

# The African Context of Human Rights

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*Ake points out that Western conceptions of human rights are not very interesting or useful for African societies. He contends that if a person is starving to death, the right to free speech does not do him or her much good. Ake also argues that a strong emphasis on rights will block various development policies. He believes that socialism rather than what he calls procedural liberalism provides the best grounding for a conception of human rights that will effectively address the current problems of hunger and fascism in African countries. In this context, collective rights, especially those of disadvantaged groups, will be of greater concern than individual rights.*

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Nobody can accuse Africa of taking human rights seriously. In a world which sees concern for human rights as a mark of civilized sensitivity, this indifference has given Africa a bad name. It is not unlikely that many consider it symptomatic of the rawness of life which has always been associated with Africa. I am in no position to say with any confidence why Africa has not taken much interest in human rights but I see good reasons why she should not have done so.

Before going into these reasons let us be clear what we are talking about. The idea of human rights is quite simple. It is that human beings have certain rights simply by virtue of being human. These rights are a necessary condition for the

good life. Because of their singular importance, individuals are entitled to, indeed, required to claim them and society is enjoined to allow them. Otherwise, the quality of life is seriously compromised.

The idea of human rights, or legal rights in general, presupposes a society which is atomized and individualistic, a society of endemic conflict. It presupposes a society of people conscious of their separateness and their particular interests and anxious to realize them. The legal right is a claim which the individual may make against other members of society, and simultaneously an obligation on the part of society to uphold this claim.

The values implicit in all this are clearly alien to those of our traditional societies. We put less emphasis on the individual and more on the collectivity, we do not allow that the individual has any claims which may override that of the

society. We assume harmony, not divergence of interests, competition and conflict; we are more inclined to think of our obligations to other members of our society rather than our claims against them.

The Western notion of human rights stresses rights which are not very interesting in the context of African realities. There is much concern with the right to peaceful assembly, free speech and thought, fair trial, etc. The appeal of these rights is sociologically specific. They appeal to people with a full stomach who can now afford to pursue the more esoteric aspects of self-fulfillment. The vast majority of our people are not in this position. They are facing the struggle for existence in its brutal immediacy. Theirs is a totally consuming struggle. They have little or no time for reflection and hardly any use for free speech. They have little interest in choice for there is no choice in ignorance. There is no freedom for hungry people, or those eternally oppressed by disease. It is no wonder that the idea of human rights has tended to sound hollow in the African context.

The Western notion of human rights lacks concreteness. It ascribes abstract rights to abstract beings. There is not enough concern for the historical conditions in which human rights can actually be realized. As it turns out, only a few people are in a position to exercise the rights which society allows. The few who have the resources to exercise these rights do not need a bill of rights. Their power secures them. The many who do not have the resources to exercise their rights are not helped any by the existence of these rights. Their powerlessness dooms them.

The idea of human rights really came into its own as a tool for opposing democracy. The French Revolution had brought home forcefully to everyone the paradox of

democracy, namely that its two central values, liberty and equality, come into conflict at critical points. There is no democracy where there is no liberty for self-expression or choice. At the same time there is no democracy where there is no equality, for inequality reduces human relations to subordination and domination. The French Revolution and Jean Jacques Rousseau revealed rather dramatically the paradoxical relation between these two central values of democracy by leaning heavily towards equality. They gave Europe a taste of what it would be like to take the idea of equality and the correlative idea of popular sovereignty seriously.

Bourgeois Europe was horrified. The idea of a popular sovereign insisting on equality and having unlimited power over every aspect of social life was unacceptable. For such power was a threat to the institution of private property as well as the conditions of accumulation. So they began to emphasize liberty rather than the collectivity. This emphasis was also a way of rejecting democracy in its pure form as popular sovereignty. That was the point of stressing the individual and his rights and holding that certain rights are inalienable. That was the point of holding that the individual could successfully sustain certain claims and certain immunities against the wishes of the sovereign or even the rest of society. It is ironical that all this is conveniently forgotten today and liberal democrats can pass as the veritable defenders of democracy.

#### CHANGING STATUS OF HUMAN RIGHTS IN AFRICA

Africa is at last beginning to take interest in human rights. For one thing, the Western conception of human rights has

evolved in ways which have made it more relevant to the African experience, although its relevance still remains ambiguous. Because human rights is such an important part of the political ideology of the West, it was bound to register in Africa eventually. Human rights record is beginning to feature in Western decisions of how to relate to the countries and leaders of Africa. Western decisions on this score have been made with such cynical inconsistency that one wonders whether human rights record really matters to them at all. However, our leaders ever so eager to please are obliged to assume that it matters and to adjust their behavior accordingly. Also the authoritarian capitalism of Africa is under some pressure to be more liberal and thereby create political conditions more conducive to capitalist efficiency.

If these are the reasons why Africa is beginning to take more interest in human rights, they are by no means the reason why she ought to do so. The way I see it is that we ought to be interested in human rights because it will help us to combat social forces which threaten to send us back to barbarism. Because it will aid our struggle for the social transformation which we need to survive and to flourish. To appreciate this let us look at the historical conditions of contemporary Africa.

I hope we can all agree that for now, the most salient aspect of these conditions is the crisis. It has been with us for so long we might well talk of the permanent crisis. No one seems to know for sure what its character is but we know its devastating effects only too well. We Africans have never had it so bad. The tragic consequences of our development strategies have finally come home to us. Always oppressed by poverty and deprivation, our

lives become harsher still with each passing day as real incomes continue to decline. We watch helplessly while millions of our people are threatened by famine and look pitifully to the rest of the world to feed us. Our social and political institutions are disintegrating under pressure from our flagging morale, our dwindling resources and the intense struggle to control them. What is the problem? I am not sure. But I am convinced that we are not dealing simply or even primarily with an economic phenomenon. There is a political dimension to it which is so critical, it may well be the most decisive factor.

This is the problem of democracy or the problem of political repression. A long time ago our leaders opted for political repression. Having abandoned democracy for repression, our leaders are delinked from our people. Operating in a vacuum, they proclaim their incarnation of the popular will, hear echoes of their own voices, and reassured, pursue with zeal, policies which have nothing to do with the aspirations of our people and which cannot, therefore, mobilize them. As their alienation from the people increases, they rely more and more on force and become even more alienated.

#### CONSEQUENCES OF THE PROBLEM OF DEMOCRACY

The consequences of this are disastrous. In the first place it means that there is no development. Political repression ensures that the ordinary people of Africa who are the object of development remain silent, so that in the end nobody really speaks for development and it never comes alive in practice. Development cannot be achieved by proxy. A people develops itself or not at

all. And it can develop itself only through its commitment and its energy. That is where democracy comes in. Self-reliance is not possible unless the society is thoroughly democratic, unless the people are the end and not just the means of development. Development occurs, in so far as it amounts to the pursuit of objectives set by the people themselves in their own interest and pursued by means of their own resources.

Another consequence of repression is the brutalization of our people. Look around you. The willful brutalization of people occurring among us is appalling. Human life is taken lightly, especially if it is that of the underprivileged. All manner of inhuman treatment is meted out for minor offenses and sometimes for no offenses at all. Ordinary people are terrorized daily by wanton display of state power and its instruments of violence. Our prison conditions are guaranteed to traumatize. The only consensus we can mobilize is passive conformity arising from fear and resignation. As we continue to stagnate this gets worse.

Yet another disaster threatens us. I am referring to fascism. In all probability this is something which nobody wants. But we might get it anyway because circumstances are moving steadily in that direction. All the ingredients of fascism are present now in most parts of Africa: a political class which has failed even by its own standards, and which is now acutely conscious of its humiliation and baffled by a world it cannot control; a people who have little if any hope or sense of self-worth yearning for redeemers; a milieu of anomie; a conservative leadership pitted against a rising popular radicalism and poised to take cover in defensive radicalism. That is what it takes and it is there in plenty. If Africa succumbs it will be terri-

ble—fascism has always been in all its historical manifestations.

It seems to me that for many African countries the specter of fascism is the most urgent and the most serious danger today. Unless we contain it effectively and within a very short time, then we are in a great deal of trouble.

If this analysis is correct, then our present agenda must be the task of preventing the rise of fascism. To have a chance of succeeding this task requires a broad coalition of radicals, populists, liberals and even humane conservatives. That is, a coalition of all those who value democracy not in the procedural liberal sense but in the concrete socialist sense. This is where the idea of human rights comes in. It is easily the best ideological framework for such a coalition.

#### AN AFRICAN CONCEPTION OF HUMAN RIGHTS

We have now seen the relevance of human rights in the African context. But on a level of generality which does not tell us very much and so does not really settle the question of the applicability of the Western concept of human rights. I do not see how we can mobilize the African masses or the intelligentsia against fascism or whatever by accepting uncritically the Western notion of human rights. We have to domesticate it, recreate it in the light of African conditions. Let me indicate very briefly how these conditions redefine the idea of human rights.

First, we have to understand that the idea of legal rights presupposes social atomization and individualism, and a conflict model of society for which legal rights are the necessary mediation. However, in

most of Africa, the extent of social atomization is very limited mainly because of the limited penetration of capitalism and commodity relations. Many people are still locked into natural economies and have a sense of belonging to an organic whole, be it a family, a clan, a lineage or an ethnic group. The phenomenon of the legal subject, the largely autonomous individual conceived as a bundle of rights which are asserted against all comers has not really developed much especially outside the urban areas.

These are the conditions which explain the forms of consciousness which we insist on misunderstanding. For instance, ethnic consciousness and ethnic identity. It is the necessary consciousness associated with non-atomized social structures and mechanical solidarity. Ethnic consciousness will be with us as long as these structural features remain, no matter how we condemn it or try to engineer it out of existence.

All this means that abstract legal rights attributed to individuals will not make much sense for most of our people; neither will they be relevant to their consciousness and living conditions. It is necessary to extend the idea of human rights to include collective human rights for corporate social groups such as the family, the lineage, the ethnic group. Our people still think largely in terms of collective rights and express their commitment to it constantly in their behavior. This disposition underlies the zeal for community development and the enormous sacrifices which poor people readily make for it. It underlies the so-called tribalist voting pattern of our people, the willingness of the poor villager to believe that the minister from his village somehow represents his share of the national cake, our tradi-

tional land tenure systems, the high incidence of cooperative labor and relations of production in the rural areas. These forms of consciousness remain very important features of our lives. If the idea of human rights is to make any sense at all in the African context, it has to incorporate them in a concept of communal human rights.

For reasons which need not detain us here some of the rights important in the West are of no interest and no value to most Africans. For instance, freedom of speech and freedom of the press do not mean much for a largely illiterate rural community completely absorbed in the daily rigors of the struggle for survival.

African conditions shift the emphasis to a different kind of rights. Rights which can mean something for poor people fighting to survive and burdened by ignorance, poverty and disease, rights which can mean something for women who are cruelly used. Rights which can mean something for the youth whose future we render more improbable every day. If a bill of rights is to make any sense, it must include among others, a right to work and to a living wage, a right to shelter, to health, to education. That is the least we can strive for if we are ever going to have a society which realizes basic human needs.

Finally, in the African context, human rights have to be much more than the political correlate of commodity fetishism which is what they are in the Western tradition. In that tradition the rights are not only abstract, they are also ascribed to abstract persons. The rights are ascribed to the human being from whom all specific determinations have been abstracted: the rights have no content just as individuals who enjoy them have no determination and so do not really exist.

All these problems which usually lurk beneath the surface appear in clear relief when we confront them with empirical reality. Granted, I have the freedom of speech. But where is this freedom, this right? I cannot read, I cannot write. I am too busy trying to survive I have no time to reflect. I am so poor I am constantly at the mercy of others. So where is this right and what is it really? Granted, I have the right to seek public office. That is all very well. But how do I realize this right? I am a full-time public servant who cannot find the time or the necessary resources to put up the organization required to win office. If I take leave from my work, I cannot hold out for more than one month without a salary. I have no money to travel about and meet the voters, even to pay the registration fees for my candidature. If I am not in a position to realize this right, then what is the point of saying that I have it? Do I really have it?

In Africa liberal rights make less sense even as ideological representations. If rights are to be meaningful in the context of a people struggling to stay afloat under very adverse economic and political conditions, they have to be concrete. Concrete in the sense that their practical import is visible and relevant to the conditions of existence of the people to whom they apply. And most importantly, concrete in the sense that they can be realized by their beneficiaries.

To be sure, there are rights which are realizable and there are people in Africa who effectively realize their rights. However, the people who are in a position to realize their rights are very few. They are able to realize their rights by virtue of their wealth and power. The litmus test for rights is those who need protection. Unfortunately these are precisely the peo-

ple who are in no position to enjoy rights. Clearly, that will not do in African conditions. People are not going to struggle for formalities and esoteric ideas which will not change their lives.

Therefore, a real need arises, namely, to put more emphasis on the realization of human rights. How is this to be? Not in the way we usually approach such matters: by giving more unrealizable rights to the powerless and by begging the powerful to make concessions to them in the name of enlightened self-interest, justice and humanity. That approach will fail us always. Rights, especially those that have any real significance for our lives are usually taken, not given—with the cooperation of those in power if possible, but without it if necessary. That is the way it was for other peoples and that is the way it is going to be in Africa.

The realization of rights is best guaranteed by the power of those who enjoy the rights. Following this, what is needed is the empowerment by whatever means, of the common people. This is not a matter of legislation, although legislation could help a little. It is rather a matter of redistributing economic and political power across the board. That means that it is in the final analysis a matter of political mobilization and struggle. And it will be a protracted and bitter struggle because those who are favored by the existing distribution of power will resist heartily.

#### CONCLUSION: HUMAN RIGHTS AND SOCIAL TRANSFORMATION

It is at this point that the ideal of human rights is fully articulated for it is now that we see its critical dialectical moment. Initially part of the ideological prop of lib-

eral capitalism, the idea of human rights was a conservative force. It was meant to safeguard the interests of the men of property especially against the threatening egalitarianism of popular sovereignty. It was not of course presented as a tool of special interests but a universal value good for humanity. That went down well and it has been able to serve those who propagated it behind this mystification.

But ideas have their own dynamics which cannot easily be controlled by the people who brought them into being. In case of human rights, its dynamics soon trapped it in a contradiction somewhat to the dismay of its protagonists. Fashioned as a tool against democracy, the idea became an important source of legitima-

tion for those seeking the expansion of democracy. But in Europe, this contradiction never fully matured. An agile and accommodating political class and unprecedented affluence saw to that.

In Africa, prevailing objective conditions will press matters much further, particularly the question of empowerment. In all probability, the empowerment of people will become the primary issue. Once this happens, the social contradictions will be immensely sharpened and the idea of human rights will become an asset of great value to radical social transformation. I cannot help thinking that Africa is where the critical issues in human rights will be fought out and where the idea will finally be consummated or betrayed.