defined. The affirmations of human dignity within them reflects a political consensus among groups that may well have quite different beliefs about what human dignity means, what its origin or source is, and what it entails (Schulman, 2008:13). Consequently, human dignity is not all about western liberalism, individualism and human rights. Although to a large extent human rights promote human dignity, what human dignity is as a universal value cannot be reduced to human rights.

Throughout history, humanity has always regarded itself as superior to animals and other species (Hughes, 2014:37). On the assumption that all cultures recognise the inherent dignity of the human person, and postulate various norms and procedures for its pursuit, it would be instructive, to investigate how those local cultures have sought to achieve this otherwise global

objective. The precise language employed in articulating these standards may, of course, differ from society to society, but the values that underlie the inherent dignity of the human being remain universal (Deng, 2004:500). There are societies, specifically non-western ones, whose lives have embraced the value of human dignity without doing so through human rights. Since individualism cannot account for all instances of human dignity as well as its violation, it becomes imperative to consider how people other than those of the liberal culture conceive of human dignity. This proposal cuts across other knowledge spheres as well. For example, Adrien Katherine Wing (1993:297) has demonstrated the irrelevance of constitutionalism to Namibia and South Africa because it is based on western individualism. Like the constitution, human dignity must originate and become part of a people's tradition. That is the reason why this study explores African communitarianism and how it succeeds in the promotion of human dignity. Initially, African communitarianism became an ideology providing tools for liberation struggle from the colonial grip. In the contemporary times it must move beyond its ideological confinements to the level of fully fledged theory through which society is organised, and human dignity respected.

As a value system, general communitarianism conscientises community members on the need to respect others. In non-western societies, the focus is on the community rather than on the individual. They emphasise duties that members of the society owe each other. Within communitarian societies, mutual dependency invokes from each member a sense of duty and responsibility towards others. Relationships within a society further open up to various aspects of humanity or what being human means. Such relationships are based on love, family ties or friendship. Love of others and oneself gives the full experience of humanity. For Hughes (2014:40-41), love is an important element by which we adequately identify the other. Love gives content to the idea of human dignity.

The common commitment to the respect for one another is a source of solidarity and the foundation of society. There is mutual interest in respecting each other. The duty of each person to oneself, and towards other human beings naturally flows from the dignity of the person. Since dignity is above value and is irreplaceable, it becomes the unconditional worth befitting rational beings. Rationality enables human beings to recognise the value of others (Hughes, 2014:45-46). Communitarian societies prioritise the common good. The common good becomes an equalising factor and the measure of value. Hence, egalitarianism and dignity are closely related. The unity of human family is linked to human dignity. Dignity of the person requires at least the recognition of a minimal concept of distributive justice to satisfy basic needs for everyone. In this regard, it is

absurd to talk about dignity in abject poverty or in situations that lack equality. Therefore, autonomy is not a sufficient value for human dignity.

### **4.3 Motivating the African communitarian-based dignity**

In spite of criticisms levelled against the communitarian thought, the study finds some elements of African communitarianism capable of contributing to the promotion and of human dignity, and the means of achieving it. In this regard, the section tries to answer such question as: What is it that it can contribute considering criticisms some of which openly call for its abandonment? Similarly, Matolino (2015:217) contemptuously asks of the relevance of *Ubuntu* metaphysics, which is a version of communitarianism: “What could be the reasons for engaging in debates that seek to resuscitate a mode of thought and being that is closely modelled on failed practices?” The argument on which Matolino’s question is based concerns the inability of such theories to become a panacea for social, political and economic malaise that have characterised the general African situation. Whether this is true of any theory that should be deemed successful, is beyond this study. What is clear is that certain communitarianism elements are consistent with both the ideal and real aspects of characteristically human life. They certainly contribute to the quality of human life.

Since human beings are essentially social animals, it makes little sense to speak of the worth of human beings in isolation. That is why generally in Africa, emphasis is placed on the dignity through groups and community rather than directly on individuals. Group solidarity is highly prized even as individuals and groups compete, and sometimes end in a conflict. Communal relationships are very important in African society, in part as a result of the vital role the family plays in society. The family is not only perceived broadly to include members of one’s lineage, extended family and clan, but also the same principles that govern family ties are applied to the wider community. Within this system, the protection of the individual is inherent in the solidarity of the group (Deng, 2004:501). This idea finds its ultimate expression in *Ubuntu*, a version of African communitarian thought emphasising on inter-subjectivity (*see* Eze, 2008).

Human dignity is regarded as an excellent yardstick for assessing what is acceptable to the individual and what is best for the community at large (Hughes, 2014:94; 98). In South Africa for example, the concept of dignity acted as a springboard for substantive equality (Hughes, 2014:76). Moving from apartheid to democracy, was according to Hughes (2014:98) “not enough simply to give all the people the franchise, but it was necessary to remove the inequities that characterised the South African society and to improve the living conditions of the majority who had struggled in poverty for generations”. Within *Ubuntu*, the pursuit of the common good is critical for human

dignity as it gives an idea of an inclusive society where the pursuit of the common good automatically respects individual's identity since the common good consists of many individual goods. Traditional African societies are said to have showed a great respect for human dignity conceptualised in modern times as African humanism. Decisions that are taken in the community through consensus are meant to benefit everyone, sharing economic benefits and discouraging individualism which is considered as further polarising the community (Hughes, 2014:301; 302).

The communitarian theory not only provides a critique of individualism, but also enriches communities by emphasizing its naturally unique values. Some of the unique values that characterise communitarian thought are being employed to authenticate various research activities in Africa and beyond in the areas of Bioethics (Andoh, 2011), political organisation (Bell, 2002), and other domains. Roger Hopkins-Burke and Philip Hodgson (2015:2) for example argue for the relevance of western communitarianism in the contemporary liberal societies. They demonstrate how communitarianism as a general philosophical thought is invoked widely to anchor efforts dealing with anti-social behaviour, which among others range from litter and vandalism to public drunkenness, aggressive and noisy neighbours. For them, the "Antisocial behaviour (ASB) is an umbrella term used to describe the day-to-day incidents of crime and incivility that make the lives of many people in this country (the United Kingdom) a misery" (Hopkins-Burke & Hodgson, 2015:2). They cite lack of community spirit as chiefly responsible for the anti-social behaviour.

Although there is strong motivation to engage African communitarianism, especially on how it can best enhance human dignity, I certainly agree with Lesiba J. Teffo and Abraham P.J. Roux's (2003:207) observation that it is not enough to make empty claims about a system's uniqueness. Such claims are nothing unless they are well explained, substantiated with evidence, and implications of such thinking drawn. They have to answer the question: 'what is it that it can do to address critical issues affecting society in the modern world that other systems don't address?' However, reference to the past failures of the communitarian thought cannot be a fair indicator of how the system would perform in the present if employed to deal with various malaise affecting the contemporary society. It is in this spirit that the study insists African communitarianism has something to offer in terms of promoting human dignity. Before that, I discuss the concept of person in African communitarian thought. The concept of person provides us with the conceptual tools for engaging human dignity in African communitarianism. Bernadini (2010:48) argues that the different conceptions of human nature do in turn influence the way human dignity is conceived. That is, the specific human nature provides the ontological framework through which any discussion of human dignity makes sense. Dignity is dignity of persons.

#### **4.4 The concept of person in African communitarianism**

The concept of personhood is critical for engaging the idea of human dignity. That is, the idea of human dignity inevitably raises pressing questions regarding human ontology. The notion of human dignity generally refers to a quality inherent in human nature which propels one into thinking about life as something precious and worth every available resource to maintain it. Dignity is dignity of persons. It is therefore unconceivable to engage the subject of human dignity without prior examination of the attendant notion of human nature (Bernadini, 2010:46). Since the notion of personhood is critical to the development of any theory of human dignity, the African communitarian conception of personhood is therefore pivotal in the discussion of human dignity. There exists a strong relationship between the well-being of a person and our correct understanding of that person. The quest for proper fulfilment of one's well-being is dependent upon understanding the nature of this person (Obioha, 2014:13). It is in this regard that before engaging the communitarian conception of human dignity, the study at this point engages the communitarian conception of person, for this will become the anchor, the philosophy, through which such a discussion will become intelligible.

The classical western tradition of human nature that assigns prominent value to the rational soul, freedom and autonomy is very critical for the western conception of personhood (Bernadini, 2010:48). Similarly, the communitarian conception of the person which has two approaches to the concept of person, namely the descriptive and the normative, is critical in the way we understand how human dignity within communitarian societies (Dan-Cohen, 2011:18). In Elvis Imafidon's (2012:6) explanation, the descriptive approach consists of the analyses of the constituent parts. These could be physical and non-physical elements of the human person, and their functions or significance in the scheme of things. This is actually held in such African cultures as the Akan, the Yoruba, the Igbo, the Luo, the Ewe, among others. In this approach therefore, a person is made up of both the quasi-material and immaterial parts such as a physical body, a vital force and destiny. All these parts form a unified whole that accounts for the individual's predispositions and experiences.

In African culture however, the concept of a person goes beyond the constituent parts of the person as to include a normative conception of a person in which an individual's personhood is embedded in a network of social relations. A person is understood in a given community in terms of his relations to other living beings and his role among other men. One is simply a communal being (Imafidon, 2012:7). Matolino (2014:10) emphasises that "at the forefront of the characterisation of the communitarian thesis will be a recognition that any thesis that calls itself

communitarian will seek to prioritise the importance of the community in the identity of the individual". Here, personhood is not something one is born with. One is not a person because she exists. Personhood has to be acquired through the process of socialisation which involves the internalisation of, or at least commitment to the societal values (Imafidon, 2012:6-7). It is within this normative framework that the African communitarian account of personhood can be located. The discussion on communitarian thought focusses very much on community as a foundational concept. The community comes first in these relationships in the sense that it is the first category of existence. It is the foundation of all other realities and existence. Individuals cannot exist alone but corporately. Such existence stretches to cover the living, the dead and the yet to be born (Matolino, 2014:52).

Communitarian conception of the person is critical for understanding human dignity within communitarian societies. Person here is principally normative in nature (Dan-Cohen, 2011:18). The constitution of the self is often regarded as the central issue between liberals and their communitarian critics (Walzer, 1990:20; Gilman, 2005:723). The communitarian-liberal distinction has been the principal focus for contemporary political philosophy debates. Although the contemporary communitarian theory or movement is generally seen as anti-liberal, the contemporary communitarians are not entirely anti-liberal if liberalism means a strong commitment to political freedom, social justice, constitutional rights, the rule of law, full citizenship, and special concern for the poor and the oppressed. It is not true therefore that whenever communitarians criticise specific liberal doctrines, they reject, or fail to appreciate the main ideals and institutions of liberalism (Selznick, 1998:3). The communitarian conception of the self leads to a conception of human dignity different from that which is based on liberal and autonomous conception of the self (Cobbah, 1987:325).

For Gyekye (2004:249), the African social structure which underlies social and ethical philosophy was, and very much still is, communitarian. Central to any discussion on African communitarian thought is the debate over the status of individual and community (Eze, 2008:386). Since an individual is born into an already existing human society and, therefore, into human culture, African communitarianism conceives of the human person as inherently communal being who is embedded in the context of social relationships and interdependence. He can never be an isolated atomic individual. Consequently, this sort of a community cannot be regarded as simply a mere association or aggregation of individual persons whose interests and ends are contingently congruent. The community is a group of persons intricately linked by interpersonal bonds, biological and/or non-biological, and consider themselves primarily as members of the group who

have common interests, values and goals (Gyekye, 2003:351). Thus, according to Ndofirepi and Ndofirepi, (2012:23) the relationships between members of the community are necessary. African socialisation values and practices tend to be more preoccupied with the cultivation of social responsibility and nurturance.

Communitarian conception of personhood is generally understood as contrasted to the liberal view. Menkiti (1984:171) calls this “a certain conception of the person found in African traditional thought”. Here he points to some significant contrasts between the African conception of the person and various other conceptions found in western thought, where he eventually rejects western view that a person is a self-interested individual. Menkiti (1984:171) observes that most western views of person abstract this or that feature of the lone individual and then proceed to make it the defining or essential feature which entities or individuals that aspire to the description ‘man’ must have. Essentially, the African view of person rejects the claim that persons can be defined by focusing on this or that physical or psychological characteristic of the lone individual. Instead, Menkiti (1984:171) argues that a person is defined by her environing community.

To emphasise this point Menkiti again enlists the authority of Mbiti’s (1970:141) classic dictum. For him, this implies that, “as far as Africans are concerned, the reality of the communal world takes precedence over the reality of individual life histories, whatever these may be” (Menkiti, 1984:171). The communal reality has both the ontological and epistemological primacy. One sees herself as complete person because of her rootedness in the community. The individual knows herself through the very same community which is a durable, more or less permanent, fact of this world. Through genes, one shares the biological identity of the community. Even the language that one uses is chiefly the property of the community to which she belongs. African societies thus emphasise duties that one owes to the community, while western societies emphasise rights that the individual claims from the community. At this level, it is plausible to state that Menkiti’s position on the relation between person and community is not in a compromising position open to a dialogue with the western considerations of the community which is considered as merely instrumental, making them essentially transactional and not necessary.

The broad communitarian conception of the self is sometimes called the ‘social constitution thesis’ which claims that participation in society is what makes persons to be what they are (Cohen, 1999:126). According to Cohen, this thesis is ambiguous and has implications for autonomy which characterises much of contemporary political philosophy, advancing the argument that political structures must be set up so as to foster and respect the autonomy of citizens. For Cohen (1999:121), the communitarian theories advanced by western communitarian thinkers such as

MacIntyre, Taylor, and Sandel, seem to defend the view that participation in society makes persons what they are. Persons are by virtue of participating in the larger life of their society. The broad idea that runs through most of communitarian thought of the aforementioned thinkers is that on her own, an individual cannot be a person, a human being, or a self. The self is made by others and among others with whom she shares the *polis*. To be without others is just like being a wild animal, although wild animals are not necessarily solitary creatures.

For Cohen (1999:122) therefore, the communitarian thesis of personhood is much more metaphysical than just political or ideological. It is a positive metaphysical claim about the nature and possibility of personhood. Thus, communitarians claim that human agency is made possible by living in a horizon provided by communities. Therefore, the social constitution thesis purports to explain the historic development of persons *qua* particulars; a genetic claim about how an individual becomes the person that she is. Persons are moral agents because of other reasons such as language abilities or intelligence. These are the specific agents the community particularises in an individual through the socialisation processes. This thesis does not involve any essentialist claim about personhood like the will or reason (Cohen, 1999:123). Importantly for Cohen (1999:124), there is something in communitarianism in general that can be assimilated to the liberal theory such as that of John Locke. According human beings are *tabula rasa* upon entrance into the world, their personalities will likely be formed through socialisation. The blank slate theory definitely suggests a social approach to learning, and is important for how one acquires personhood as well.

Within communitarianism, personal identity has nothing to do with the exercise of individual freedom and autonomy. It is a result of the physical and social circumstances into which one is born, the values instilled through socialisation, and the traditions and habits of the family and community to which one belongs. The self is not the pure self devoid of all attachments. It arises from forces of the community and environment that one interacts with. The self is embedded in a network of shared values and ways of life (van der Merwe & Jonker, 2001:276). Thus for Gilman (2005:734), “I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point”. So, even if individuals can claim to be acting autonomously, they do so against a background of values inherited from their communal experiences. Augustine Y. Frimpong-Mansoh (2008:113) has argued that today, it is not necessarily natural for one to be a member of the social community. Apart from birth, one can become a member through migration. In any case, the relational aspect of human nature is the feature that dominates the nature of human

beings, for it is through this that individuals develop human identities and means of existence through transaction, interaction and communication in society.

Since the communitarian account of personhood emphasises the normative, as opposed to ontological aspects, we can infer that within African culture, the individual's social relations are important as they enable one to manifest her potentialities embedded in her make-up (Imafidon, 2012:6). Although African societies place a great deal of emphasis on communal values since the sense of community is an enduring feature of the African social life, this however does not exclude individualistic values. Communal values emphasise the importance of the community before anything else. They reinforce and guide the type of social relations, attitudes and behaviour that ought to exist between individuals who live together in a community where they share a social life, and feel a sense of common good (Imafidon, 2012:9). Some examples of such communal values or principles include sharing, mutual aid, caring for others, interdependence, solidarity, reciprocal obligation and social harmony (Gyekye, 1996:35). These values are necessary for "the individual human person lacks self-sufficiency ... clear from the fact that our capacities and talents, as human beings are plainly limited and not adequate for the realization of basic needs" (Gyekye, 1996:37). Gyekye (2003:352) has brilliantly summarised the implications of the communitarian conception of the person:

(i) that the human person does not voluntarily choose to enter into human community, that is, the community life is not optional for any individual person; (ii) that the human person is at once a cultural being; (iii) that the human person cannot – perhaps, must not – live in isolation from other persons; (iv) that the human person is naturally oriented towards other persons and must have relationship with them; (v) that social relationships are not contingent but necessary; and (vi) that, following from (iv) and (v), the person is constituted, but only partly [...], by social relationships in which he necessarily finds himself.

Accordingly, the structure of any society seems to reflect, and be influenced by, the public conceptions of personhood. This is what the public believes to be the nature of personhood, the aspects of personhood they emphasise as forming the essential characteristics, articulated in the critical analyses and arguments of its intellectuals. The social structure gives effect to certain conceptions of human nature. It also provides a framework for both the realisation of potentials, goals and hopes of the individual members of the society, and the continuous existence and survival of the society.

In Gyekye's (2003:348) analysis, the metaphysical question considers whether a person living with others in a human society, is a self-sufficient atomic individual who does not depend

on their cooperation for the realisation for her ends, and who essentially has the ontological priority over the community, or whether one is by nature a communal or communitarian being whose relationship with others is natural and necessary. The moral question which is engendered by the metaphysical conception of the person relates to (i) the status of rights of individuals, (ii) the place of duties, and (iii) the existence and the appreciation of a sense of common life or common or collective good. The moral or normative matters have their best and unambiguous articulation in the actual way of life of a people; in the way individuals are expected or not expected to respond to one another in times of need, to spontaneously care for one another, and so on. Located in a community, a person is in a dialogical relationship with fellow members of the community. One's humanity is dependent on the appreciation, preservation and affirmation of another person's humanity. In essence, to be a person is to recognise that one's subjectivity is in part constituted by other persons with whom she shares the social world. By extension, the social world is dependent on each member's constitutive social intercourse. This communitarian view of the self is what Eze (2008:387) calls the intersubjective or dialogical nature of the self. According to this understanding, a person's humanity is dependent on the appreciation, preservation and affirmation of other person's humanity. To deny another's humanity is to depreciate one's own humanity.

Famakinwa (2010a:72) has described African communitarianism is essentially a system of reciprocities. Consistent with this claim, the African communitarian conception of personhood emphasises such values and principles such peace, harmony, stability, solidarity and mutual reciprocities and sympathies. This is the reason one's obligation to other members of the society is primary. Wiredu (2008:333; 334) sees an analogy between the golden rule and African communitarianism, especially when the community expects one to adjust some of her individual interests to be in sync with those of the community. To adjust the interests of the individual to those of the community is not to subordinate one to the other. The relationship is purely symmetrical, balancing rights and obligations. One's responsibilities to fellow community members do not originate from any form of contract, but are rather derived from the very human social nature which, according to Gyekye (1997:71), "implicates the individual in a web of moral obligations, commitments and responsibilities" for the sake of the common good. Further, African societies are said to have humanistic orientations where fellowship with others is the most important of human needs (Wiredu, 2003a:338). This is linked with egalitarianism which emphasises the responsibility of the individual towards other members of the community. It engenders affection for fellow members, selflessness, and interdependence, communality, and solidarity (Famakinwa, 2010b:164; Rutoro & Nyaruwata, 2014:435). Communities need their

members to be willing to make sacrifices for the common good, and the willingness to make such sacrifices is based on a strong sense of community. That is, sacrifices for the shared good both build on, and further build, the community (Etzioni, 2010:12).

In order to attract members to willingly sacrifice for the common good, communitarianism in general emphasises persuasion rather than coercion or force. That is, strong responsive communities<sup>8</sup> cannot be created and sustained through fiat or coercion, but through genuine public conviction (Etzioni, 1996:5; 1998: xxxv; 2010:9; Gilman, 2005:735; Ogunbanjo & van Bogaert, 2005:51). The basic communitarian principle is clear: when the values that communities nourish are sound, persuading people of their merit is by far the best way to form and sustain the social order that the liberal project relentlessly pursues (Etzioni, 1996:8). For example, when the state compels people to comply with any of its laws, it does not necessarily persuade them to do so. It makes little or no effort to make them understand the principles behind any particular law they have to obey. Neither does the state take responsibility to explain the dangers associated with parking cars in front of fire hydrants for example; it just tows offending vehicles away. Such enforcement often produces little to teach lessons that can survive new circumstances or a lapse in the state's vigilance (Etzioni, 1996:6-7).

For Wiredu (2003a:342), the ultimate moral inadequacy that compels the state to draw forced compliance from the people, consists in the lack of feeling for the other which is regarded as the root of all selfishness. In the African communitarian moral systems, sympathetic impartiality is the first principle of morals. It is the logical basis of the golden rule. In Akan society for example, Wiredu informs us that the greatest value is attached to communal belonging. The communal belonging is fostered in the individual through the concentrated stress on kinship identity. Hence, African communitarianism can be said to be promoting a society that runs parallel to the one functioning on the basis of the social contract. A society founded on the social contract regards the society as a cluster of individuals who determine the governing principles of the political order of their choice (Ogunbanjo & van Bogaert, 2005:51).

Cobbah (1987:318) has managed to expound on some of the values and principles that characterise the general communitarian conception of personhood with reference to the Akan society. He first notes the existence of certain “relationships which are more significant than and prior to the merely legal one”. The family community is characterised by non-reciprocated, non-

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<sup>8</sup> The notion of responsive communities was championed by Amitai Etzioni around 1990s through his responsive communitarianism where he developed criteria for the formulation of policies that would enable societies to cope with conflicts between the common good and individual rights, including those in areas such as public health vs. individual privacy, and national security vs. individual liberty. For example, limitations on human rights can be considered only if there are significant gains to the common good or compelling interest (*see also* Etzioni, 2012:503).

contractual dependence of children on parents. The fundamental principles that govern extended families according to Cobbah include *respect*, *restraint*, *responsibility* and *reciprocity*. *Respect* is regarded as the chief guiding principle for regulating behaviour within the family and in the wider society (Sudarkasa, 1980:50). Besides their communal nature, African societies are hierarchical. Within this hierarchy, respect governs the behaviour of family members towards each other, and primarily towards the elders in the family. In the Akan society for example, any older persons, even by a day, are in position to demand respect. This respect is manifested in greetings, bows, genuflections, and other gestures that signal recognition of seniority. Seniority comes with age as one moves up the community's ladder of hierarchy. Ideally every member of the family except the very young enjoys some 'seniority rights' (Cobbah, 1987:320). This is consistent with Menkiti's processual nature of personhood where an individual becomes a person through rituals and incorporation (Menkiti, 1984:172).

The second principle is *restraint*. Restraint prevents an individual from exercising complete freedom. Individual interests are always balanced against the requirements of the wider group. This principle is evident in the sacrifices that parents naturally make for their children. Similarly, children are expected to make sacrifices to provide for their parents (Cobbah, 1987:321-322). Restraint also reduces conflicts between individuals, and between individuals and the wider community. As a fundamental principle, *responsibility* is a much broader concept for African families and it is very much related to the first two. This principle imposes duties, obligations and burdens beyond the one's immediate family. Responsibility towards one another in this network offers the much sought security to members of the family. The fourth principle is *reciprocity*. It is one's responsibility in African societies to reciprocate generosity among kinsfolk in the short or long run. Sometimes, obligations of one generation can be carried over into the next generation since the African worldview places the individual within a continuum of the dead, the living, and the yet to be born. Reciprocity encourages generosity (Cobbah, 1987:322-323).

Although values that are entrenched in the communitarian conception of personhood can also be found in the liberal tradition, they do not form part of the main intellectual tradition in the latter. For instance, if an individual gives something to a needy person, they do not do that because they think it resonates well with the autonomy-based personhood. Besides, there is no obligation or mandate imposed on an individual to donate to charity (Bell, 2002:70). Typically in the liberal tradition, one is not obliged to be kind or generous or compassionate, although ideas of fairness and equality which are associated with the liberal tradition may provide some motivation for generosity and charity. However these are not binding as a person cannot claim an intrinsic 'right'

, since in principle everyone is by himself acting for personal interests as to be assisted (Linzer, 1997:63).

In short, there is nothing that may obligate an individual to help someone their motivation. For instance, if one sees poverty, she is under no obligation to be generous. Besides, we have different notions of the good as individuals. One may not agree with what I think is good. My assistance may not be what someone requires. To be consistent with this thinking the best way is non-interference in someone's affairs (Bell, 2002:70). Everyone is indifferent to another's welfare. What one gives out as charity is only a surplus realised from her gainful entrepreneurship. It is against this background that the study holds that some communitarian values and principles are very much consistent with the promotion of human dignity as will be shown in the following section.

#### **4.5 African communitarianism and human dignity**

Having considered the communitarian conception of personhood and its corresponding conception of social and political organisation, namely Ubuntu, this section demonstrates the extent to which some of the elements and principles that characterise the African communitarian thought satisfy the requirements for human dignity. That is, through the nature of the person within African communitarianism I develop insights into its corresponding conception of human dignity. In the African traditional thought, the question of personhood has taken a moral scope, which reaches beyond mere existence of an individual who in the liberal individualism of the West is reduced to a single element. The assumption is that there are certainly ways by which African communitarian thought nourished, and continues to maintain, human dignity. Hence, the main question whose answer is sought here concerns the possibility of promoting and enhancing human dignity through communitarian values. However, it is impossible for such investigation to avoid references to the western individualist conception of personhood. Juxtaposing the African communitarian thought with the liberal individualism of the West makes immediately available areas in which the communitarian thought appears to fare much better than liberal individualism.

In the dominant western thinking, human dignity is squarely premised on, and heavily tilted towards, one's autonomous nature accompanied by human rights. Africa's unique and communally-oriented cultures are in stark contrast with this liberal view. Instead, they hold the view that although human rights may sometimes be necessary, they are however insufficient for the existence and sustenance of a humanly possible society. Sympathetic to human rights, some African scholars have ended up being trapped in the attempts to demonstrate how African

communitarianism can be adapted to recognise individual human rights. It can be argued that to expect that African communitarianism respect human dignity only through human rights is disrespectful and spiteful, as this suggests that in their communitarian way of living, Africans are innocent of the idea of human dignity. Besides, as a nebulous notion, human dignity means so many things to so many people. From the communitarian viewpoint, human dignity is secured and promoted by means other than individualist human rights. The majority of those who argue against the traditional African way of life cite the strong tendency to naively romanticise pre-colonial African societies (Howard, 1992:4). On this basis, attempts to tie dignity to communitarian and solidaristic notions of interdependence and mutual respect have always been controversial. Beyond the glorification of the past African traditional values, African communitarianism is also faulted for uncritically conflating its values with contemporary constitutional norms, and glossing over the conflict inherent in a pluralistic society (Botha, 2009:205).

Although such views have been popular among critics, and may at times turn out to be sensible to a certain extent, some aspects of the individualist sense of human dignity contradict the very dignity they seek to promote. Not all choices that one makes are consistent with her dignity or that of the human race in general to which she is indebted, and owes sustainability for its future generations. In the autonomy-based discourses, human relations take the mechanical form and are governed by natural laws alone. Human persons are recognised by the others through contractual or transactional relationships, drawing so much on Hobbes, Locke and Rousseau's social contract theories, culminating in Rawls' celebrated theory of justice. However, in the communitarian thought, human beings interact at a level beyond mere instrumental relationships. For Wiredu (2003a:338), African conceptions of morals seem to be generally of humanistic orientation, and human fellowship is the most important of human needs. Among the Akan people of West Africa for example, there is strong emphasis on the value of human sociality. Relationships characterised by necessary interdependence are basic to the expression of one's humanity and that of the human race. Accordingly, human dignity consists in such basic and necessary sociality between individuals. Even the political theories of Hobbes, Locke and Rousseau can be construed as essentially communitarian. Although they trace human being to her sort of natural state, they nonetheless express the precariousness of such life whose security requires cooperation from others.

Human relationships are significant for human dignity. Consistent with this idea, and in his dignity-based argument against death penalty which is grounded in African values, Metz (2011a:87) argues that human beings have a dignity just insofar as they are capable of entering

into communal relationships, where these are understood to be relationships in which one both shares a way of life with others, and cares about their quality of life. To share a way of life with others and to care about their quality of life is close to what English speakers mean by ‘friendship’ or ‘love’ in a broad sense. Mabovula’s (2011:41) insight is similar. He argues that since African humankind constitutes one family, one can only gain authentic humanity by entering into this relationship with other members of the family. The implication is that to be authentically human is to affirm one’s humanity by recognising the humanity of others, and on that basis, establishing human respect with them. Therefore, to denigrate and disrespect other human beings is in the first place to denigrate and disrespect oneself. It is for this reason that both communitarian and liberal argue that individuals enter into cooperation/agreement with others for their own security. It is through this cooperation that one’s dignity can be secured and preserved.

The notion of community is central within African communitarian societies, and its principles critical to any discourse on dignity. It highlights the importance of human relationships for human dignity. All other values spring from this notion. The family is the most basic form of community (Metz, 2011a:85). As ‘communitarian’ means pertaining to or characteristic of a community, it recognises both individual human dignity and the social dimension of being human. Human dignity therefore consists in maintaining and preserving the humanness of the human species, becoming interested and willing to intervene where inhumanity appears to creep in. As a model of political organisation, African communitarianism stresses ties of affection, kinship, and a sense of common purpose and tradition. As an individual is embedded in a web of social relationship and interdependence, African communitarianism advocates the politics of the common good and other social values such as peace, harmony, stability, solidarity, mutual reciprocity and sympathy. It also emphasises ethical values such as generosity, compassion, solidarity, and social wellbeing (Ogunbanjo & van Bogaert, 2005:51). In Africa, the family, the very essence of communitarian societies, is critical for our engagement with human dignity. Hence, the notions of extended family and common good are very useful for the expression of human dignity. In fact what motivates one’s sense of duties towards others is dignity. In addition, the egalitarian systems within communitarian societies make a worthwhile contribution to the realisation of human dignity as they ensure that the living conditions worthy of the dignity of people as both individual and social beings are secured (*see also* Liebenberg, 2005:1-31).

Within the sub-Saharan Africa, the extended family is one of basic institutions whose values form part of the argument concerning the ability of African communitarianism to promote human dignity. That is, as a normative question, human dignity is tied with communal life

exemplified by a family. As Hughes (2014:94) argues, it makes little sense to speak of the worth of human beings when one lives in isolation. One's ability to enter into relationships with others has already been considered as critical. Such relationships provide an environment where one shares a way of life with others and cares about their quality of life (Metz, 2011a:87). Relationships help to lead a more meaningful life, which goes beyond mere existence as physically constituted and isolated beings. Since human beings are essentially social creatures, their expression of dignity is to be found in their cooperation with each other. One's duty to her family, kin and community takes precedence over her own individual interests and desires. Hence, the realisation of dignity requires that an individual be recognised by others.

In what follows is an attempt to demonstrate how certain fundamental values and principles within the communitarian thinking are consistent with human dignity. The assumption is that the basis of human dignity in Africa lies in its traditional society's values. It is not possible to consider all values although most of them crisscross and feed into each other. The values under consideration here are the *extended family*, *consensus building* and *the common good*. This identification benefits greatly from Ogunbanjo and Bogaert's (2005:51) definition of communitarianism as a model of political organisation that stresses ties of affection, kinship, and a sense of common purpose and tradition.

#### **4.5.1 Community, interdependence and the dignity of persons**

That communitarian thought and its values are significant for securing human dignity cannot be overemphasised. The African social organisation is characterised by cohesiveness of kinship. That is the reason Teffo and Roux (2003:204) argue that in the African communitarian thinking, the starting-point is always the social relations through which selfhood is seen and accounted for from relational perspective. The African society is recognised as an extension of the basic family unit (Taiwo, 2004:256). At least there is a consensus between the African and western thinkers that the family as a basic social unit is the primary institution of formative moral development for children (Letseka, 2013:356). Africans operate primarily within a broader arena of the extended family. As most basic and natural unit to any communitarian society, the family is the basis of supportive relationships as opposed to the exploitative ones.

As a primary social unit, the family plays a central role in an individual's life. Specifically, the family is responsible for the well-being of its members including the aged, sick, disabled and the unemployed (Andoh, 2011:70). One's belonging to the family is the reason and subsequently, the source for her dignity. It is the epicentre of the development and flourishing of truly human

moral dispositions. That is, the family is critical in moral development. The fact that one feels the sense of belonging, the family becomes a tool of enforcing morality among members of the society. Among the Igbos of Nigeria for example, it is in the community life that the dignity of the human person finds perhaps its greatest expression. It is in the community life that through security and welfare, everyone's dignity is ensured. There is peaceful coexistence through sharing and mutuality. The community life is duly expressed through the use of 'our' instead of 'my' by most Africans (Emeghara, 1992:129-131). The principle behind this sort of thinking and organisation is the survival of the entire community through a sense of cooperation, interdependence, and collective responsibility, as opposed to the one guided by the survival of the fittest, and dominion over nature.

Extended families characterise African communities. To make this life style work, the extended family unit, like ordinary family units in nearly all societies, assigns each family member plays a social role that enables the family to operate as a reproductive, economic, and socialisation unit. A family that includes living relatives, ancestors and those yet to be born, is considered as the most realistic human community. Key to the survival of a family unit is interdependence. Human dignity or recognition as a person is secured through this interdependence. Every life crisis of an individual involves the whole compound or family and sometimes the whole village, clan, or town. Similarly, a new born baby does not belong to its biological parents alone. It belongs to the whole community. In traditional African societies, there is no distinction between a father and an uncle, or a brother and a cousin. A child addresses father's brothers (that is, those called 'uncles' in English) as 'fathers'. It is the responsibility of everyone to care for every child. As they grow up, children are initiated into the appropriate roles they are expected to play within their communities (Emeghara, 1992:131). The obligation of the extended family is to take care of every member of society. The titles given to members of the extended family kinship suggest the ideals and expected behavioural patterns and norms that govern the kinship relations among family members. Titles effectively define and institutionalise the family member's social role towards the community (Cobbah, 1987:320).

Etzioni (1996:4) has demonstrated the value of communal bonds to social behaviour. When communal bonds are tight, and belief (religious or secular) is fervent, commonly considered social ills such as abortion, drug and alcohol abuse, and violence become rare. Besides, voluntarism and social responsibility flourish. Because of the strong sense of community, the state's role of maintaining the social order is tremendously reduced. Communal values instil acceptable behaviour in a pluralist community. Etzioni has emphasised the fact that communities clearly

create social order far more effectively than liberalism. They do so while displaying a respect for human dignity that heavy-handed government control always lacks. Precisely in Etzioni's (1996:3) thinking, the law should never be regarded as the prime source of social order. It should however complement the good work of the community rather than seek to pre-empt it. The individual can only draw on principles of moral judgment from within the community in which she is integrated as a member. The community demands a certain quality of behaviour from its members. Even restriction placed on some freedoms can lead people to live dignified lives. What this means is that the quest for human dignity may sometimes undermine rather than enhance choice. In some circumstances it may limit rather than extend the scope of traditional first generation human rights and fundamental freedoms.

Traditional African societies placed significant emphasis on character. They emphasised the formation of one's own individual moral character by acting towards one's fellow human beings with compassion and care. One's relationship with other members of the community is critical. In a moral system one is concerned about the welfare of others. Within communitarian thought system therefore, human dignity is more tied with morality – communal life – than it is with ontology. But that does not suggest that there is nothing like metaphysical basis on which normativity itself can be founded. The notion of the community in the form of extended family is that basis. Within communitarian life, it is everyone's duty to take care of the less fortunate or the weak like the orphans, or the widows. The titles we earlier said are conferred on Igbos indicate people's expected roles. Each stage of development carries its own dignity and respect, as well as its associated role. A person also acquires respect of dignity through the age groups he or she belongs to (Emeghara, 1992:131).

Through interdependence human dignity is conceived as a relational value. That is, dignity of a person makes more sense in relation to other human beings who have duty to respect one's dignity. Since human beings are interconnected beings, their sense of self-worth, personal development and well-being are inextricably bound up with the extent to which they are valued by others, and by the society at large. For example, the right to life makes more sense in relation with others. It is more than just existence of an organic individual; it is a right to be treated as a human being with dignity (Liebenberg, 2005:10-11). It is for this reason that the proper basis of moral theory is the community and its conception of the good, and not the individual and her rights. Hence people can lead meaningful moral lives and enjoy true freedom only through a shared conception of the good life, and within the framework of a particular ethical political community which has a specific political culture (Cohen & Arato, 1995:50).

The interdependence within community life also promotes quality of member interaction. For instance, the *Ubuntu* worldview advocates a profound sense of interdependence and emphasises that human potential can only be realised in partnership with others (Gade, 2012:492). Ubuntu provides a conception of human dignity based on what is termed as African humanist conception of humankind where the well-being and interests of each member of the community are assured (van den Berg 1999: 202). In the Igbo society, we are told people participated in all sorts of activities taking place within the community, such as building or working on the farm. Collective labour secured dignity since it was impossible for a family or individual to suffer hunger or want. It was everyone's duty to take care of the less fortunate in the community, such as the orphan, the widow, sick and the poor. Everyone had the duty to protect her neighbour. Emeghara (1992:132) argues that hunger was not a known issue in Igboland before colonialism and the modern age of capitalism and unjust economic systems. Such cooperation ensured everyone's dignity was respected since the whole life of the community revolved around the service of humanity. Interest-based account of human dignity is only possible because of obligations emphasised within the communitarian account. Without someone respecting and giving another the opportunity to realise those interests, then those interests have no purpose and remain mere potentials. They need an environment created by someone who feels naturally obliged, and not merely by contractual obligations, if respect is to be sustained. There is no better environment than the one provided by the community and its interdependence.

There is an argument that construes dependency on the help of others as a source of some kind of indignity, more especially when that dependency is perpetual. It is true that such a dependency appears to make life lacking in dignity and therefore unbearable. Indeed, dependency can threaten one's dignity (Gentzler, 2003:467). While this argument appears to make sense when viewed from the autonomy-based considerations of dignity, it can be challenged in that it is rather the formalisation of dependency, as is the case with old peoples' homes or children's orphanages, which to a large extent becomes a real source of indignity. Old peoples' homes and orphanages isolate individuals from the life of their immediate communities, like families, and against their will they are assembled together forming totally new communities of like individuals who obviously lack resources to enhance their autonomy. They cannot reject this kind of life. They are either old and their families have no time for them, or they have no parents and their extended families cannot take care of them. There can be no worse indignity than when the families and communities at large refuse to take care of one of their own family member within their households because of old age. Certainly they will feel isolated, lonely and rejected by their respective

communities. However, the sort of interdependence promoted by African communitarianism is not just for those who can contribute something; it extends to all members including those who for some reasons are unable to contribute to its success. It is unconditional. African communitarian life does not disavow its responsibilities. Hence, the community in the African context is understood as more inclusive, and guarantees the well-being of both the individual and the community (Andoh, 2011:70). It is in inclusiveness that dignity can be secured.

Certainly, by holding a deep and unrelenting concern for human welfare and happiness, the African communitarian life recognises and respects human dignity (Obioha, 2014:13). Gentzler (2003:468) has argued that dependency is an essential part of all human lives, even those most admirable and worth living. For that reason, it does not compromise a human life; it simply makes a life more human. It is part of the design of the social world. The aged and the infirm are in communitarian societies guaranteed necessary help and support within the extended family system (Cobbah, 1987:322). Consistent with this thinking Mabovula (2011:41) reappraises *Ubuntu* calling it an African humanism for its strong emphasis on human dignity irrespective of a person's quantifiable usefulness. It expresses the idea that a person's life is meaningful as long as she lives in harmony with others because an African person is essentially an integral part of society. In its promotion of human dignity, *Ubuntu* involves alms-giving, sympathy, caring, sensitivity to the needs of others, respect, consideration, patience and kindness. Humanness here is expressed in the communal context in which the individual has a social commitment to share her life with others. The assistance that people render to each other in a communitarian setting is something beyond charity, and beyond the requirements of human rights. Therefore, the assistance rendered to one another cannot become a source of indignity. It is simply consistent with communitarian values, and principles of human nature through which an individual constantly needs a helping hand from others. All this demonstrates a way of respecting human dignity at both individual and community levels.

#### **4.5.2 Consensus politics and human dignity**

The idea of consensus can also promote human dignity. This ideal is in the African sense pursued through decision-making process based on consensus rather than on majority opinion. A communalistic orientation will naturally prise social harmony. Traditional African politics practised a form of democracy very much different from the western variety (Wiredu, 2003a:347). Through consensus, African communitarianism recognised dignity of the persons as they participated at various levels of decision making process within the community. Within democratic politics, consensus, a principle of social and political organisation, has been strongly criticised as

incompatible with human dignity. As a communitarian value, consensus is usually criticised for its propensity to nurture political intolerance, authoritarianism, and even tyranny (Ogunbanjo & van Bogaert, 2005:52). To understand how consensus promotes dignity, it is important to engage few of the criticisms.

Critiquing the *Ubuntu* that Metz (2011b) advances as an ethical theory encapsulating communitarian values, Matolino (2015:222) argues against the resuscitation of communitarian values such as consensus. Besides picking on their instrumental value for the contemporary African political and economic quagmires, Matolino argues that such values make *Ubuntu* conservative in its political outlook as it interprets life as monolithic, and seeks to minimise differences. Further, African communitarianism has been accused of stifling dissenting views. Eze (2008:386) too has been unapologetic on his criticism of consensus, an element of *Ubuntu*, which is regarded as the theoretical framework onto which the politics of the common good is grafted. Instead, he suggests that African communitarianism should proceed as a discursive formation between the individual and community. With this he hopes to avoid the dominant position of many Africanist scholars on the primacy of the community over the individual in the ‘individual-community’ debate in contemporary Africanist discourse. In his view, consensus absorbs multiple viewpoints through a totalitarian uniformity. Eze further chides consensus as tyrannical and totalitarian for disregarding autonomy, and suppressing difference. He has argued that the community can only develop and flourish through the ripples of different subjective autonomies. Further to this criticism, Eze (2008:391) argues that consensus is obtained through legitimation:

Legitimation is an attempt to authenticate a claim to political authority by a given state by realizing and preserving those norms and values necessary for the continual sustenance of the state. In other words, the ability of corresponding institutions to demonstrate why they should be granted political power vis-à-vis a superior capacity for the actualisation of fundamental values for the institution of society in question necessarily constitutes an alibi for the legitimation of the said institutions.

Eze (2008:392-397) further charges consensus with conceptual terrorism insofar as difference or divergence is suspect, while single meta-narratives are celebrated. In consensus, emphasis is on unanimity or conformity to the common good, and those with dissenting views are coerced to conform to the communitarian language-game plan. As a regulative ideal of moral discourse, Eze charges consensus of its tendency towards totalitarianism, although one can dispute this as unity is not necessarily uniformity. For him, a conformist ethics such as consensus is totalitarian.

Unanimity and consensus, which project a misrepresentation of actual practices, stifle the self-realisation and subjectivity of others.

Although Eze's criticism, and that of others, against consensus as a decision-making principle makes sense to a significant degree, one cannot be oblivious to the fact that most of that criticism is based on specific and selective interpretation of the concept. One thing that is clear is that such interpretation is based on the autonomy as a measure of human dignity juxtaposed against community-based values. Often times one develops a caricature of an aspect of argument of the other that he considers the weakest point and attack it as if the whole argument is poor. For example, Wiredu has argued that it is not a fact that personhood defined in communitarian terms may have authoritarian implications. In fact, the community does not do any defining; it is individuals who do it, using rules developed in the community. It is rather the kinds of conditions that are set up as the criteria of personhood that may, or may not, be authoritarian, or in some sense oppressive or unsound. (Wiredu, 2008:336). It is not uncommon therefore for such criticisms to contain elements of a straw man argument for the purpose of easily attacking and smashing it down.

Besides, to associate consensus with all negative descriptions is an overstatement. Evil in the world cannot be solely attributed to communities imposing moral rules on their members. As Keith Lehrer (2001:108) argues, "the powers of darkness are not restricted to communities of darkness. Individuals acting as sovereign artificers seeking their own personal goals and interests have done enough harm to others, sometimes by organising communities that subsume others, sometimes by acts of personal destruction, so that we must not blame darkness exclusively on communities. There is plenty of sovereign individual evil in the world." Communities are very much like individuals; some benevolent (just) and others, malevolent (unjust). Thus, in spite of its many criticisms, consensus, the unity of human relationships, underlies African traditional ethics, and by extension, dignity of persons. Lehrer (2001:110) has defined the ideal consensus as:

[.....] a commitment of consenting individuals to consensual goals and interests. The commitment to the consensual goals and interests is what the communitarian requires for social identity, but because it is the consensus of consenting individuals, it is formed from their individual goals and interests as the individualist requires. The consensus is the consensus of individuals, and, therefore, the individual and communal goals and interests coincide within it.

Consensus enjoins one to the whole community since in Africa, a person does not perceive herself as an individual in her own right, but rather as an extension of a family serving as an intermediary between ancestors and future generations (Andoh, 2011:71). In a consensus, the social preferences

and the individual preferences become identical. That is, consensus is identical with an aggregate of individual preferences. The truth of any communitarianism consists in the aggregate and the truth of individualism in that aggregation. The society is defined by a consensus aggregated by individuals and individuals are defined by the consensus they aggregate. Individual interests may converge towards consensus at the same time in the ideal case, and by the same process that the consensus socially defines the identity of the individual. Consensus identified the needs of the individual with those of the community. Unequal individual allocations can be aggregated towards consensus by weighing them against those of others in a group. The original conflict between individual preferences that characterise the conflict between individualism and communitarianism dissolves in a rational consensus (Lehrer, 2001:105-118).

The process through which consensus is achieved is akin to dialogue where persuasion rather than coercion is central. In fact, every dialogue is aimed at reaching a consensus. In its quest to secure pro-social behaviour, every form of communitarianism promotes persuasion rather than coercion. That dialogue according to Ogunbanjo and van Bogaert (2005:51-53) features counselling, conflict resolution, communication and pluralism. It is not difficult to see why communitarianism is not majoritarian. It is rather the opposite of a society functioning on the basis of the social contract which regards society as merely a cluster of individuals who have come together, conveniently motivated by the fulfilment of their individual interests within a political order. As an expression of the communitarian world-view, consensus also undergirds such concepts as public health or distributive justice. It is regarded as solidarity or a collective duty to take care of all citizens, affording them equal access to health care, as well as involving the family in decision-making, and shared understanding of public policies. For Hughes (2014:302), through consensus, traditional African societies are said to have exhibited a great deal of respect for human dignity conceptualised in modern times as African humanism which is inclusive as it respects individual interests crystallised in the common good. Decisions made through consensus are meant to benefit everyone, sharing economic benefits and discouraging excessive individualism which is likely to divide the community.

In responsive communitarianism through which he sought to balance individual rights with responsibilities to communities, Etzioni (2010:9-12) points to the indispensability of some elements of a communitarian theory for international relations. He argues that institutions are stronger if they are based on consensus and norms, rather than on coercion. Through consensus, members are willing and sometimes implored to make some sacrifices for the sake of the common good. The proliferation of new global problems, and the inadequacy of existing institutions to deal

with these, points to a need for new supranational institutions. For such institutions to function, they in turn require shared moral values that are spread through moral dialogues. These institutions can only arise through a process of community building which is basically the process that counts on consensus. That process leading to a consensus entails respect for one another, and so enhances human dignity.

Some African philosophy scholars have discussed the value of consensus in African democracy and bioethics. Taiwo (2004:244) has defended African Socialism, which is communitarian in nature, as an appropriate post-independence African political philosophy given its colonial past. Colonisation denied Africans of their humanity. The issue of human nature and humanity was the principal justification of colonialism. African countries were considered incapable of self-rule or self-determination, an attribute regarded as essential to human dignity. Inhuman treatment on Africans and their cultures through colonisation, aggressions and violations did not only constitute an act of moral deficiency on the part of the coloniser, degrading and subjecting African values to cruelty, but ultimately became an affront to human dignity threatening their integrity and survival. Hence, Cletus T. Andoh (2011:67) recommends that the African theory of dignity must also reflect Africa's historical, economic as well as cultural conditions. It is for this reason that the African post-colonial political organisations were characterised by a return to traditions as a re-affirmation of the people's dignity which was trodden underfoot by colonisers. For Taiwo (2004:250), the one party system of government is often cited as an embodiment of the will of the people united in the pursuit of the goal of enhancing human dignity. It is the organisational mode of this unity and the sole instrument of collective action. Of course the danger associated with one party politics is its tendency to become an instrument of one-man rule and a threat to heterodoxy and individual freedom. However, it is argued that the one party rule was regarded as a guarantor of the survival of the African state. Therefore, preference for consensus in one-party political system necessitated a model in which every individual was represented, and membership was not denied to anyone. Taiwo (2004:251-252) argues that such a system is closer to the spirit and historical experience of Africans.

In spite of strong criticism against consensus such as the one by Eze (2008), Wiredu (2003a:347) has demonstrated how consensus worked in an African traditional system of politics, and suggests the same could benefit the contemporary democratic politics. In his argument, a communalistic orientation will naturally prise social harmony. In the African sense, the process of decision-making by consensus rather than by majority opinion, as is the case with contemporary democracy. Wiredu makes use of the Akan traditional political system to trace the course of

consensus. It is argued that African traditional societies operated by consensus achieved through free discussion. Those defending the one party system of government employ this thinking. Their argument is that multiparty democracy, owing to different political parties' interests, lacks consensus and leads to conflicts. Although consensus characterised the decision-making process in traditional African politics on the basis that it promoted social interaction, there have been conflicts among lineages and ethnic groups. To the Akans, the majority opinion, which is a characteristic of majoritarian democracy, is not in itself good enough for decision making. It deprives the minority of the right to have their opinion reflected in any given decision. The minority are not represented. This representation is at two levels: the representation of their constituency (formal) and representation of their will (substantive) in the making of the given decision. It is possible to have a formal representation without substantive representation. But the formal representation is there for the sake of the substantive one. For the Akans, substantive representation is a matter of fundamental human right. Each individual is represented not only in the council but also in the counsel in any matter of her interest. This is the reason consensus is so important. In the absence of consensus, conflicts and adversarial politics abound (Wiredu, 1991:377).

The fact that consensus became the antidote to political problems for the Akans has a bearing on contemporary democracy. Current forms of democracy are based on majoritarian principle. The party with majority seats, or greatest number of votes, forms the government. Within the majoritarian democracy, the sole aim of parties gaining power is to implement policies. The Akans practised consensual democracy where government was by consent, and subject to the control of the people, expressed through their representatives. Consent was negotiated on the principle of consensus. However, consent of the majoritarian democracy is without consensus. The Ashanti political system was not meant to appropriate power but to participate in power, for power appropriation generates conflicts. The underlying philosophy was that of cooperation and not confrontation. In their attempt to prove its ancestry and authenticity, the advocates of one system appealed to consensus. They believed that with one party, there would be no conflict of interests. The fact is that there is no conflict because murdered parties do not compete (Wiredu, 1991:378).

For Wiredu (1991:380-381), non-party politics are characterised by willingness to compromise, not by vote, but by consensus and rational deliberation. Consensus helps secure substantive rights for all citizens because there is genuine representation. In consensual democracy, people are persuaded rationally. Here the minority do not just concede for the sake of harmony or defeat by superior numbers. They are rationally persuaded, and there are wide

consultations to gather public opinion which will form policy. In consensual democracy there is no group, ethnic or ideological, that is left as permanent outsiders to the state. In a state, consensus is an indispensable alternative to multi-party politics. Its exploration should therefore be the sole attention of contemporary African philosophers and political scientists. When it comes to the question of human rights, Wiredu thinks consensual politics should not be peculiar to Africa alone. It should be the concern for all human beings. Through consensus, human dignity is respected.

The foregoing demonstrated that the communitarian principle of consensus is significant for the promotion of human dignity. Consensus politics values individual contributions that inform policy. Consensus and the subsequent political decision can therefore be considered as the highest level of respecting human dignity as it allows for substantive or real representation. The individual's subjectivity is not solely determined by one's membership to the community, but also substantively constituted insofar as the individual is also imbued with self-determination through her contributions to political debates generating policies. Recognition of one's capacity to develop a consensus through substantive representations is one of the strong indications that affirms awareness of the notion of human dignity on the part of the African communitarian thought.

### **4.5.3 The common good and human dignity**

The common good is another communitarian principle whose pursuit and fulfilment in the African communitarian thought promotes human dignity. It is linked to the principle of consensus. The common good becomes that for which consensus is sought among members of the community. In fact Eze (2008:389) argues that consensus becomes the theoretical framework onto which the politics of the common good is grafted. Charles R. McCann Jr. (2002:7) conceives the common good as:

[...] the community standard through which preferences may be interpreted. It is through a combination of standards and rules, framing or boundary conditions, and inherited obligations (termed by MacIntyre practices, narrative unity, and tradition) that the individual is situated within a social frame of reference, and he thus is able to evaluate his preferences in terms of the community. Without such an understanding of the way in which individuals are connected to social communities, and the way in which these connections affect choice, there can be no understanding of or regard for moral virtue. Yet it is important to remember that the good of the community is not simply the sum total of individual goods, since the community good must itself be internalized by its members. In addition, the good of each individual must be seen as comprising more than the common good. It is the failure of liberalism to recognize and to embrace the inherent sociality of the individual as exemplified in these concepts that MacIntyre sees as its central flaw.

The battle between the right and the (common) good characterises the debate between liberalism and communitarianism. The question concerns that theory which is prior and consistent with the nature of personhood. There are many sentiments suggesting the undesirability of the common good. For the libertarians, the common good can sometimes be oppressive. The oppressive kinds of obligations generated from the common good include taxes and mandatory vaccinations (Etzioni, 2012:503). The common good is also perceived as something suggested and imposed by those in authority. As Matolino (2015:222) insinuates in his critique of Metz, the common good has nothing to do with common life as it is forced on people. He maintains that such a suggestion “is conservative in its political outlook since it interprets life as monolithic and seeks to minimise differences”. In his discussion of the politics of the common good, Eze (2008:389) argues against the tendency of the pursuit of the common good to undermine individual subjectivity, and yield univocal unanimity, and yet the good of the community is dependent on an intersubjective affirmation and people’s unique subjectivities. The common good forces one to conform to the decisions of authority. For Eze (2008:393) therefore, the common good flourishes where unique individual subjectivities are fostered. In giving a more coherent account of the politics of common good in the African value system, Eze therefore proposes realist perspectivism which he argues shuns unanimity in favour of a dialogue that is unoppressive.

Most arguments against the pursuit of the common good contain a caricature of what the common good is and how it is achieved, and generates unfounded fears about its pursuit. The common good suggests a consensus, a deliberation, and a democratically chosen set of values to be pursued. According to Lehrer (2011:120), personal interests cannot produce harmony and commitment within a community. Social interests and goals motivate individuals to give positive weight to their fellow members with whom they form and share the community. To give weight to others’ interest is to conform to the social interests as well as being consistent with human sociality. For communitarians the pursuit of a common good allows people to live more fulfilling lives than the pursuit of individual interests. Real people, those situated people encumbered by communal connections, simply cannot be the autonomous free-choosers postulated by liberalism. Purely autonomous choices are constrained by values that are generated and reinforced in communities. Thus, individuals and their interests should not be the focus of moral theory; rather, the focus should be on communities, which define morals governing social relations.

Communities are characterised by their pursuit of the common good which makes individuals equal. The recognition of the common good to which all community members should strive is intrinsically linked with the recognition of the unity of all people irrespective of their

biological differences, social or economic status, or parental lineages. The common good is a feature that links one with another in the community. It is an appreciation and ultimate expression of the unity of humanity. For example, through the communal mentality articulated in their structures, African societies are welcoming to strangers while showing them acts of generosity and hospitality. In Africa, the human person is defined and understood within the context of this cultural value. Consequently, it is within this cultural matrix that the dignity of the human person is understood, enhanced and protected. The human person is born into the community, lives in the community and dies in the community. The common good which consists of common interest, goals and values, becomes a thread that links individuals to one another, and its recognition becomes a source of respect for dignity of all human persons (Obioha, 2014:13-14).

The common good is not only significant within traditional African communitarian societies. Politics and governments cannot divorce themselves from the fundamental values such as the common good. The contemporary development towards cosmopolitanism to represent humanity as a whole, enabling identification of world citizens, evokes a sense of global solidarity and responsibility. Global concerns demonstrate the interdependence of people in the world (ten Have, 2011:315-317; Hentz, 2005; Etzioni, 2010). The individual-centred models of thought and action tend to marginalise conceptions of the common good, conceiving it as a justification for imposing the will of some people over others (Selznick, 1998:11). The relevance of common good cannot be more urgent in the contemporary world characterised by a myriad of problems that range from hunger, natural disasters, conflicts, wars, and others. These have certainly led to human suffering, injustice and deprivation. The question concerns how human beings can intervene in the lives of others to live dignified lives. Any interventions cannot make sense without the consideration of the global goods in common. The common good cannot be relegated to the private sphere. It is the public sphere that is concerned with the establishment and implementation of common standards of regulation and adjudication of conflicts while remaining neutral to different conceptions of the common good. The common good cannot be invoked without any established standard, for it will involve a contradiction (Riordan, 2015:3).

The common good presupposes a shared identity, and the view of what is good and beneficial to humanity. The proposal and implementation of policies presupposes some kind of the common good. Even though it can be argued that there is a variety of common goods originating from individual interests, communities make collective decisions about priorities and trade-offs. Such decisions require a collectively established conception of what will make the community better off or worse off (Selznick, 1998:11). Besides, the liberal project whose proponents contend

it promotes human dignity better, cannot thrive without the political community which helps transcend and bind together particular individually conceived goods towards a more inclusive conception of the common good which can be likened to the collective will. It is everyone's duty to abide by the rules devised to secure the common good. The common good is the purpose of the community. By contributing towards the common good, Africans hold a deep and unrelenting concern for human welfare and happiness, and consequently recognise the dignity of the human being (Obioha, 2014:13).

Thus, the pursuit of the common good, which is regarded as the central value in the community, allows human beings to live more fulfilling lives than the pursuit of individual interests. What communitarianism in general does is to make the common good the principle by which all human beings are dignified. Human dignity is premised on equality of all human beings. The common good makes human beings of the same value before the law that regulates individuals' actions and activities. In advancing the common good, the individual's good is concomitantly advanced because the individual's and the community's good are not radically opposed but interwoven. The common good is instrumental for the successful survival of the human race (Eze, 2008:388). Ideally, the communitarian emphasis on one's duties and obligations to the community demonstrates respect for human dignity, first as a species, and then as individuals, for the common good transcends personal interest (Raeder, 1998:519). Hence, the recognition of the common good and the subsequent means of securing it, demonstrate commitment to the inherent human dignity on the part of African communitarian thought.

## **4.6 Conclusion**

This chapter addressed the main thesis of the study, namely demonstrating how African communitarian thought manages to secure human dignity. As it set out, the chapter did a short evaluation of the autonomy-based dignity as a direct opposite of the communitarian-based dignity sought here. Thus the autonomy-based dignity is used as the basis for criticism of communitarianism of various sorts. Scepticism about the ability of African communitarianism securing human dignity arises from here. The liberal criticism of communitarianism was used to develop motivation for this study, asking how possible people have survived over the ages when they have no idea of respecting each other's dignity.

The chapter then went on to discuss personhood in African communitarian thought. Discussion of personhood provided the framework on which talk about human dignity becomes meaningful. Since the idea of human dignity inevitably raises pressing questions regarding human ontology, personhood provided conceptual the basis on which to discuss human dignity. In the

African traditional culture a person is understood normatively, in terms of his relations with other beings. One is simply a communal being. A human being cannot be conceived outside a network of relations with others. From this conception of personhood, I isolated some principles and values that are considered as central. These values were used as conceptual tools for determining how African succeeds in the promotion of human dignity.

The values and principles that the chapter considered are interdependence, consensus and the common good. Through interdependence human dignity is conceived as a relational value. That is, dignity of a person makes more sense in relation to other human beings who have duty to respect one's dignity. Human sense of self-worth, personal development and well-being are inextricably bound up with the extent to which they are valued by others, and by the society at large. Consensus promotes human dignity through decision-making process. The process of consensus is akin to dialogue where persuasion rather than coercion is central. Consensus values individual contributions to inform policy. Consensus and the subsequent political decision can be regarded as the highest level of respecting human dignity as it allows for substantive or real representation. The common good was the third principle to be considered to promote human dignity. Linked to consensus, the common good is the basis of equality. Respect for the common good where individual interests are united, is respect for the dignity of others. Thus, dignity from the communitarian perspective is holistic. It is for the human species regardless of the contingent experiences.

## CHAPTER FIVE

# THE VALUE OF THE AFRICAN COMMUNITARIAN-BASED HUMAN DIGNITY

### 5.1 Introduction

This chapter, which is final, aims to determine the value of the communitarian conception of human dignity which I discussed in the previous chapter. The previous chapter might have demonstrated how the African communitarian thought succeeds in the promotion of human dignity. The remaining challenge however is for the idea to be tested for its practical value. That is, I examine what makes the African communitarian conception of human dignity good and desirable. Although Taiwo (2004:243) argues that we cannot discount ideas because they have failed in practice, the need for relevance arises from the fact that the communitarian-based dignity is a normative idea, and it must be seen to be actively involved in daily human experiences. This exercise is significant as it provides further evidence as to the competitiveness of the communitarian conception of human dignity. Thus, beyond the theoretical merit, the relevance of the communitarian conception of human dignity can also be appraised within the actual and concrete situations it is required to intervene. This point has also been emphasised by Malpas and Lickiss (2007:5) who argue that dignity cannot be sufficiently understood in the absence of action. That is, human dignity cannot be isolated from action. Rather it has life only in those actual relations between human beings. Human dignity is manifested in the concreteness in human life and practice. For Paulus Kaufmann *et al.* (2010:2), phenomena in real life situations guide us to label some action as a violation of dignity.

Besides, doing this perhaps makes human dignity the best measure of its humanity. Rather, it gives further evidence on how the African communitarian conception of human dignity is naturally positioned for the promotion of human dignity. As a practical idea, the significance of dignity lies largely in its ability to become a central idea that human beings live by. To show this significance, I first discuss the right-good dilemma which appears central to the disagreements between liberals and communitarians on the conception of good life. It must be noted that there is no intention to re-enact and re-engage with the endless debate concerning the priority or superiority of one set of values over another, a tendency which has for many years characterised liberal-communitarian debate. This dilemma has for a long time provided the conceptual tools by which humanly possible life is appraised. These concepts are used to evaluate whether dignified living

can be determined by individual rights or the common good. This dilemma has significant bearing on the value assigned to the communitarian-based dignity which I discuss in the third section. It is after this dilemma that I turn to discuss what makes the communitarian conception of human dignity of significance. This leads me to argue that the communitarian-based dignity is essentially a moral theory since it largely focusses on normative issues, prescribing how one ought to live with others in the society. To understand African communitarianism as a moral theory, I begin with an exploration of the right-good dilemma. The right and good are the basic moral concepts which form the basis of the disagreement between liberals and communitarians.

## **5.2 The ‘right-good’ quandary**

To determine the practical significance of the communitarian-based dignity I propose to situate the human dignity debate within the ‘right-good’ quagmire which runs deep into conceptual differences between liberals and communitarians. The right has to do with one acting in conformance to rules or regulations, while the good has to do with benefits accrued from a decision that is made. For Mark Timmons (2012:7), right and good are the basic moral concepts in addition to moral worth. As evaluative concepts, which frequently appear in debates on ethical issues, the right and the good give an idea or action its ethical force. Precisely, these concepts take centre stage when evaluating ethical claims and in making ethical decisions. Such decisions could be evaluated on the basis of the motive and consequence of human action. Further, they could be evaluated as ethical or not on account of their being good or right. Thus, morality of an action is dependent on whether it is right or wrong. It is one’s duty to perform such actions.

These two concepts are particularly important as they run throughout most of debates between liberalists and communitarians on matters within such domains as politics, law, economics, education or culture among others. The central feature of such debates is their disagreement on the basic principles they each advance as guiding practice in such spheres. Francesco Viola (2004:521) sums up this liberalism-communitarianism disagreement as a debate that substantially consists of a conflict about the way of interpreting the notion of the political community. This is the dilemma concerning whether a political community’s commitment should be towards what is right or what is good. While the liberal camp considers personal autonomy as intrinsic to human rights and dignity, the communitarian group considers group rights as intrinsic to human development and human welfare. Buchanan (1989:860) advises that we might wish to consider the debate between communitarians and political liberals as essentially a disagreement on strategies that can be used to serve the value of community best instead of viewing it as simply a conflict between those who value community and those who do not. Such strategies are rooted

in different estimates of the relevant risks. Thus, these two camps essentially differ on which between the enforcement of what is right or what is good is most desirable.

For the present study the concern is the examination of what it is that gives the communitarian-based dignity the force of practical relevance. Contrary to the criticism levelled against both its conceptualisation and practical implications, and is mostly constructed from caricatures, communitarianism as a political and social philosophy appears to be logically consistent first in its formulation, and second in its usefulness. For example, the fear that communitarianism always generates a totalitarian vision of society when it is comprehensively developed with all its possible implication as argued by Carlos Santiago Nino (1994:27), is not warranted. Any political system has potential to become totalitarian. Communitarianism appears to have an inherent ability to deal with problems arising from societies founded on communitarian values. Some scholars even go further to suggest that elements of the communitarian theory have the capacity to form the basis of the contemporary theories of international relations since shared norms which spread through moral dialogues are necessary for building supra-nationality (Etzioni, 2010:5).

Thus, the right-good debate is significant for examining specific moral debates in which African communitarianism successfully secures human dignity. This conception of dignity is said to make African communities truly humanistic (*see* Wiredu, 2003a:338; van den Berg, 1999:203; Kamwangamalu, 1999:26; Mabovula, 2011:43). Concrete situations are said to be the best way of engaging not only the idea of human dignity, but also its relevance. We learn most about human dignity through examination of phenomena or social arrangements that are considered as violating human dignity. Through specific situations one can determine whether there is any violation of human dignity other than simply from the abstract conception of human dignity (Kaufmann *et al.*, 2010:2). Such violations could be physical or emotional. Although there are many forms of violations some of which are regarded as of less magnitude, Stoecker (2010:15) thinks there is a general consensus that the physical represents “extreme case of a violation of the demand of human dignity”. Torture for example, is an extreme violation of human dignity both physically and mentally. In addition, hunger and poverty are today present the most common way in which human dignity is violated since a person’s most basic needs lack sufficient satisfaction.

Although communitarians and liberals argue for different viewpoints, they do not explicitly acknowledge the right-good dilemma. If some do acknowledge, they do not pursue it further to its logical conclusion, where they would examine the extent to which it eventually colours their viewpoints. It passes silently through their respective arguments. Whether they pursue it further or

not, does not seem to bother them. This notwithstanding, liberalism and communitarianism disagree on some fundamental point, namely, that which between right and good should take precedence, or requires emphasis whenever they engage in some moral dilemma requiring a decision. Thus, some of the questions that philosophers have had to answer in making those decisions include whether emphasis or priority should be laid on what is right or what is good, and reasons offered for the preferred priority. The disagreements that arise from responses to such questions lead to a dilemma that seems to refuse any solution. Subsequently, we have different ethical theories responding to questions of motive or consequence, as well as good or right. Thus this dilemma is at the centre of the disagreements between liberal individualism and communitarianism, both on their theoretical constructs as well as their practical implications.

Philosophical engagement of the right-good dilemma has come mainly through the concepts' surreptitious appearance in a number of domains, academic or otherwise. Along with George E. Moore's *Principia Ethica* (1903) in which he defended the objectivity and multiplicity of values, where the object of ethics is the nature of good conduct, William Ross' *The Right and the Good* (2002) originally published in 1930, is arguably one of the most important works in moral philosophy that is exclusively and comprehensively dedicated to the right-good quagmire. In this book, Ross (2002:1) examines the nature, relations and implications of the three conceptions which appear to be fundamental in ethics. These are 'right', 'good', and 'morally good' (c.f. Timmons, 2012:7). This serious work in metaphysics forms the basis of many ethical claims which regularly make use of these three terms.

Ethical claims concerning some human actions presuppose a metaphysical basis. Some would say an act is good to the extent that its consequence is good (Ross, 2002:2). Others think that what is morally good is that which is right (Ross, 2002:3). For example, one may ask whether paying back one's debts is a right or a good thing to do. However, Ross (2002:6) argues that these concepts are very distinct. Rightness and goodness are completely distinct concepts as they refer to totally different things. As a matter of principle, it could be the right thing to do, but not my duty. In addition, right does not have the same meaning as morally good. Although we usually say it is our duty to do certain things, it does not mean we do them because of our sense of duty. Doing things out of duty is not internally binding because the motive does not arise from within. But when it is our duty to do certain things, the motive seems to be originating from within. In his political liberalism, Rawls (1988:251) prioritises the idea of the right although he anticipates some would interpret his position as suggesting his disregard for the notion of the good. Hence, he immediately clarifies his position. As a champion liberalism, the good must according to him be

viewed as a matter of individual choice. That is how he shows the goodness of right. Of course some have objected to his teleological/deontological distinction which is clearly based on the priority of the right as misleading. Aysel Doğan (2011:316-334) for example contends that since there is lack of consensus in terms of interpretation, we cannot have a plausible ethical theory which can determine what is right prior to the good.

The problem of priority of values is further exacerbated by the heterogeneous nature of modern societies. On account of this heterogeneity, it appears there exists an inescapable need for both the good and the right. Since such societies are pluralistic, some for example Michel Rosenfeld (2011:60-61), argue that comprehensive pluralism very much and clearly depends on the priority of the good over the right. They add that comprehensive pluralism very much shares characteristics of some version of utilitarianism which resolves all normative questions by reference to the notion of good, and dispensing altogether with the right. However, since there exist so many competing conceptions of the good, the individual who is competing naturally seeks to reach her own perceived good. In this case, the right is about what ought to be done and the good is about what is of value to a person, group or society. What this implies is that whether one prioritises the right or the good, there always seems to be a legitimate reason for doing so. For example, equality may entail one's freedom to pursue individual interests in the liberal sense, or being subjected to the social common good in the communitarian sense.

In their value orientation, modern societies which can generally be classified into two, namely those that subscribe to the liberal values and those that subscribe to the communitarian ideals, seem to be oblivious or simply indifferent to the confusion between the right and the good. Although both regard the concept of human person as central to their arguments, they significantly differ on how such a central concept is constructed and understood. In this conceptual conflict, liberalism places emphasis on the ontological aspects while communitarianism prioritises the normative aspects of personhood. Consequently, and on account of their differing conceptions of personhood, liberalism and communitarianism have become very important schools of thought in contemporary social and political philosophy, in the sense that scholars often subscribe to any one of them, or at least something akin to a synthesis between the two. Since there seems to be no end in sight with regard to this conceptual conflict, it has become a normal thing that the liberal conception of personhood prioritises the right, while communitarian conception the good. This disagreement has profound implications on how these thought systems interpret and evaluate human actions, especially as they relate to the promotion or violation of human dignity.

Since the idea of human dignity cannot fit easily into a single evaluative framework, it is instructive to think how the same idea has been articulated not only in the liberal tradition, but also in the communitarian tradition, regarded as illustrative of the African traditional thought system. In this study the interest has been in how the African communitarian thought through its normative account of personhood succeeds in promoting human dignity. In a way, it responds to some of the claims made by liberal account concerning the ability of African communitarianism to secure human dignity. Although I have tried to demonstrate this at a conceptual level in the preceding chapters, the proposal here is to situate this communitarian response within some concrete situations or life experiences. The idea is to demonstrate by way of giving further evidence, how in such concrete situations, the communitarian principles fare better in terms of promoting human dignity than has often been portrayed by critics.

Before proceeding with a consideration of instances that demonstrate the value of communitarian principles in the concreteness of life situations and experiences with respect to the promotion of human dignity, I propose a glance at another pair of evaluative concepts related to the right-good dilemma. These are individual interest and common good. My interest is to explore their relation to the question of human dignity. The promotion of these ideas is often considered to be synonymous with the promotion of human dignity in the liberal as well communitarian thought systems respectively. Human dignity is a question of prioritising either private or public interest. Thus the dilemma reappears and permeates our attempt to understand human dignity as either rights-based or duty-based. Both the liberalists and communitarians maintain that their respective conceptions of personhood, which derived from their thought systems and practices, are consistent with their respective conceptions of personhood, and subsequently promote human dignity better than the other. The extent to which this is true is a matter of how we engage with the respective value systems, which can best be regarded as perspectival and contextual. Barak (2015:6) recently underscored this when he wrote that human dignity is a contextually dependent value. It keeps on changing as the world changes. Human dignity could change from religious to secular perspectives, depending on the society's conception of personhood. The religious view sees a human person as the image of God, while the secular perspective modelled on Kant sees a human person as a rational being who legislates and obeys own laws. Thus, the conception of personhood of a given society reflects its own history, culture and human experience.

### **5.3 Individual interests and the common good**

Individual interest and the common good also reflect the concept of personhood. Just like the right-good quagmire, these are also evaluative concepts which can be used as tools for determining the

significance of the African communitarian-based dignity. The dilemma in these two concepts concerns whether the promotion of human dignity can be determined by respect to individual interests or the common good. As Etzioni (2006:200) has argued, the relative place accorded to personal autonomy in liberalism, and the common good in any communitarianism, constitutes one single most important classification of social and public philosophies that govern public behaviour. This distinction is parallel to that between individual rights and social responsibilities. Liberalism promotes rights and freedoms which mainly serve individual interests while communitarianism promotes duties serving the common good. The promotion of individual interests and the common good are considered as the ethical visions these systems hold. The libertarianism falls at one end of the continuum, and various collectivist positions such as communitarianism occupy the other extreme.

There is no question that both the individual autonomy (through human rights) and the common good (emphasising duties to the community) respectively concretise specific views about the life of dignity. These respectively represent the gist of the liberal and communitarian thought systems. Most importantly, their respective visions support claim to be consistent with the requirements of human dignity. That is, although these perspectives differ in many aspects, especially on the basis of their ethical visions, they nonetheless provide the means by which the idea of dignity is realised. While their reconciliation remains elusive as highlighted in most literature, each tradition makes a very bold claim through its conceptual formulation that the primary objective of its practice is the service of humanity, and specifically the promotion of human dignity consistent with its nature.

The liberal theory, which has for a long time held a central place in the contemporary political philosophy (Cohen, 1999:121), is well known for its idea that the promotion or administration of justice is the single most important aim of any social or political institution. Rawls (2003:3) succinctly captures this idea: “Justice is the first virtue of social institutions, as truth is of systems of thought”. Thus for Rawls, justice is the objective of social and political institutions, and must be safeguarded at all costs. This important ethical function that the liberal theory performs, namely the promotion of justice, is achieved through the prioritisation of individual interests. Like any other political theory, proponents of the liberal theory make use of a particular conception of personhood to articulate their vision. Rawls’ theory of justice which is arguably the embodiment of the liberal theory, regards the fulfilment of individual interests as constituting the very object of every decision-making process by, and within, the political community. In a way, justice is related to human dignity.

Autonomy of persons constitutes the moral core of Rawls' political philosophy (Audard, 2014:17). In his political liberalism, Rawls (1988:251) prioritises the idea of autonomy represented by individual rights. Therefore, exercise of one's autonomy at every stage of decision-making process is crucial to a just society. Justice is secured when a society fulfils this requirement. In a liberal society then, citizens are free to pursue their own ends without interference from the state or anyone else. Thus to realise this freedom, the government's role is limited to that of maintaining standards of right, aimed at governing public conduct (Allen, 1992:79). The state's primary objective is to clear all obstacles that prevent an individual from the exercise and realisation of individual autonomy. This liberal vision also applies to the economic sphere which advances the argument that the greatest good is realised when individuals freely pursue their own interests. There is little wonder therefore that when combined, these two positions confirm the primacy of individual rights, which have originated from, and significantly helped popularise, the liberal theory (Theobald & Dinkelman, 1995:14).

Freedom of choice, the underlying theme within the liberal tradition, is central to the liberal conception of human dignity. Its observance is regarded as the highest form of respect one can give to a fellow human being. By consistently placing the right before the good, liberal practices make citizens free and autonomous to pursue their own ends without interference from the state or any other person, with the state's role limited to "maintain procedural standards of right aimed at governing public conduct" (van der Merwe & Jonker, 2001:278). It is for this reason that within the liberal tradition, human rights are synonymous with human dignity, an idea which has subsequently been disputed by some scholars in the sense that human rights represent a distinctive approach to the problems of human dignity (*see* Donnelly, 1982:303). Thus, within the liberal tradition, to respect one's rights is to respect her dignity. Exercise of human rights means living a life of dignity. On account of its popularity, the liberal conception of human dignity is invoked to bear on a number of decisions surrounding controversial decisions by human beings. These include debates that occur in bioethics, such as abortion and human cloning (Glensy, 2011; Kaufmann *et al.*, 2010; de Melo-Martín, 2011; Friedman, 1994); global bioethics (Andorno, 2009; Kass, 2008); biotechnologies such as stem-cell research and genetic enhancement (Kaufmann *et al.*, 2010); medical ethics within euthanasia (Gentzler, 2003); public policy (Hellsten, 2010); international relations (Hentz, 2005); and many other controversial debates.

Within the liberal tradition, the interests of the individual may not be fused together with the interests of the group as a single sum total. Thus the common good is not that important as long as the individual is left free to exercise her rights, pursuing her own interests without

interfering with those of others. In this regard, to respect human dignity within the liberal tradition is to treat human beings consistent with their human nature as human beings. The kind of humanity which is captured in the theory of personhood consists in one's rationality, an ability to exercise autonomy through different choices a person makes. One's dignity as a human being is therefore constituted by one's possession and exercise of human rights. In other words, human dignity is commonly understood through the prism of rights. Accordingly, violation of another person's human rights is failure to respect the dignity of that person (Gardner, 2008:21).

Democracy, arguably the most popular system of government in the contemporary political domain, is linked to both human rights and human dignity, where human dignity has become a key concept in the discourse on global human rights (Barak, 2015:34; Botha, 2009; Elshtain, 2004). Some regard human dignity as a pervasive value that forms the fabric of modern democracy (*see* Glensy, 2011:135; Ober, 2012). There are also claims that democracy is naturally premised on human dignity. Through this connection, democracy is considered as that political project which is most consistent with the ideals of human dignity. Thus, democracy's objective is said to be that of promoting human dignity through human rights (Elshtain, 2004:15-16). As a foundation for democracy and human rights for the Post-Modern framework, human dignity essentially became a linguistic tool by which people gained self-esteem and political influence (Lebech, 2004:66). As a form of governance, democracy is a central feature, in a significant way, of modern constitutional states as it gives expression to the values of human dignity and equality (Glensy, 2011:68). It is with little wonder that some nations and international organisations have elevated human dignity to become the foundational right underpinning all other rights. To exercise one's autonomy through casting a ballot in an election for example, is said to be an exercise of a right, and consequently, the promotion and enjoyment of one's dignity. Thus, the crucial aspects of the liberal articulation and exercise of human dignity include autonomy, freedom and rights. For this reason, the liberal conception of human dignity is also referred to as right-based or autonomy-based, since the basis of dignity lies in the autonomy of self and a self-worth reflected in everyone's right to individual self-determination (Glensy, 2011:67-68).

The communitarian theory which we have seen is considered by many scholars as the dominant theme or distinctive feature of the African traditional thought is on the other hand viewed as conceptually opposed to the ideals of the liberal theory. This is the reason communitarianism is in the West considered as arising from its critical stance of what it regards as excesses of the liberal theory. At the same time, African communitarianism is also reprimanded for its perceived complicity and indifference to political intolerance, authoritarianism, and tyranny (Ogunbanjo &

van Bogaert, 2005:52). In the contemporary usage, to be communitarian means having characteristics of a community. Consequently, communitarianism gives ideological priority to the community over the individual. Although communitarian thought is synonymous with African traditional thought, it has also enjoyed some remarkable popularity among scholars born, raised and have worked with the environment of the liberal tradition. Since communitarianism in the West developed very much as a reaction against what scholars regarded as excesses of the liberal individualism, its proponents had set their grand agenda as that of resurrecting a sense of community allegiance and responsibility in individuals. As such western communitarians argue for a correction to what they perceive to be an obsession with individual rights that had gone further than it could account for. As Paul Theobald and Todd Dinkelman (1995:6-3) argue, communitarians of this sort certainly did not dispute the idea of rights, and seldom did they argue against their existence. What they objected to however, was the unilateral glorification of individual rights above all other desirable social values or goods. In their argument, rights are not the measure of a good society. That is, although rights may be a necessary precondition for good life, they are in no way sufficient. These communitarians therefore wished to create a balance between autonomy of individuals and the common good.

Communitarians of all kinds emphasise the common good as the object of every social organisation. The common good is that for which the cooperation between members of the community is sought. It constitutes the interests of all, and it is a crucial value to community life for it defines the community itself. For Gyekye (2003:351), the common good differentiates the community from a mere association or aggregation of individual persons. The common good must therefore be understood not simply as the sum total of individual goods, but something that is part of their human nature. Considered in this way, it becomes part of their personality as members easily internalise. Members of the community share goals while having intellectual, ideological and emotional attachments to those goals and values. An individual human being is born into an existing human society and, therefore, into an existing human culture (Gyekye, 2003:351).

In emphasising the significance of the common good, McCann Jr. (2002:7) adds that the common good is that which connects one to social community. It is a yardstick for all community activities. The common good is like a reference point by which one is able to evaluate her preferences in relation to the community, setting standards and rules, boundary conditions and inherited obligations for both an individual and the community. Through the common good, communitarians are said to provide something that has been lacking in the liberal tradition, namely emphasis on effective, as opposed to essential, freedom, which can effectively be realised by one's

participation in a community (Allen, 1992:79). Thus, the thread that links all communitarian theories by such thinkers is the view that participation in society makes human beings what they are. Cohen (1999:121) calls this view the “social constitution thesis” of personhood.

Thus far, the right-good dilemma has had significant influence on the two opposing and competing conceptions of human dignity, namely those from the liberal and communitarian thought systems. In spite of their fundamental differences, there is something crucial and common between liberalism and communitarianism. Each makes a bold claim that the primary objective of their theories is to secure human dignity through their respective conceptions of personhood. As the liberal theory emphasises rights of individuals, human dignity can only be secured when individual rights are respected. Since rights are a prerequisite for acting autonomously, to act autonomously without any external coercion for the satisfaction of individual interests is what matters. The communitarian thinkers dispute the practicality of the liberal conception of personhood, institutions as well as human dignity. Their contention is that respect for rights does not sufficiently respect of all groups of people that constitute humanity. In their argument, respect for humanity through the promotion of human dignity is much more than just mere respect for individual rights. That is, rights are insufficient to address all aspects of human nature. Although respect for rights is obviously a good thing, that goodness is practical only to a certain extent. The goodness envisioned in that respect is limited and contingent upon one’s exercise of that autonomy. It is obvious, as we have previously seen, that some persons which include infants and those with severe medical conditions, are incapable of exercising that autonomy.

As implied, it is not right that the categories of people lacking exercise of autonomy should have their dignity denied. Certainly these people retain their humanity even without exercising their rights. Their dignity can be accounted for under certain conditions. On account of such problems associated with the liberal account of human dignity, communitarians argue that human dignity can be firmly secured by adherence to communitarian principles such as the common good since persons are what they are by virtue of their ability to come together with other members of the community pursuing a common agenda. Even their personhood is attained through one’s interactions with other members within one’s respective community. The common good is the principle that underlines their coming together as a community. Everyone therefore acts in accordance to the agreeable goals. As a value, the common good does not necessarily suggest it is decided upon by those in authority, a source of discomfort for critics of communitarianism. Rather, the common good is something agreed upon by the majority of community members through a democratic consensus. This is something akin to what Paola Bernardini (2010:45) has in mind

when she talks of human dignity as constituting a value upon which laws in a pluralistic society may be grounded. Without it human beings lack reference and framework for human action. The common good becomes a central value that the community embraces to enhance human dignity, not only to individual persons through fulfilment of their rights, but also to the whole humanity as a special creation. The common good will take care of even those incapable of exercising their autonomy.

While the notion of human dignity generally refers to a quality which is inherent in human nature by virtue of which one's life is considered precious, the right-good quagmire demonstrates how different conceptions of human nature influence the way societies conceive human dignity. It is inconceivable to engage the subject of human dignity without examining the parallel notion of human nature (Bernardini, 2010:46). Besides, it is impossible to fit human dignity into a single ontological framework at the exclusion of others. The fact that human dignity cannot be reduced to single framework makes human dignity a very unique concept (Malpas & Lickiss, 2007:2). For some, the complexity makes it appear a useless and irrelevant concept by many (*see* Macklin, 2003). However, the ubiquity of its influence in different disciplines (especially in legal and biomedical contexts) has come to its rescue. Thus for Sulmasy (2008:469-474), different uses and interpretations make human dignity a fundamental concept, giving shape to deliberations in bioethics, specifically how it applies to questions about justice and access to health care resources, the care of the disabled, embryonic stem cell research, cloning, euthanasia, and the care of patients in the so-called permanent vegetative state. A notion which can illuminate all these problems cannot be considered as useless. Thus, even though it is agreed that human dignity is a foundational concept, there will also be differences in understanding its meaning and exactly how that principle should be instantiated in specific contexts or circumstances with respect to specific persons, and in specific cultures (McCrudden, 2013:47). Masolo (2004:495) is convinced that although communitarianism has some burdens on the individual, it has some benefits that are usually ignored by its critics. Hence if people re-examined any form of communitarianism, they would realise that it is not as oppressive as it is commonly believed, for its ultimate purpose is a dignified life of the community and its people. Hence the section below is an attempt to explore the value of the African communitarian-based dignity as it illuminates debates on some important problems.

#### **5.4 The value of African communitarian-based human dignity**

It is difficult to speak with finality about the theories that each system of thought has constructed concerning how human beings should relate with one another. While we can only compare and contrast areas of emphasis between liberal individualism and African communitarianism, there is

always a temptation to elevate one above the other. The different interpretational frameworks cannot be evaluated along the lines of superiority of one over the other does. Each framework or perspective, in its own ways, plays a significant role in securing and enhancing human dignity. However, it is difficult to determine how each perspective makes a significant contribution to human dignity without engaging specific circumstances in which they operate. That is, talk of human dignity cannot be isolated from human action. It cannot be understood in the absence of action. Rather, it has life only in those situations where human beings actually interact and act upon one another. Thus, dignity is manifested in the concreteness of specific problems (*see* Malpas & Lickiss, 2007:5). In light of the flexibility in the interpretation of its substantive meaning, the value of dignity may lie more in the functions that it fulfils, rather than in any uniqueness of meaning as a basic moral concept (McCrudden, 2013:13). For this reason, this section attempts to scan through some few concrete instances in which the utility of the communitarian conception of human dignity appears to surpass the existing intellectual expectations about its significance.

This effort is a challenge to critics who maintain that the communitarian thought system as well as the ethical system that is derived from it are hostile to human dignity. The central argument in this study is that contrary to such criticism, communitarianism has some significant contribution to make towards the realisation of human dignity as the universal moral principle in uniquely vivid ways. Through the central communitarian values of consensus, the common good, and dependency or interdependency, I engage specific issues (ideas or practices) to determine the practical significance of the communitarian construal of human dignity. Specifically, this section examines how problems of participation in democratic politics and intergenerational justice can be illuminated by the African communitarian conception of human dignity.

As discussed in the previous chapters, the idea of human dignity is very much associated with political rhetoric, and almost all systems of governance claim to be concerned about people's dignity. Eze (2008:389-392) has engaged the politics of the common good, a characteristic feature of *Ubuntu* theory and practice, questioning the role of consensus. Primarily, politics aims at the realisation of the common good which consists in the collective pursuit of ends as shared by members of a community. Eze considers the consensus as the theoretical framework onto which the politics of the common good is grafted. However, he sees the pursuit of the common good as undermining individual subjectivity, since in its formulation, it automatically makes one yield to univocal unanimity, as autonomy and alterity which are regarded as the core values of human identity, are never accommodated but suppressed. There is no room for difference in the name of a consensual tyranny or uniformity. Eze thinks this should not happen insofar as the good of the

community is dependent on an inter-subjective affirmation of unique subjectivities. The human community can only develop and flourish through the development of different subjective autonomies. The common good effectively flourishes where unique individual subjectivities are fostered. This is the reason postmodernism has charged consensus with conceptual terrorism insofar as difference or divergence is suspect while single meta-narratives are celebrated. As a regulative ideal of a moral discourse, consensus tends towards totalitarianism.

Eze's views have been echoed by a significant number of scholars from both the liberal and communitarian traditions. Their arguments are built around individual autonomy and subsequent rights as embodying the life of dignity. However, it should be noted that the common good which forms the basis of communitarian societies is not as bad as Eze and others paint it. Using the Akan tribal politics, Wiredu (2003a:338-347) has adequately demonstrated the practical significance of the common good to the security and promotion of human dignity within the traditional African society. He discusses the common good from an African conception of morals which is perceived to be generally of humanistic orientation. Wiredu's discussion is situated within the Akan humanism, part of the broader communitarian theory, which greatly values human sociality of human existence. Fellowship is accordingly the most important human need. Participation in community activities is a proof of real personhood. Participation and fellowship are in African communitarian sense pursued through decision-making process which is underlined by consensus rather than by majority opinion. Accordingly, Wiredu argues that traditional African politics appears to exhibit a form of democracy which is very different from the western variety. For Taiwo (2004:252), the fundamental preference for consensus in African communitarianism necessitates a model in which all persons are represented, and membership is not denied to anyone. On this basis, one can argue that the African communitarian thought has in practice had a high regard for human dignity.

Indeed, representation is synonymous with modern democratic processes, especially indirect democracy where elected officials represent those that elected them. The electorate indirectly participate through their representatives. Participation in deliberations is considered as an indication of how one is valued, whether in an individualist or community. Western democracies emphasise this formal representation at the expense of substantive or direct representation which is accordingly synonymous with traditional African politics (*see* Urbinati, 2006). Adopting the traditional African politics, contemporary African democracies emphasise substantive dignity through consensual participation. Through consensus, one is actually representing herself or practising direct democracy. In this respect, Ogunbanjo and van Bogaert

(2005:51) have argued that African democracies are not majoritarian like the western model. Communitarian societies are said to be the opposite of societies functioning on the basis of the social contract which regard society as simply a cluster of individuals who have to determine the governing principles of the political order of their choice. Traditional African societies are said to have showed a great respect for human dignity conceptualised in modern times as African humanism. Decisions which are taken in the community through consensus are meant to benefit everyone, sharing economic benefits and discouraging individualism. The common good is the visions though which they encourage sharing economic benefits and discourage individualism (Hughes, 2014:302). Substantive dignity comes through people's interaction with each other. By coming together, community members understand the indispensability of one another in fulfilling the goals which are larger than those conceived at the individual level. Thus cooperation and peaceful co-existence are enhanced by consensual decisions which are made on the basis of the common good.

Apart from its significance in the political domain, and especially the problem of participation in democratic processes, the communitarian conception of human dignity appears to be a more viable alternative in other spheres as well. The value of the communitarian-based dignity can also be considered from the point of view of intergenerational justice, especially its justification. Intergenerational justice touches on many issues, but importantly on the means of protecting the environment and sustaining the universe for future generations. Janna Thompson (2009a:1) understands a polity as essentially an intergenerational community. Citizens are born into a society that pre-existed them, and this society is likely to continue to exist for many generations to come after the death of current generations. Present generations obey laws that were conceived and put in place by past generations. While the present generations are affected by decisions made by past generations, theirs will equally affect individuals of future generations. These interactions between different human generations make human society "a historical continuum that reaches into the indefinite future".

This historical continuum implies the existence and persistence of intergenerational relationships that include past, the present, as well as and future members. For Thompson, (2009a:1), how these relationships should be understood, and what entitlements and obligations they generate, should be the subject matter of the theory of intergenerational justice. The responsibilities that the present generations have for those to come in the future, go beyond their borders to include those outside of them. In that way, intergenerational justice creates puzzles of its own. That is, a theory of intergenerational justice must come to grips with issues that are

conceptual, political, ontological and moral. These provide frameworks from which the idea and the practice of intergenerational justice can be engaged (Thompson, 2009a:2). However, one thing is clear: that the intergenerational responsibilities are hinged on communitarian values such as interdependence, common good and reciprocity.

Thompson has made reservations regarding the ability of the liberal theory to support the theory of intergenerational justice. Looking at what liberalism emphasises, namely rights, contracts and the welfare of existing individuals, it falls short of providing an adequate basis for intergenerational justice. Our obligations to future generation cannot arise from the idea of self-interest. The common good, interdependence and other values are critical for this. Thompson (2009b:25) then argues that the communal values of the embedded self that communitarianism espouses are in better position to motivate our obligation to the future generations. Although she sees some positives in communitarian approaches to intergenerational justice, in the sense that on individual basis communitarianism fares better than liberalism in supporting intergenerational justice, she has some misgivings which have led to the construction of her own theory of intergenerational obligations, making use of communitarian insights compatible with basic assumptions of liberalism. While present generations believe they have obligations towards future generations, meeting the actual needs of future generations is something that has remained difficult to gauge. Hence present generations can only speculate from their own experiences about what future generations might need in order to lead a humanly possible life.

However, as Clark Wolf (2003:293) observes, unjust actions will likely be harmful to others. Duties of justice therefore become the most pressing and urgent of all obligations. But since the present generations have not entered into contract with their future colleagues (as is the case with autonomous individuals within the liberal tradition), and there is no way this could happen, human beings who fail to be courageous or charitable to do justice are generally weighed down by critical conscience. That is, they are convinced that those human beings that have been treated unjustly have a well-founded complaint to make against present generations. Again, since there is no contract entered into between different generations, such complaints are pointless. However, the duty towards future generation is moral. As such, it is beyond transactional or mere compliance with the rules that the present generations should consider the plight of their future counterparts. The weakness of deontological moral theories is that they emphasise impersonal relationships which become pragmatic and detached interactions. Such interactions remain dry and rigid for they lack moral obligation or compelling force. One just does the minimum requirement for that is what is needed. For a liberal individualist, human cooperation makes sense to the extent that the

individual entering the contract emerges as the prime beneficiary. For a communitarians however, human cooperation is meant to benefit both those who are involved and those who are not. Those not yet born should therefore benefit from the decisions made by present generations. The responsibilities one has to fellow community members do not originate from any form of contract, but are essentially derived from human social nature (Famakinwa, 2010a:73). According to Gyekye (1997:67), this social nature “implicates the individual in a web of moral obligations, commitments and responsibilities” for the sake of the common good.

At this point, it is difficult to conceive how contractualist theories of justice can develop a coherent account that takes care of the plight of future generations. They cannot cover beyond the interests of those who exist here and now. It is safe to say that the obligations that human beings feel for each other arise from what they regard as the common good that individuals across generations might want to enjoy or to be part of as well. The central issue in such obligations concerns what Thompson (2009a:1) has pointed out; that a polity is an intergeneration community. Thus, present as well as future generations are members of the human family which they inherit in succession from the past generations (Woods, 2016:303). Within the African worldview the individual is placed within a continuum of the dead, the living, and the unborn. It is a worldview of group solidarity and collective responsibility. Accordingly, this worldview is for all intents and purposes as valid as the western theories which try to link the individual to her community through the social contract. Through the communal system one is guaranteed social security and at least minimum economic rights (Cobbah, 1987:323). Hence, the survival of the human race is the combined responsibility of every generation. The present generations have to consider the significance of their link with future generations even though the latter currently do not exist. Since the earth is not the sole possession of one particular generation, the interdependence of human life and the fragility of our planet requires a new vision of human community that encompasses past, present, and future generations (ten Have, 2011:321). Through this connection, present generations should generally feel their responsibilities towards future generations. That can only arise from communitarian values. This is the reason some scholars for example Kateb (2011:6), have laid emphasis on the dignity of the human species which includes the nameless, countless and the unborn, affirmation of which precedes political and social concerns.

Thus the communitarian theory appears to offer a somewhat more robust and reasonable explanation for intergenerational justice. Although the autonomy-based conception of human dignity such as that of Rawls includes future generations in its theorisation of justice, it lacks the explanatory power to cope with such challenges as it is only the existing individuals, and not to

humanity as such, who are entitled to human rights. Even Rawls' original position, the veil of ignorance makes sense only to the extent that it affects contemporary generations. The future generations have offered nothing beneficial for justice would call for mutual advantage. Thus it excludes anything that has to do with future generations. If it does, then it has no basis. Andorno (2009:227) has extended this argument to the problem of reproductive cloning. Since reproductive cloning is done prior to the existence of the individual, it cannot by definition violate the rights and the subsequent dignity of the individual. However, one can argue that indeed cloning is not a threat to individuals, but to the integrity of the human species as such, and the rights-based dignity cannot address that problem. It is unfortunate, as de Melo-Martín (2011:44) observes, that the majority of appeals to human dignity present the concept as ill-defined, and thus it is unclear how biotechnologies pose problems for human dignity. At least the communitarian-based conception of dignity is in a position to explain and address this. The collective dimension of dignity goes beyond a mere individual and her interests, and refers to the value of humanity as such, including future generations. According to Andorno (2009:233), collective dignity is a derivative notion which embodies the idea that existence and integrity of humanity as such has an intrinsic worth and therefore also deserves to be protected.

The very few instances that I have considered here suggest and demonstrate the value of the communitarian-based dignity through its explanatory power. What communitarianism has done is to reorient societies to the importance of community in their ordering of human life, thereby correcting ideologies that have led to practices with destructive consequences. Communitarianism stresses the idea that the ideal and authentic way of being is relational. Although it has the propensity towards what many of its critics regard as authoritarianism, the communitarian theory plays a significant role in addressing some of life's controversial issues, and therefore cannot be ignored or dismissed just like that. Importantly, the issues that the communitarian theory is able to address are those which the liberal theory appears to be tremendously struggling with at both its conceptual as well as practical levels where collective rights and social duties are neglected (*see also* Song, 2015). Hence, the communitarian theory is very consistent with human dignity not only at the individual level like what liberal theory insists, but also at a collective level as a community, pursuing the common good. It values humanity as such which includes that of future generations.

## **5.5 African communitarian-based human dignity as a moral theory**

This section argues that the communitarian-based theory of human dignity is intrinsically a moral theory that anchors practices in the spheres of its influence. In other words the functions that the

communitarian conception of human dignity performs in those spheres of influence have moral significance. It is essentially a moral theory of the utilitarian type. This is the case as it arises from normative personhood, prescribing how one ought to act in a society she is a member of. Timmons (2012:1), views a moral theory as providing systematic answers to general questions concerning what human beings should do and how they should do them. For Glensy (2011:72), dignity commands respect from a number of disciplines across the spectrum because it is a supreme value. Owing to its compelling moral force, dignity has become a premier value that underlies moral and political thought the last two centuries. Similarly, Lewis (2007:95) talks about human dignity especially the Kantian type, as belonging to an ethical category. Metz and Gaie (2010:273) argue that within the African moral theory, actions are right roughly insofar as they are a matter of living harmoniously with others or honouring communal relationships. This forms the bases of an Afro-communitarian theory of human dignity.

Inasmuch as the concept of human dignity has assumed an important position in a broad range of disciplines which include politics, economics, medicine, health and many others, its significance is more pronounced within the moral domain. That is, most theories of dignity to-date are moral in nature. They are about human conduct. The intrinsic dignity attributed to human persons entails both self-regarding and other-regarding moral duties. In other words, beyond the moral obligations they have to themselves, human beings also have moral obligations to any other entities that have intrinsic dignity, and to the rest of what exists. This respect for beings with intrinsic dignity is often accompanied by concrete actions that help to establish the conditions by which that being can flourish, consistent with its nature (Sulmasy, 2008:482; *see also* Toscano, 2011). It is for this reason that dignity and moral theories always have to rely on specific conceptions of personhood which deal with the nature of the subject of dignity.

On the basis of its ubiquity and significance across different disciplines, a claim can be made that the respect that the notion of human dignity is able to command, originates from its moral characteristic. A further claim could be made that since the African communitarian conception of human dignity unambiguously emphasises one's obligations towards her community and its other members, it is particularly more consistent with the principles of the moral theory. This assertion can be understood in comparison with the liberal conception of human dignity whose idea of dignity focuses on the fulfilment of individual interests through the principle of autonomy. Within the liberal theory, one's relationships with other members of the community can best be described as contractarian. Such relationships are rigid and lack empathy towards those members of society who for some reasons are incapable of entering such relationships. Such

individuals are incapable of making use of their autonomy. Since the principal motivation within the liberal tradition is to satisfy one's interests, one can only be concerned with others if there is a sufficient guarantee that her interests would be met.

However, the communitarian theory as well as the theory of human dignity derived from it markedly differ from its liberal counterpart. All forms of communitarianism are generally guided by the fulfilment of the principle of the common good. This principle is meant to benefit not only the individual, but also other members of the community, including those incapable of entering into contractual relationships with others. Besides, there exist other relationships which are not reciprocal in the strict sense. One such relationship occurs in a family, and specifically involves a child and a parent. In this relationship, a parent cannot enter into a formal or contractual relationship with a child. Parents have moral responsibility to provide not only material necessities, but also moral education and character formation to their children (Etzioni, 1998: xxviii). Within the jurisdiction of a family as a primary community, a parent or guardian will on many occasions claim to act according to the good that is common for any child, and which in the liberal tradition is called the best interest of a child. The assumption is that the decision which a parent makes for a child is a good one, and becomes the basis for which a child is given little latitude in such a relationship, until such a time when she is deemed able to make autonomous decisions. Similarly, a community is said to be acting in the best interests of its members who unlike children, have a conception of their best interests. Through a consensus, those individual interests are bundled together in the idea of the common good to be pursued as a community.

As Gyekye (1997:36) puts it, the community is 'a good', and in fact a common good that must be protected at all times. Almost all variants of the communitarian theory emphasise the moral characteristics of human action, namely that members of the community act in ways that recognise the existence and importance of other community members. Through the common good every individual is in principle expected to meaningfully contribute to the flourishing of the community. Humanism, a form of communitarianism for instance, is committed to a life in which every individual is obligated to contribute to the well-being of her community. In this regard, African communitarian values such as generosity, compassion, reciprocity, mutual sympathy, cooperation, solidarity, and social well-being which are generally held to be more important than the value of individual rights. These values become a guide to the moral practices of Africans (Bell, 2002:64).

Within liberalism, the promotion of human rights is considered as providing the utmost respect for human beings. To respect an individual is to allow someone to act autonomously in

ways that promote her interests. Consequently, to respect human rights of an individual is a demonstration of respect for human dignity. For communitarians, respect for humanity and its dignity is tied to solidaristic notions of interdependence and mutual respect. Individuals have responsibility towards their community in contributing to the common good. Thus, human beings have dignity insofar as they are capable of entering into communal relationships, in which one both shares a way of life with others and cares about their quality of life. One could argue that even the social contract theories which are synonymous with the liberal theory are essentially communitarian. In forming the social contract, individuals realise that the rights they hold are nothing, and cannot be effective without the cooperation of others. This is the case because one's communion with others is critical for human flourishing. An individual can flourish and realise her potential through cooperation with others. Within liberalism, such cooperation is voluntary and transactional or contractual. It is sought solely for the satisfaction of individual interests. For communitarians, such cooperation originates from the human social nature. That is, cooperation within communitarianism is natural to the human world. Such cooperation is sought for the sake of the common good which takes care of interests of all.

Cooperation between individuals for the sake of their flourishing as human beings is at the centre of the moral theory. The idea of morality concerns attempts to provide systematic answers to questions about what should be done and how it should be done. These questions engage concepts of right or wrong, as well as those of good or bad. Generally, a moral theory has theoretical as well as practical dimensions. The theoretical dimension tries to understand the nature of the right and wrong, the good and bad. For example, one may ask: 'what does it mean to say an action is wrong, and what reasons does one offer?' The practical dimension of the moral theory on the other hand tries to provide agents, human beings, with procedures that may lead to what are regarded as morally acceptable decisions (Timmons, 2012:1-2). The reason that human actions are subjected to moral scrutiny is that, more often than not, such actions affect other members of the society. It is for this reason that in the moral sphere, the idea of community is central. That is, whether one adheres to liberal or communitarian values, the notion of community is critical for it is a source of normativity. In a community each individual has a duty to exhibit a kind of solidarity with others by identifying with others.

Beyond identification with others, community life is characterised by the sharing of an overall way of life, which is inspired by the notion of the common good (Metz & Gaie, 2010:276). Choices that individuals try to make by exercising their autonomy are constrained by values that are generated and reinforced inside their communities. Accordingly, individuals cannot be the

focus of moral theory as the liberal theory would suggest; rather, the focus should be on communities of individuals, where morals are defined (Gilman, 2005:735). What this means is that communities, defined as groups that “transmit a shared moral culture from generation to generation, as well as constantly reformulating this moral framework over time”, effectively become a source of moral values and serve as a source of moral persuasion for their members (Gilman, 2005:778-779).

The idea which I am trying to pursue in this section of the chapter is that in practice, the communitarian conception of human dignity which is itself the central idea in this study appears to be more consistent with the core of the moral theory than it is with its liberal counterpart. That is, the communitarian conception of human dignity has a natural moral flavour. For example, *Ubuntu*, a humanism which is said to characterise the Sub-Saharan morality, and is regarded as the embodiment of humanness, is essentially relational since the only way to develop one’s humanness is to relate to others in a positive way. Individual freedom cannot be effective without the cooperation of others. This perspective underscores the role of the community in the sense that one becomes a person only through other persons with whom she shares the community. This means that one does not realise her true self through conflict or competition with others or isolation from them, as is the case with liberalism, but through collaboration with them. One who fails to act according to this ethic is said to be lacking in *Ubuntu* or humanness (Metz & Gaie, 2010:275). Humanism is in general said to be committed to a life in which every individual is in principle morally obligated to contribute to the well-being of her community. Subsequently, the African moral practice is hinged on, and shaped by, values such as generosity, compassion, reciprocity, mutual sympathy, cooperation, solidarity, and social well-being. These values are generally held to be of critical urgency compared to individual rights which are held to be the embodiment of dignity within the liberal tradition (Bell, 2002:64).

In addition, morality demands that human beings look beyond their individual interests and needs, but that such moral sensitivities should extend to people beyond one’s immediate communities (Gyekye, 1997:74). That extension is possible through the common good which, as an overriding idea, enables persons with different moral outlooks or ideological backgrounds to find principled common ground. As Richard Bell (2002:70) argues, while the liberal ideas of fairness and equality may as well provide some motivation for acts of generosity and charity, there are certainly no obligations for one to be kind, generous, or compassionate as is the case with communitarianism whose core consists of these acts. On that score, liberal individualism as well as abstract rationalism render ethics and morality unintelligible, for there is no intrinsic ‘right’ that

a person be helped. If any, that assistance can only come from some form of mutuality that characterises the contract that one enters with the other.

Similarly, within the liberal tradition, there is no positive ‘right’ that obligates one to help another since in principle everyone is by himself, acting for personal interests as the motivation. For instance, if one sees people suffering poverty of any magnitude, she is under no obligation to be generous, and she cannot be accused for remaining indifferent. In that regard, the assistance that one gives to the poor cannot be said to be motivated by any morality which is relation, but choices which are exclusively personal. It could be based on selfish reasons such as becoming popular. Although some may consider it good to assist a poor person, individuals within liberalism have different notions of the good, and they may not agree with what constitutes a good thing. To be consistent with this liberal tradition, the best way is exercise non-interference, and remain indifferent in someone’s affairs. Essentially within liberalism, the good depends on individual choice. On account of this, it is easy to slide into moral relativism or moral neutrality if liberalism is pursued to the letter.

The possibility of a consensus that should guide morality, such as the common good, gradually diminishes as individualism increases. What is more, the moral values in a liberal society are not enforceable since they are not intrinsic to the human social nature, understood in the sense that the motivation for one’s action is self-interest, and not that of others. If they were intrinsic, Bell (2002:70) argues that “there would be a greater sense of concern or care for the well-being of one’s fellow society members and a greater sense of civic responsibility”. However, the more ‘individualistic’ that individuals become, the less they feel the need to fulfil any obligations and responsibilities. This is the reason it sounds reasonable to think that one’s moral identity as a person is tied up with her relationship to others. In a moral world, where there is lack of genuine respect for one another, and in a world where people rarely feel obliged to give each other the opportunity to fulfil their interests, those interests or rights that characterise the liberal society have no purpose. They need an enabling environment and culture in which someone feels internally obliged to respect those rights, and not merely fulfilling one’s contractual obligations as provided for in a piece of legislation. For Ott (2009:68), moral decision-making can only be rational in the context of communities where habits and wisdom that shape a person’s sense of virtue and character are developed. Ethics or morals is then that practice in which individuals rationally weigh concrete situations against the values of the community.

At the core of the moral theory is the respect that individuals have for one another. As a behaviour which one cultivates over a long period of time, respect cannot be reduced to a mere

feeling which is fleeting. Respect is an acknowledgement of the dignity of other people (Kapust, 2011:153). The intrinsic value of human beings grounds their moral duties towards their fellow human beings. Such duties are given special moral weight. Human beings have a special intrinsic value which commands them to act towards each other in a special way. It is this special value that according to Sulmasy (2008:484-487), the notion of human dignity has been central in addressing a variety of issues in bioethics. That special value is seen in people's reciprocal relationships. Although it is undeniable that a variety of choices exist before individuals in their pursuit of various goods, "the reciprocal recognition of the legitimacy of one another's existential projects is the basis for cooperation in the construction of a political society" (Viola, 2004:525). In addition, given that the political community that is espoused by the liberal tradition is neutral towards the way its citizens lead their lives, it cannot remain indifferent towards the general horizon of the common good. Without restraint and direction provided by the proposed common good, pluralism can eventually turn out to be destructive of the very possibility of human species and their cultures (Raz, 1986:162). Those individuals who are incapable of exercising their autonomy at the same level as those who are more capable, can at least count on the state as a guarantor of the protection they need. The state, like any other community is charged with the responsibility of guiding its citizens towards the realisation of their interests through the common good.

Therefore, the moral capital within the communitarian conception of human dignity awakens people's consciousness through which they learn to be responsible and sensitive towards others. This serves to emphasise the idea that a human being is incomplete by herself. Additionally, one understands herself better through her connection with others. Without the community as a source of one's moral consciousness, one is unlikely going to flourish as a moral agent for she lacks sustenance. The community is responsible for providing an enabling environment in which to develop her character and capacities. The social contract is basically a moral idea through which individuals cooperate at different levels to achieve something in common. Indeed as Neuhaus (2008:219) argues, the political vocabulary concerning what is fair or unfair, what is just or unjust, or what serves the common good, is inescapably a moral vocabulary. However, dignity of the human being is often understood as a political question because the resolutions (which are always provisional and open to revision) of many political disputes do not require delving into their foundational truths explored by philosophy, ethics or theology. In this regard, the communitarian conception of human dignity speaks to the core of what constitutes quality of humanness. The idea of the common good provides guidance in specific practical matters.

## 5.6 Conclusion

In this chapter, I explored the value of practical significance of communitarian-based human dignity. I did apply the communitarian conception of human dignity on concrete situations for the challenge that most ideas face if their practical significance. More importantly the challenge for communitarian ideas concerns not only their practicality, but also the criticism which views the communitarian theory of any sort as advancing principles which are hostile to the flourishing of human life. Specifically, every form of communitarianism has been accused of advancing authoritarianism which inhibits autonomy of individuals. Although it was established how the African communitarian thought succeeds in the promotion of human dignity, there was need to test it against specific instances.

In pursuing this objective, the chapter engaged the ‘right-good’ quagmire to demonstrate how such criticisms and doubts might have developed. Within the right-good dilemma, liberals consider the right as a fundamental principle for determining the ability of a theory to advance human dignity. The communitarians on their part think the good is the fundamental principle through which human dignity is respected. The right-good dilemma led into another important dilemma which consists of individual interests and the common good. Among liberals, human action is motivated by individual interests. For the communitarians, the common good is the ideal towards which human action is directed. Hence, the notion of the common good formed the axis of what I regarded as the African communitarianism’s relatively advantageous position.

The value of the communitarian conception of human dignity was tested on such controversial issues as consensus in democratic politics as well as intergenerational justice, especially how the communitarian ethics which I have been arguing is capable of advancing human dignity to a certain extent. Finally, I made a claim that the communitarian conception of human dignity is more consistent with the moral theory than are other conception. In exploring this idea, I reasoned that morality, which is embodied in the prioritisation of the community over the individual, awakens people’s consciousness the way they should relate to one another. That is exactly what African communitarianism does, namely emphasising the role and priority of the community and its vision of the common good. The prioritisation of the community and the common good promotes human dignity not only for individuals, but also and ultimately, for the entire humanity itself. Thus, communitarian-based dignity is not only theoretically adequate, but also practically significant in dealing with some problems affecting humanity in the contemporary world.

## GENERAL CONCLUSION

Thus far in this study I have been trying to demonstrate the extent to which the African communitarian thought might succeed in promoting human dignity. African scholars may not have developed an official position, or an explicit philosophy dedicated to the cause of human dignity, but the values under which communitarian societies thrive give an indication of what the theory of human dignity might look like.<sup>9</sup> While I did not attempted to develop the said theory, I believe this study demonstrated how the African communitarian thought which is regarded as dominant theme and distinctive feature in African traditional thought would promote human dignity. Specifically, I engaged some fundamental features of the African communitarian value system as conceptual tools which I considered as showing high regard for human beings as a collectivity. These features raise prospects to the extent that they can be regarded as showing respect for human dignity. I have frequently used ‘to a certain extent’ because I am aware of the numerous criticisms against every form of communitarianism in general, and the African communitarian thought in particular. I am also aware that whatever accounts of human dignity have been generated, they are based on specific features within human being. Such basic features are said to be the focus of the debates about the promotion of human dignity.

My approach is one that clearly diverges from what can be regarded as the official position. The official position is one espoused by and within the western liberal thought, and is considered by some as the “closest that we have to an internationally accepted framework for the normative political life, and it is embedded in numerous constitutions, international conventions, and declarations” (Rosen, 2012:1-2). The liberal position clearly casts doubt on the ability of the African communitarian thought to succeed in respecting human dignity on the basis that it fails to respect human rights. Thus I attempted to develop something positive out of that critique which has ordinarily been deemed as unfriendly to the security of human dignity.

Throughout this study however, my discussion constantly made reference to the western liberal thought, albeit sparingly. This reference was meant to be the launch pad for building my argument. Of particular significance within the liberal tradition is the intimate link that is said to exist between human rights and human dignity. Rights are highly valued in the liberal tradition. I have suggested that this link is responsible for the popularity of the liberal tradition, and it is the

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<sup>9</sup> Most African scholars who have written concerning human dignity have simply echoed the official liberal position which prizes individual autonomy as that which is basic to any discussion of human dignity. In that regard, they have generally supported human rights as the only feasible way by which human dignity can be realised. This is in spite of the fact that the autonomy-based position is influenced by the western values which are by no means superior to value system that underpins the African communitarian thought.

reason for which its proponents regard African communitarian thought as incapable of promoting human dignity as they perceive to be unfriendly to human rights. Hence, the contemporary debates on human dignity are built around, and subsequently dominated by, the concept of human rights where the general consensus is that human dignity is the foundation of human rights. In that case, human dignity is the reason for which human rights are sought and enforced. Thus, because human rights are highly valued within the liberal theory, they are regarded as an embodiment of human dignity. Inversely, human rights provide the conditions for the enjoyment of human dignity. Subsequently, it is assumed that life of dignity is only possible under conditions provided by human rights. This explains why so much of the contemporary literature understands human dignity in terms of human rights. This is the kind of human dignity that characterised the first three chapters in this study.

For many of those who support the ‘rights-dignity affair’ like Lebech and Kateb, human dignity is used to express the basic intuition from which human rights originate. Human dignity provides the motivation behind human rights. It is for this reason that Gardne has argued that any violation of human rights should always be understood as attack on human dignity. This link suggests that one’s dignity as a human being is essentially constituted by her possession of human rights, although requires some other person to respect one’s rights. Through this link, some scholars appear to suggest that human dignity is equal to human rights, or is just one among many rights. In that way, human dignity does not only become the foundation of human rights, but can as well be replaced by human rights, or indeed become a subsidiary to human rights. Hence, traditional ways of life founded on cultural values that appear to disrespect human rights are said to be equally in contempt of human dignity.

In this study, I have persistently argued against the thinking which makes human rights the only available tested social arrangement through which human dignity can be secured. For Donnelly, to argue that the internationally recognised human rights are common to all cultural traditions and adaptable to a great variety of social structures and political regimes is to confuse human rights with human dignity. Human rights are just particular social practices meant to realise a life of dignity as a human value. It is obvious that the principles on which human rights are founded are not shared by people of all cultures, although attempts have been made to make certain cultures compatible with the requirements of human rights. Yet, we cannot deny that those who appear to have no respect for human rights have their own unique ways of enhancing and living a life of dignity. On that account, the argument that non-liberal cultural practices are in clear violation of human dignity cannot be sustained. This objection formed the basis of the main

objective of this study. Non-liberal cultural practices have unique ways of promoting human dignity. Hence this study set out to engage the African communitarian thought, which is itself clearly founded on ideals which are not liberal, for the purpose of demonstrating how through some of its fundamental features succeeds in promoting human dignity.

The first three chapters of this study were entirely dedicated to the discussion of human dignity as an idea of philosophical relevance. Specifically they focused on its development, central features, conceptualisation, supposed sources, functions, and practical significance within various domains of its influence. The themes discussed in these chapters are critical to the understanding of how the meaning of human dignity as a concept has evolved from the ancient times to its present status. The present status human dignity has largely been influenced by the liberal intellectual tradition. The idea has crystallised into what has become the official interpretation, not only within the liberal thought system, but at a global level as well, becoming a global moral norm. That is, alongside demonstrating the evolution of the concept, the first three chapters have also shown how values that underlie the contemporary official position have come to be associated with the liberal thought systems, leaving out the non-liberal thought systems such as the African communitarianism. The basis on which the latter are side-lined concerns their central features which are perceived as providing a fertile ground for the development of institutions that are indifferent to, or are clearly in violation of human rights. Human rights are themselves regarded as an indication of how much modern societies care about human dignity. In fact, what is perceived as a violation of human dignity in the case of the African communitarian thought is its inability to provide conceptual support for human rights. And because human dignity in the western liberal tradition is strongly considered to be the basis of human rights, those value systems which do not support human rights are said to be in clear violation of human dignity.

There is no doubt that violation of human rights constitutes a violation of human dignity. However, there are no sufficient reasons to suggest that violation of human dignity consists only in the violation of individual human rights as a logical necessity. Like Tasioulas has argued, basic human dignity indeed provides grounds for human rights, but is not itself to be identified with human rights alone. On this, Donnelly regards human rights as providing one of the approaches to human dignity, but they are not reducible to human dignity. Indeed, individual autonomy which is the basis of human rights, and has become the hallmark of personhood within the liberal tradition is just one dimension of personhood. Apart from individual autonomy or freedom, there are other aspects which are equally important to the conception of personhood, and the subsequent promotion of human dignity. Since a person is generally considered within the prism of the

Cartesian dualism, as a constitution of body and soul, the proper functioning of each of these aspects is critical to the conception and promotion of human dignity. We cannot isolate one aspect such as rationality and end up claiming it represents the totality of a human being, let alone the human species. Given that personhood consists in so many features that are equally important, then the denial to the proper functioning of any such features constitutes a violation of human dignity as well. This suggests that essentialisation leads to thin conceptions of personhood as well as a corresponding human dignity. In this regard Andorno argues that the difficulties involved in developing a comprehensive account of dignity do not arise because the concept is too poor, but because it is too rich that condensing it into a single definition that everyone assents to is not in sight. Thus, although there has been an upsurge in the popularity of human dignity after Second World War, where it has become a leading idea and widely employed in moral, legal and political arguments due to its close association with human rights, such an account of human dignity is narrow as it leaves out other equally important elements.

It is on the basis of this narrowness of the liberal conception of personhood and its corresponding conception of human dignity which characterise the contemporary social arrangement, the study engaged the African communitarianism as one of those thought systems founded on values from the non-liberal tradition. Particularly the objective was to demonstrate how such a conception, a dominant feature of the African traditional thought systems, would nonetheless, and to some extent succeed in the promotion of human dignity. This is in spite of the official position which is based on the liberal notion of autonomy, and ultimately regards human rights as the best way possible of showing respect to human nature in what is called human dignity. The assumption behind this demonstration is that human dignity is a universal moral ideal respected by all societies including those that do not prize individual autonomy and human rights. The argument is that some of the values that form the basis of the African communitarian thought suggest that African societies have had high regard for human dignity. The same values also indicate the method of promoting human dignity. In fact, without this regard for human dignity, especially respect for human life, it is inconceivable that the human species could have survived on self-preservation instincts alone. This is the case because autonomous self would have to survive through competition with others aimed at maximising personal pleasure.

Consistent with the primary objective of this study, Chapter Four discussed communitarianism considered as the core of the African traditional thought. The aim was to gain certain insights into its core features. Such are the features that the study considered are to a considerable extent capable of promoting human dignity. These features were also critical for

formulating personhood around which the idea of human dignity revolves. Within the ambit of discussing African communitarianism, the chapter also dealt with both the western and African communitarianism since there are certain features that every form of communitarianism shares. The western communitarianism which arose in the 1980s developed as a movement which was itself critical to what were largely regarded as excesses of the abstract, atomistic and individualistic assumptions of the liberal political philosophy. Although systematic debates on communitarian thought are usually traced to influential works of three social and political philosophers, namely Sandel, Walzer and Taylor, in the 1990s, western communitarianism had gained renewed momentum through the works of Etzioni who named this kind of thought 'responsive communitarianism'. With responsive communitarianism Etzioni also responded to the increased atomisation of western societies, especially in the USA and Britain. However, Etzioni moved a step further into the practical realm than his predecessors by developing criteria to be used for the formulation of policies that would enable societies cope with conflicts between the notions of the common good and individual rights. Thus, responsive communitarianism had as its main objective to develop a balance between the requirements of the individual and those of her community.

Within African communitarianism however, the idea of the community is central to its conception of personhood, and subsequent promotion of human dignity. Thus, African communitarianism is well-known for affirming the logical or moral priority of the community or at least its interests over those of the individuals with respect to issues involving public policy. Although its systematic development can also be regarded as a reaction to the assumptions of the liberal political philosophy which are regarded as excessively abstract, atomistic and individualistic, African communitarianism was largely employed as an alternative philosophy on the basis of which leaders of newly independent African states would develop policies that would guide them towards what they had envisioned as greater social and economic prosperity for their countries.

African communitarianism insists on the social formation founded on kinship relationships. The very idea of community implies the notion of the common good. The common good is therefore central to the notion of community. That is, the community is perceived as the embodiment of what is good for its members. In contrast to the liberal thinking, the communal good is not implied merely in the aggregate of individual interests resulting from the agreements entered into with each other for the sake of convenience, but members' shared values such as peace, dignity, freedom, respect, security, satisfaction, etc. Accordingly, the fundamental meaning of community lies in people's shared life the purpose of which is to achieve the common good.

The discussion of African communitarianism in Chapter Four provided a secure basis for discussing the main thesis in this study. Thus, having considered the general development of the concept of human dignity, as well as the central features of African communitarian thought, Chapter Five was exclusively dedicated to the demonstration of how the communitarian thought systems, and particularly of the African type, would be in position to promote human dignity. This is against the popular opinion appearing in a good number of studies, which are characterised by the argument that the central features of any communitarian thought system are unfriendly to human dignity on the basis that they are unable to accommodate human rights. However, this study insisted that there exist certain features that make African communitarianism a more outstanding and humane value system which is consistent with some aspects of human dignity.

One of the fundamental features of the communitarian value system in general which was discussed is interdependence or cooperation. Since communitarianism is essentially a system of reciprocities, cooperation is critical for the realisation of one's ends, regardless of whether that individual essentially has the ontological priority over the community, or is by nature regarded as a communal or communitarian being whose relationship with others is regarded as natural and necessary. In fact, cooperation is not employed for the sake of conveniently realising one's ends within a network of relations with others, but is natural to humanity itself. In traditional African communities, cooperation ensured that everyone's dignity was instinctively respected since the whole life of the community revolved around the service of humanity. Such societies might not have used human dignity concept, but cooperation by itself is an indication of respect that members of the community have for each other. Located in a community, a person is in a dialogical relationship with fellow members of the community. One's humanity, which is the basis of all respect, is dependent on the appreciation, preservation and affirmation of another person's humanity. In essence, to be a person is to recognise that one's subjectivity is in part constituted by other persons with whom she shares the social world. Other communitarian features that came through the chapter explicitly or not, and are considered as reinforcing this argument include sympathetic impartiality, respect, restraint, responsibility, reciprocity, interdependence, affection, kinship, and a sense of common purpose, consensus, and the common good. Basically, human beings are dignified creatures to the extent that they are able to enter into relationships with others. Relationships are a mark of respect that members of the community have for each other.

Chapter Six, which was the final in this study, attempted to demonstrate the value of the African communitarian conception of human dignity. Thus, having shown how the African communitarian thought promotes human dignity, there was need to consider its uniqueness within

the practical domain. In fact, some of the fundamental features of African communitarianism appear more relevant than those from liberal individualism. Liberal individualism sometimes appears ill-equipped to deal with specific problems or contexts. That is, although many scholars today still hold that the liberal theory is well-equipped to deal with a great many problems of the contemporary world, especially those that have to do with human dignity, there are specific situations in which the communitarian theory fares reasonably better than the liberal theory. The relevance and advantageous position of the communitarian theory as well as its corresponding conception of human dignity can be appraised within concrete situations it is required to intervene. In other words, the uniqueness of the communitarian conception of human dignity is better manifested in the concreteness of life. Beyond the value of the African communitarian values, the chapter argued that the communitarian-based theory of human dignity intrinsically more of a moral theory than any of the utility functions it performs in the various other spheres of its influence. It provides systematic answers to general questions concerning what human beings should do and how they should do them.

Although the study has demonstrated how African communitarianism secures human dignity, it has done so only to the extent that is consistent with what is generally regarded as the value system germane to African traditional societies. Thus, the study does not claim that African communitarianism will always do better in its quest to secure human dignity than the liberal theory will in all aspects. However, it suffices to say that it fares better in addressing the philosophical problem of human dignity within the precincts of African traditional thought and value system. It is important to mention that the significance of African communitarianism is not limited to the promotion of human dignity within societies that are founded on non-liberal values. Its significance cuts across a number of domains with global pedigree such as Global Ethics, Bioethics, Global Justice and International Relations. For instance, debates in International Relations today generally look up to principles undergirding such thought systems as communitarianism. In this regard, James J. Hentz has argued that International Relations which is characterised by diplomacy, lobbying, political analysis, international law and intelligence, is beyond rationalist explanation or state interests.

In the communitarian setting, a true community, whether at local or global level, would be concerned with its vulnerable members. This is consistent with many of communitarian ideals such as sympathetic impartiality, brotherhood, or reciprocity. African traditional social and political set-up offers evidence for the potential success of the communitarian project, and could be used to strengthen the global normative systems. Similarly, Etzioni has demonstrated the significance of

communitarian elements to the theory of International Relations. He argues that communities and other social institutions are critical in grounding good societies. Additionally, the role of shared norms in grounding these institutions, and then the preference of persuasion over coercion in enforcing and spreading the norms of the community, and the need to balance liberty and social order, cannot be overemphasised in the contemporary world.

What I have covered in this study serves to emphasise the fact that human dignity is such a universal, yet a very woolly idea which cannot be comprehensively accounted for by essentialised notion of personhood. It cannot be reduced to some few features that are regarded as essential for personhood synonymous with a single intellectual tradition. Personhood covers more than the freedom that enables one to make autonomous decisions. Similarly, it is more than one's capacity to enter into communion with other members of the community. In fact, it is all these features put together, including some aspects of personhood that are often relegated as insignificant. These could be emotions or love.

This poses a challenge to the traditional conceptions of personhood that have often been developed consistent with respective intellectual traditions. Since each of the intellectual traditions has value by itself, it is difficult to expect one of them to succumb to the pressures of conforming to what the other thinks is more sensible. Without doubt, each of the intellectual traditions has got an internal logic which makes its claims reasonable and consistent with the values it advances. Hence, one cannot dispute the argument that the community-based conception of personhood is less able to ground individual rights because rights are autonomy-based. It would be wrong to ask African communitarianism to make sense in terms of rights. As Oyowe has argued, there is no plausible ground for African communitarianism to be the basis of some human rights which, as many believe, would amount to a distinctive African conception of human rights. However, this ill-preparedness to accommodate human rights does not suggest its failure to respect human dignity on the part of African communitarianism.

It is in this regard that for future research on the problem of human dignity to be carried out within whatever domain or intellectual tradition, rights and dignity must not be treated as if they were coterminous ideas. It suffices to realise that human dignity is the basis of human rights. However, the story of human dignity does not end in there. Besides, an attempt must be made to formulate the idea of dignity in its broadest sense possible. This is the case because essentialist approaches such as liberal individualism or communitarianism by themselves appear to be limited, and therefore problematic. Similarly the conception of personhood on which the idea of human dignity is grounded requires broadening so that it captures every aspect of the individual. In that

way, respect of any such elements is considered as contributive to the broader quest for a life of dignity. If such things are as difficult as they appear to me, then it is perfectly legitimate to discuss philosophical concepts squarely on the basis of respective intellectual traditions, without having to make claims to universality of application which would in turn prompt attempts to form compatibility between otherwise different and contradictory value systems. However, that does not mean comparative studies between value systems cannot be done. I would consider it the more reasonable way through which intellectual traditions can learn from each other. Each tradition is significant in certain significant ways although it might not manage to capture everything about human dignity.

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