AFRICAN HUMAN RIGHTS LAW JOURNAL

A rights-centred critique of African philosophy in the context of development

*Kwadwo Appiagyei-Atua**

Former Bank of Ireland Post-Doctoral Research Fellow, Irish Centre for Human Rights, National University of Ireland-Galway, Galway, Ireland

Summary

The author discusses two schools of African philosophy: the holistic and the contemporarist. The holistic school looks into the past and present to find solutions to Africa's contemporary problems, while the contemporarist school looks at a Western standard of philosophy and ideas of civil society, human rights and development. The contemporarist school does not incorporate the cultural past of African traditions into African philosophy. The emphasis put by the contemporarist school on science and technology and rights as the originators of development is questionable. The author supports the holistic school in which African proverbs form part of African philosophy. The author uses Akan proverbs to illustrate how these are part of an African philosophy of human rights. Modern African philosophy should be diverse in outlook, but have a common core in the traditions that African societies have in common. In using African philosophy in the African rights struggle, it must become a tool that can be used by the oppressed, the deprived and the marginalised to regain their status in the development structures of their countries. The language of rights should be used as a tool for development, unmasking the disempowering effect of enjoying abstracted civil and political rights disconnected from the struggle for economic justice.

* LLB (Hons) (Legon, Ghana), BL (Accra), LLM (Halifax), NS, DCL (Institute of Comparative Law, McGill University, Montreal, Quebec, Canada); appiagyeiatua@yahoo.fr

1 Introduction

African philosophy and African scholarship on human rights seem to have gone their separate ways. This is despite the fact that both discourses developed in response to the biased, ethnocentric philosophical and anthropological writings of European scholars that led to a distortion of the traditional African reality.[1]

This paper seeks to link both discourses and define a common agenda for them: How may a practical application of both contribute towards the attainment of development in Africa? Thus, the importance of establishing the African philosophy-African rights nexus is founded on the central contention that the exercise of rights holds the key to the attainment of sustainable holistic development in Africa. In supporting the existence of an African philosophy, African and Africanist writers have described the use of African philosophy as a deconstructive and reconstructive tool to 'decolonise the African mind' and empower Africans.[2] Yet, there has been no systematic attempt to articulate the discourse as a deconstructive and reconstructive tool in the language of rights; more importantly, in an African notion of rights.

It is important to place the debate on the existence of African notions of rights within the framework of the controversies surrounding African philosophy and to chart a shared path. The reasons are, amongst others, that the conception of rights is located in philosophical constructs, and that philosophy in turn is shaped by the particular historical

---

1 For a detailed study of such Euro-centric perspectives, see, among others, the works of Montesquieu *De l'esprit des lois* XXI 2 in *Ouevres completes* (1951) Vol II 602-603; A Smith *Lectures on jurisprudence* (1978); GWF Hegel *Philosophy of right* trans TM Knox (1967); J Hampden Jackson *Marx, Proudhon and European socialism* (1951); L Levy-Bruhl *Les fonctions mentales dans les societes inférieures* (1910); *La mentalité primitive* (1960). For critique, see J Berting 'Technological impacts on human rights: Models of development, science and technology and human rights' in CG Weeramantry (ed) *The impact of technology on human rights: Global case studies* (1993) 13; EC Eze 'The colour of reason: The idea of ''race'' in Kant's anthropology' in EC Eze *Postcolonial African philosophy: A critical reader* (1997) for an in-depth analysis of Kant's philosophy on race; OA Ladimeji 'Nationalism, alienation and the crisis of ideology' (1974) 46 *Transition* 40; T Asad 'Introduction' in T Asad (ed) *Anthropology and the colonial encounter* (1973) 9; G LeClerc *Anthropologie et colonialisme* (1972); J Banaji 'Crisis in British anthropology' (1970) 64 *New Left Review* 71; P Forster 'Empiricism and imperialism: A review of the new left's critique of social anthropology' in A Talal (ed) *Anthropology and the colonial encounter* (1973) 23; EW Count *This is race: An anthology selected from the international literature on the races of man* (1950).

2 T Serequeberhan 'African philosophy: The point in question' in T Serequeberhan (ed) *African philosophy: The essential readings* (1991) 3.

experiences and cultures of a people.[3] Therefore, it can be said that rights and philosophy are located in the same domain - the mentalities of the people, their institutions, values, traditions and history. Equally important is the fact that the two discourses have a symbiotic relationship: philosophy is shaped by the experiences of people, expressed in diverse ways; especially through public debate, discussion and agitation. Such a debate is made possible through the exercise of rights and freedoms such as the rights to freedom of assembly, association and expression.

Thus, in view of the cultural, historical and conceptual relationships that exist between discourses on African philosophy and rights, there is a need to make a conscious and deliberate attempt to link these two issues, or to use one to help gain insights into the other[4] and relate that to the current African realities, which are encapsulated in the development question.

2 The holistic and contemporary schools of African philosophy

The debate over the existence of an African philosophy progresses through several stages and, in the view of Oruka, has crystallised into four trends. These are ethnophilosophy,[5] philosophical

[3] See P Ricoeur 'Preface' in P Ricoeur (ed) *Philosophical foundations of human rights* (1986), who states that 'underlying the relationships between the experience of human rights and the opportunities available for promoting these rights, in different communities, there exist philosophical foundations that deserve a clear assessment' (original emphasis). Quashigah also argues that '[r]ights are therefore not concepts that are to be conceived of *in vacuo* but must be studied with regard to the background of the particular community'. K Quashigah 'The philosophic basis of human rights and its relations to Africa: A critique' (1992) 2 *Journal of Human Rights Law and Practice* 22 38. See also P Hountondji 'The master's voice — The problem of human rights in Africa' in Ricoeur (above) 319.

[4] Shivji raises such a criticism in his book I Shivji *The concept of human rights in Africa* (1989). However, it is my contention below that he does not address the issue fully.

[5] Ethnophilosophy engages in locating African philosophy in 'ethnology, linguistics, psychoanalysis, jurisprudence and sociology and study of religions' of the people: in their mythical-religious conceptions, and lived ritual practices of ethnic Africans. See P Tempels *Bantu philosophy* (1959) and Serequeberhan (n 2 above) 17. The term 'ethnophilosophy' is attributed to Towa who describes the methodology involved thus: Their approach is, in all respects, neither philosophical nor ethnological, but ethno-philosophical. The ethnophilosopher engages in an objective exposition of the beliefs, myths, rituals, and then, abruptly, this objective exposé is changed into a profession of metaphysical faith, without a concern for, or a refutation of Western philosophy, neither to provide a reason on which to found an African thought. In a sense, ethnophilosophy in one breath betrays both ethnology and philosophy. Ethnology describes, exposes, explains, but does not involve itself (at least not explicitly) in analysing the validity of what it describes and explains. It also betrays philosophy because the basis for allowing it to make a choice between various

agacity[6] (represented by Oruka himself, who argues a self-described middle position between ethnophilosophy and professional philosophy), national ideological philosophy (represented by Nkrumah, Sekou Toure, Nyerere, Senghor, Césaire and Fanon) and professional philosophy,[7] including Hountondji, Towa, Wiredu, Bondurin, Serequeberhan and others.[8]

These four trends, however, may be compressed for present purposes into two schools, the holistic and contemporarist schools. I categorise the proponents of a traditional African philosophical thought as the holistic school, in the sense that they adopt the stance of looking into the past and the present to find solutions to Africa's contemporary problems.[9] The opponents of a notion of traditional African philosophical thought are labelled the contemporarist school as they adopt a self-negational approach towards their cultural past. This school looks to contemporary solutions founded on an adoption of 'the spirit of Europe'.[10]

Thus, two questions divide the two schools. First, is there a traditional African philosophical thought that should be accepted as part of cur-

opinions is above all the idea of belonging or not belonging to African tradition. But a philosophical expose is always an argumentation, a demonstration or a refutation (unofficial translation by author) (M Towa *Essai sur la problematique philosophique dans l'Afrique actuelle* (1971) 31). It is contended that one can identify two types of African ethnophilosophers: the academic and the political (although Hountondji founds his categorisation on whether the writer builds his concept of philosophy on religion or not). The former includes A Kagame 'La philosophie bantou-rwandais de l'être' in A Smet *Cahiers philosophiques africains* (1972) No 2 294 and W Abraham *The mind of Africa* (1962). The latter includes LS Senghor *Liberté I. Négritude et humanisme* (1964).

6 Mainly to do with conceiving and offering ideas that transcend the prevailing ideas of wisdom, and customs and traditions.

7 This group mainly falls into and composes the contemporarist school. See details below.

8 See H Odera Oruka 'Four trends in African philosophy' in A Diemer (ed) *Philosophy in the present situation of Africa* (1981).

9 Gyekye represents this school in this work. See K Gyekye *An essay on African philosophical thought: The Akan conceptual scheme* (1987). Others include O Yai 'Theory and practice in African philosophy: The poverty of speculative philosophy. A review of the work of P Hountondji, M Towa *et al*' (1977) 2 *Second Order* 2; O Owoyomela, 'Africa and the imperative of philosophy: A sceptical consideration' (1987) 30 *African Studies Review* 79; K Arhin *Traditional rule in Ghana: Past and present* (1985); C Potholm *The theory and practice of African politics* (1979). See also GBN Ayittey *Indigenous African institutions* (1991). Oruka's 'philosophic sagacity' expresses the view that traditional African societies have concepts of philosophy which were promoted and preserved mainly through elders who were considered sages and thinkers. See HO Oruka 'Sagacity in African philosophy' in Serequeberhan (n 2 above) 47 51.

10 Hountondji, Wiredu, Towa, Fanon and others. The 'spirit of Europe' (*l'esprit de l'Europe*) is the original idea of Towa. See Towa (n 5 above); K Wiredu *Philosophy and an African culture* (1980). Fanon's approach is influenced by his analysis of the negative role of ethnicity in numbing the liberation struggle. See F Fanon *Black skin, white masks* (1967).

rent African philosophy? Second, how should philosophy be employed to solve contemporary African problems?

3 A critique of the contemporarist discourse

At first glance, the contemporarist school seems to offer a more systematic approach to using philosophy as a tool to deal with Africa's problems. Therefore, when seeking the relevance of African philosophy to the ordinary person, it is important to start from the contemporarist perspective.

The contemporarist school is, in the first place, credited with having developed a critical analysis of European perspectives on philosophy that sidelined African ideas of philosophy. Secondly, this school set about to delineate different notions of African philosophy and to come to the conclusion that they are not true philosophy, but rather a mix of philosophy and something else, hence its critique of ethnophilosophy, nationalist political philosophy, and so on. Thirdly, it rightly undertook a critical diagnosis of the problems facing Africa. However, the end product, or the solutions they recommend to the problems of Africa, seem fanciful and unfeasible. Thus, while the contemporarist school has chalked some remarkable achievements in putting African philosophy on the map, there are fundamental pitfalls in their analyses which divert the discourse of African philosophy from the crucial perspective of asserting its capability to be employed as a deconstructive and reconstructive tool, thus rendering them disempowering.

Among the difficulties with the contemporarist perspective is the fact that it narrows the principal component of their work to examining 'what is philosophy' and, consequently, what is 'African philosophy'.[11] In seeking to tackle the question of what is philosophy, they end up falling into the same trap as that of the nationalist ethnophilosophers, by letting Western philosophy dictate the terms of what should constitute 'philosophy properly so-called'.[12] They fail to realise, as Langley

[11] P Hountondji *African philosophy: Myth and reality* (1996) 48.

[12] Interestingly, Hountondji, for instance, does not see anything wrong with Hegel's philosophy of history, rather praising his work and all others who have taken the form of a system, as 'erudite philosophies, well informed about the history of philosophy'. It can be said that Hountondji also becomes an accomplice with latter-day Western critics of African philosophy like Horton, etc, who adopt similar standards of criticism against nationalist ethnophilosophy. Indeed, Horton and others use the same analysis of African tradition to criticise African ethnophilosophers. See R Horton 'Traditional thought and the emerging African philosophy department: A comment on the current debate' (1977) VI *Second Order, An African Journal of Philosophy* 64. See also H Glickman 'Dilemmas of political theory in an African context: The ideology of Julius Nyerere' in J Butler & AA Castagno (eds) *Boston University papers on Africa* (1967) 196.

argues, that these methodologies are defined in such a way as to suit a particular culture's interest:[13]

> Two variants of the 'tradition of intellectualising' we mentioned earlier are attempts on the part of the commentator or historian to look for systematic treatment of political ideas, or to insist on the coherence of political ideas as paradigms of explanation — we begin to look for 'central themes', 'inner coherence', 'ideas scattered within the theory' and whether such ideas 'can express further ideas' (implying that we can, like magicians, make them do so), and so on . . . The trouble about these approaches is that we come to the writings of an author, or of a political leader, with preconceived notions about models, systems, concepts, 'classic questions of political theory' etc; we bustle about as judges, condemning here, giving absolution there, according to what we have already decided we ought to find in these works or speeches. It is then regarded as a matter of ideological, professional or exegetical urgency that an African ideologue ought to have his utterances arranged within some system, must be 'coherent', etc.

African philosophy is thus consigned and confined to accepting Western standards of philosophy and ideas of civil society, human rights and development. The contemporarist approach, therefore, is antithetical towards the development of an indigenous African notion of rights. The use of a Western standard of philosophy to determine whether 'African philosophy' has come of age implies that the same insensitive yardstick would be used in measuring human rights in the African context.

Another contemporarist flaw relates to the scope of the content of philosophy. The quandary in which the contemporarist approach places itself is that it does not incorporate the cultural past of African traditions into its content of African philosophy. It limits the focus to the effects of the colonial and post-colonial experience, interrogating the experience that has shaped life and brought misery and hardship to the African.

Related to this is another contemporarist flaw, which relates to the direction this approach adopts in using philosophy to find solutions to Africa's problems. First, it is worth noting that, to find lasting solutions to the problem of development, the solutions offered should be culture-based or should have a deep cultural context. UNESCO argues as follows:[14]

> It is not surprising . . that in the second half of the twentieth century culture has increasingly come to be seen as crucial to human development. We understand better not just that culture can be a mechanism for, or an obstacle to, development, but that it is intrinsic to sustainable human development itself because it is our cultural values which determine our goals and

[13] A Langley *Ideologies of liberation in black Africa 1856-1970* (1979) 15.

[14] Preface to UNESCO 'Recognising culture: A series of briefing papers on culture and development' http://www.unesco.org/culture/development/briefings/html_eng/foreword.shtml (accessed 31 August 2005).

> our sense of fulfilment. Development processes which fail to recognise this, which simplistically divide people's resources from their aspirations, or their health from how they feel, struggle to produce lasting improvements in people's lives. Instead, we have to engage with development in the context and through the medium of human cultures.

It is therefore expected that any analysis of African philosophy should be related to Africa's cultural past in a bid to use philosophy to address Africa's problems. Irele contends that the concern of philosophy is 'the improvement of the quality of life on our continent . . a concern of a very practical order', which makes 'the technical and theoretical debate about African philosophy . . turn, in reality, most essentially upon the question of intellectual direction to give, in this day and age, to a continent beset by a multitude of problems'.[15] The major problem, or the milieu in which the multitude of problems are located, is forcefully and vividly painted by Hountondji:[16]

> On one side, there is a force — a brute, blind, savage force, a direct heir to colonial violence — trying to dictate to the minds and hearts of all; on the other, there are the bare hands of men and women so exploited and mystified that they make themselves active accomplices of their executioners: This is as close as you can get to a true description of the real face of contemporary Africa, behind the ideological folklore and the carnival variety of political 'colours', of official labels, and the divisive 'options' which nearly always turn out to be no more than superficial verbalisms.

In the light of these grave concerns, the contemporarists argue that the way out is to destroy Africa's traditional idols 'which is the only option available to open the way for embracing and assimilating the spirit of Europe, the secret of its power and victory over us'.[17] And that means adopting 'the European concept of philosophy that goes hand in hand with this [European] science and technology and by developing free and critical thinking on the subject of our present realities'.[18] Towa justifies this stance thus:[19]

---

15 A Irele in Hountondji (n 11 above) xiv.

16 Hountondji (n 11 above) 170.

17 Author's own translation. The original French version reads thus: 'qui seule permettra d'accuellir et d'assimiler l'esprit de l'Europe, secret de sa puissance et de sa victoire sur nous' (Towa (n 5 above) 52).

18 Hountondji (n 11 above) 172. Fanon's work, however, strongly rejects this particular approach towards development for Africa.

19 Author's own translation. The original French version reads: 'Parce que la philosophie européene, en raison de sa parenté étroite avec la science et la technologie, semble être à l'origine de la puissance européene, elle nous aidera à opérer la revolution des mentalités qui conditionne l'édification de notre propre puissance; en revelant le savoir philosophique conceptuel comme seul fondement de l'universalité et du dialogue sur lx'Absolu, elle nous fournit des indications précieuses pouvant orienter nos efforts pour surmonter les divisions africaines fondées sur la diversité de confessions réligieuses fanatiques et mettre sur pieds une unité africaine politique aux dimensions de notre temps. Quant à la liberté qui constitue un des principes les plus essentiels de la philosophie européene, elle rencontre directement le sens même de notre projet: une Afrique libre dans un monde liberé.' Towa (n 5 above) 68.

> Due to its close relationship with science and technology, European philosophy seems to be linked to the source of European power and it will help us to undergo the mental revolution which is responsible for the strengthening of our own power. By exposing the conceptual philosophical knowledge as the only foundation of universality and of dialogue regarding the Absolute, it gives us some important signposts which have the capacity to direct our attention towards overcoming the divisions in Africa, influenced by the diversity of fanatic religious beliefs. This way, we will be in a position to initiate a common African policy that is related to the circumstances of our time. With regard to freedom, which is one of the fundamental principles of European philosophy, it directly dovetails with the direction of our own project: a free Africa in a liberated world.

Irele argues also for the adoption of Western philosophy, though through a more cautious approach. He contends that, although Africans have suffered greatly from the derogatory insults of the Enlightenment:[20]

> [W]e must separate the ideals of universal reason and equality from their historical implementation. We must, as it were, trust the tale and not the teller, for though the messenger be tainted, the message need not be.

Eze's criticism of Irele is directed at the separation of the 'ideal' from the way it has been practised:[21]

> Furthermore, to speak of ideals or ideas as universally neutral schemes or models which we historically perfectly or imperfectly implement obscures the fact that these ideals and ideas are already part and parcel of — ie, always already infused with historical practices and intentions out of which ideals are, in the first place, constituted as such — judged worthy of pursuit. Ideals do not have meaning in a historical vacuum.

It is not only because the Enlightenment model was used to enslave and exploit Africa that it should be rejected as a basis for African philosophy. The analysis should go beyond that and establish that science and technology alone (often the indicators of 'Enlightenment') have not been the source of Europe's strength, but in addition to that, the type of political and economic ideologies adopted to support science and technology. Part of this ideology is the discourse and praxis of human rights. The defect in the Western notion of rights which was exploited against African peoples was that human rights was rooted in Western culture only and has been spread through the impact of Western civilisation. For this reason, it could be, and was argued, that until the civilising mission was accomplished, colonised peoples were not fit to exercise and enjoy rights. Thus, for Africans, it was not until independence was attained that the departing colonialists 'saw it fit' to incorporate human rights provisions into the constitutions of African states.[22]

---

[20] A Irele 'Contemporary thought in French-speaking Africa' in A Mosley (ed) *African philosophy: Selected readings* (1995) 296. See Eze (n 1 above) 12.

[21] Eze (n 1 above) 12-13.

[22] See further analysis of this debate below.

The flourishing of human rights in Western Europe contributed significantly to development. Nabudere attributed 'the rapid developments' and 'great advances'[23] to the rise of the natural sciences. But the natural sciences flourished as a result of the free-thinking environment which reigned at the time through the exercise of the right to academic freedom and freedom of thought.[24] Following this analysis, one would agree with Eide that 'individual freedom was essential [as well] for the functioning of the new patterns of ownership and production (economic liberalism)'.[25] However, it must be noted that these positive aspects of the exercise and enjoyment of rights in relation to development possess their own inherent contradictions. In spite of the superficially noble goals of the Enlightenment, some of the theories that were formulated, such as the social contract theory and some liberal economic theories,[26] were tailored largely to suit the interests of the ruling class of the time.[27] McPherson makes us aware of the underlying reason for the enjoyment of individual rights under capitalism. According to him, the classical liberal theory was dedicated to 'the individual right to unlimited acquisition of property, to the capitalist market economy, and hence to inequality, and it was feared that these might be endangered by giving votes to the poor'.[28] In fact, the origins of liberal theory, like the liberal state itself, were not at all democratic; much of it was expressly anti-democratic.[29]

The conclusion from this brief excursion into Enlightenment thinking is that human rights were selectively enjoyed and exercised. Individual freedoms were promoted for the sake of the middle class,[30] those who could afford higher education, fill management positions and engage in

---

23 D Nabudere *The political economy of imperialism: Its theoretical and polemical treatment from mercantilist to multilateral imperialism* (1977) ii.

24 This environment emerged through the contribution of the then emerging middle class to the destruction of the monopoly of power then exercised by the church and the mercantile imperialists whose interests lay in landed feudalism; Nabudere (n 23 above).

25 A Eide 'Linking human rights and development: Aspects of the Norwegian debate' in I Brecher (ed) *Human rights, development and foreign policy: Canadian perspectives* (1989) 9.

26 A Smith *An inquiry into the nature and causes of the wealth of nations* (1904) (first published 1776). Also, see J Locke *The two treatises on government*, particularly his analysis on property in the Second Treatise; J-J Rousseau *The social contract and discourses* (1913) trans GDH Cole; Hegel (n 1 above).

27 However, it is must be noted that social contract theory is only an ahistorical, mythical concept formulated to rationalise the basis of individual freedoms *vis-à-vis* the authority of the state.

28 CB McPherson 'Politics: Post-liberal democracy?' in R Blackburn (ed) *Ideology in social science* (1976) 19.

29 S Gardbaum 'Law, politics and the claims of community' (1992) 90 *Michigan Law Review* 685.

30 Quashigah (n 3 above) 31ff.

research.[31] The poor slaves, serfs and others who constituted the working class were effectively left out of the rights exercise. For them, like the economic gains of capitalism, the exercise of rights was to 'trickle down' ultimately, but not imminently.

This historical snapshot calls into question the emphasis placed by the contemporarist school on science and technology and rights exercise as the originators of development in Europe. It is probably an illusion to replay the same evolution in Africa as in Europe of two centuries ago.

Hountondji and Towa view the effect of imperialism negatively and propose ways of countering it with the power of Europe as the source of that same imperialism. However, they fail to realise that it was imperialism that helped to ensure the scientific and technological development of Europe. Until Europe made contact with the East around the 1500s, it was 'often inferior, never superior, in extensive powers ... Most innovations which proved to have great implications for extensive power (notably gunpowder, the mariner's compass and printing) came from the East.'[32] This disproves the argument of the contemporarists that European science and technology were equivalent to power. Rather, it was power acquired from other sources that helped put science and technology in place in Europe.

Moreover, the flourishing of an ambiance of rights and emerging democracy also helped to build this power and to foster science and technology. But due to the selective manner in which rights and democracy were exercised, these concepts, in practice, could not sustain the achievements of science and technology. For example, the low pay offered workers, based on a strict application of Bentham's 'starvation avoidance' theory, made it impossible for them to acquire strong purchasing power to acquire the goods produced by their own labour. The concentration of wealth in the hands of the merchant class, and its consequent fetter on industrialisation, is one of the reasons that led to imperialist 'adventures' abroad to find markets outside Europe. Part of the mission was to amass illegal fortunes.[33] It was also to acquire cheap labour and raw materials[34] in order to help speed up the industrial revolution and to integrate the entire world in a global capitalist economy.

European power was consolidated through the slave trade, colonialism and neo-colonialism, and it continues through post-Cold War globalism. If Towa asserts that Africa can attain this capitalist power along

---

31 Berting (n 1 above) 24.

32 M Mann 'European development: Approaching a historical explanation' in J Baecher *et al* (eds) *Europe and the rise of capitalism* (1988) 6 7.

33 Nabudere (n 23 above) 30.

34 GWF Hegel *The essential writings* ed F Weiss (1974) 282-283.

the same lines in this age, it should be obvious from the above analysis that Africa is more than four centuries late. The idea of mirroring European development patterns in Africa is therefore an anachronistic concept, and mere wishful thinking.

It must also be noted that the high hopes that engendered the industrial model of development have not been realised. Economists are still grappling with how to articulate the best developmental concept. The United Nations Development Programme (UNDP) has, for example, identified three crises linked to the neo-classical economic blueprint that goes with the industrialist model of development: the crisis of the state, the market and science.[35] These crises have been occasioned by the adoption of a linear mode of development that is, *inter alia*, anti-traditional, ahistorical and physical capital-based.[36] Thus, Mehmet warns:[37]

> [B]oth the universality and the scientific attributes of Western economics are myths. In place of universality, meaning here universally shared values and tastes, there is Western cultural specificity whereby European economic history is taken for granted as universally valid for theory construction.

It becomes obvious, in light of the above, that capitalism thrives on the development of a few nations and the underdevelopment of others.[38] Thus, even if it were possible to attain this type of capitalist power in Africa, it is politically naïve to believe that it will be possible for the Western world to relinquish or, at best, share its power with Africa. It would amount to digging one's own grave.[39] If, on the other hand, by reference to the 'spirit of Europe', Towa meant only that Africa should 'borrow' current European philosophy, science and technology, then the contemporarists' suggestions are redundant. Indeed, the West itself has been willing to let Africa inherit its philosophy since time immemorial, as part of the imperialist power strategy to disempower Africa. This is in fulfilment of the Eurocentric mission: a Western-centred world view which seeks to project the interest of Western states at the expense of

---

35 UNDP *Sustainable human development: From concept to operation. A guide to the practitioner.* A UNDP Discussion Paper 6.

36 n 35 above, 12.

37 O Mehmet *Westernising the third world: The eurocentricity of economic development theories* (1995) 6. See also W Sachs (ed) *The development dictionary: A guide to knowledge as power* (1992).

38 Mehmet (n 37 above).

39 Paradoxically, the contemporarists' two-point view on finding the panacea to Africa's problems — co-operation, science and technology — is no different from the stance of Africa's post-independence leaders at the time of independence. They also had high hopes that through economic co-operation and the adoption of science and technology, they would catch up with the West by attaining in ten years what it took the Europeans centuries to attain and in so doing be in a position to rub shoulders or share power with them. The only thing that separates the two approaches is that the ideological basis of African leaders was 'African philosophy' or ideology and the contemporarists' is 'European philosophy'.

others, while at the same time seeking to justify this world view by ethical norms that proclaim universal benefits to all.[40] In this regard, it is pertinent to quote Chatterjee:[41]

> The provincialism of the European experience will be taken as the universal history of progress; by comparison, the history of the rest of the world will appear as the *history of lack, of inadequacy — an inferior history*. Appeals will be made all over again to philosophies produced in Britain, France and Germany. The fact that these doctrines were produced in complete ignorance of the histories of the other parts of the world will not matter: They will be found useful and enlightening.

The contemporarists, unfortunately, fall prey to this trap, as predicted by Chatterjee.[42]

4 A case for the holistic school

Gyekye details certain aspects of African philosophy which meet what he calls a universal or common criteria of assessing what constitutes philosophy. Gyekye argues that philosophy is generally premised on three key concepts: epistemology, metaphysics and logic, all of which are present in African philosophy.[43]

Gyekye contends, in arguing for a distinct African philosophy, that philosophy 'responds at the conceptual level to the fundamental problems posed at the given epoch'.[44] An Akan proverb affirms this point, that proverbs are created, based on real fact situations. In other words, proverbs arise out of the experiences of people and are philosophical in that they represent the collective wisdom of wise people and are accepted as part of the people's culture, as their way of life.[45] This view is denied by the contemporarists, who contend that a philosophical tradition is only beginning to develop in Africa.[46] But to deny African peoples philosophical thought is to imply that they are unable to reflect on or conceptualise their experiences.[47] According to Gyekye, people who have studied proverbs have described them as 'situational', that is, they arise from certain social situations. One may add that they not only

---

40 Mehmet (n 37 above) 8.

41 Mehmet (n 37 above) 6. See also Sachs (n 37 above) (my emphasis).

42 Thus, Hountondji, eg, denies African thought as philosophical simply on the grounds of its inability to keep a dairy or write a *memoire* on the intellectual debates or thought that informed the *result* or *conclusion* of a philosophical idea. He argued that the *result* or *conclusion* is therefore impoverished and unphilosophical. Hountondji (n 11 above) 105; also Wiredu (n 10 above) 48 49.

43 Gyekye (n 9 above) especially ch 1.

44 Gyekye (n 9 above) 39.

45 Gyekye (n 9 above) 18.

46 Serequeberhan (n 2 above) 21.

47 As above.

arise from social, but also from political, economic and religious circumstances. Since philosophy (at least in the African traditional sense) concerns itself with situational issues and human problems, it goes without saying that it should be grounded in the cultures, experiences and mentalities of the people who produce it, in order for it to persist and shape behaviour. Gyekye therefore suggests that[48]

> [t]he starting points, the organising concepts and categories of modern African philosophy be extracted from the cultural, linguistic, and historical background of African peoples, if that philosophy is to have relevance and meaning for the people, if it is to enrich their lives.

One can locate the cultural component of the Akan notion of rights in the above analysis. The importance attached to freedom is expressed in the Akan proverb that 'if you deny me the right to express myself, you are a murderer'. The principle of equality is expressed in proverbs such as 'The mosquito, however tiny, is a significant part of the animal kingdom.'[49] Busia also makes reference to an Akan proverb which illustrates the importance attached to life:[50] 'It is man that counts. I call upon gold, it does not answer. I call upon my drapery, there is no answer. It is man that counts.' The relationship between rights and duties is also expressed in the proverb:[51] 'It is your responsibility to see to my welfare in my old age after I helped raise you up.'

But philosophy does not look to the past only. While looking to the past to find what may be contrary to the accepted norms of the community, philosophy may find a norm no longer relevant due to changed circumstances. Philosophy then defines new courses of action for the community in the light of past thought and traditions.

Akan traditional society exhibited this process in the creation and development of norms, beliefs and traditions. The confusion of the contemporarists is caused by their inability to differentiate amongst

---

48 n 46 above, 42.

49 As above. Interpretation expanded without deviating from the core meaning.

50 KA Busia *The position of the chief in the modern political system of the Ashanti: A study of the influence of contemporary social changes on Ashanti political institutions* (1951) 35.

51 This is in the sense of parent-child responsibilities, but it is also applicable in the individual-community context. See above for similar expressions. Some other proverbs in traditional Akan thought that embody and express its notion of rights include the following: 'One head cannot make a decision.' This proverb symbolises the importance attached to joint decision making, participatory government, respect for freedom of expression and contempt for dictatorship. A similar proverb in a Malawian dialect says that 'a river without rocks cannot hold water' and 'one head cannot carry a roof'. Also: 'Power is as fragile as an egg. When held too tightly it breaks; if loosely, it might fall and break.' This symbol/proverb signifies the fragile nature of political power and the importance of power-sharing. Another proverb also expresses the need to consider individual rights and interests *vis-à-vis* community interests and needs: 'Two-headed crocodiles fight over food that goes to a common stomach because each relishes the food in its throat.'

those who create philosophical thought in a typical African society. Contemporarists, as well as the Western critics of African ethnophilosophy, have come to these crossroads because they are not able to distinguish between collective thought and collective decision making. The former is done by individuals within the community and the latter by the whole community. In each case, though, it is typically an individual who introduces an idea, which is then debated and endorsed by the people.

In Akan culture, old people usually, but not exclusively, are known for proposing innovative, wise ideas. They are considered to be sage, because Akans believe that old age connotes wisdom. A symbol that expresses this is called 'I heard it and kept it.' Thus, the one who has heard a lot is the one who has kept a lot, and that is an older person. Hence, this related proverb which is in the form of a question:[52] 'If the potsherd claims to be old, what of the potter that moulded it?' Collective decision among the Akans comes about through debate at the village assembly, involving various groups or associations.[53] Thus, though the elderly were always considered to be wise, they were not allowed to impose their thoughts and views on the rest of society, because the Akans believe that 'he who claims to know all knows nothing'. Therefore, everybody was given the opportunity to consider the views of the elderly and to see if they agree with it. Consensus seeking was thus a typical form of decision making,[54] though it was at times difficult to find a common agreement in the collective decision-making process.[55] But since it is such collective decision making which acts as the foundation of the development of collective thought, it becomes binding, the people having already taken part in its formulation. The proverb or folktale therefore becomes a means of preserving decision making in a simplified and compressed format for posterity. It becomes part of oral tradition. Later, it would behove the aged who took part in the formulation of the decision or who inherited the proverb from the

---

52 But it was not always the case that wisdom was attributed to old age. As noted above, Akans also believe that the one who is well-travelled can also be considered a wise person due to the experiences he or she acquires as a result.

53 This forms the Akan community's notion of 'civil society' and the use of freedom of expression to form public opinion.

54 K Wiredu 'Democracy and consensus in African traditional politics: A plea for a non-party polity' in Eze (n 1 above) 303.

55 Thus, the idea of African political ethnophilosophers — a view which, ironically, is shared by Wiredu — that the notion of consensus making involved the absence of opposition was false. Differences did exist and were recognised and respected, and illustrated in proverbs such as 'even the tongue and teeth do fight at times', and also *Funtummireku ne Denkyemmireku won afuru bom onso woddi a na wo ko* ('Funtummireku and Denkyemmireku are two crocodiles with one stomach, yet when they eat they fight').

original creators to explain the wisdom in the proverb and the circumstances that led to its formation.

This aspect of proverb formation within a conceptual framework involves the relating of concrete circumstances to an empirically and logically explanatory scheme.[56] In the Akan context, it was an empirical scheme, as it was based on experience. If a decision or norm becomes outdated, it is changed through the same process of public opinion or the direct enunciation of a proverb by a sage. This process is what Oruka refers to as philosophical sagacity:[57]

> Some sages go beyond mere sagacity and attain a philosophic capacity. As sages they are versed in the beliefs and wisdom of their people. But as thinkers, they are rationally critical and they opt for or recommend only those aspects of the beliefs and wisdoms which satisfy their rational scrutiny. In this respect they are potentially or contemporarily in clash with the die-hard adherents of the prevailing common beliefs. Such sages are capable of conceiving and rationally recommending ideas offering alternatives to the commonly accepted opinions and practices. They transcend the communal wisdom. They are lucky if people recognise this special gift in them. Then they are treated with special respect and their suggestions peacefully and positively reform the people.

Thus, Wiredu's contention that the thought or idea coming from the sage and thinker is imposed on the rest of society simply because it comes from an elderly person cannot hold. Wiredu's view is informed by his conclusion that African traditional society was authoritarian. It is true that certain African political systems were authoritarian,[58] but to make such a sweeping generalisation as Wiredu's is unfounded. Even in societies where the political system was democratically decentralised, such as the Akan, which Wiredu studied, he nevertheless comes to the conclusion that the society was authoritarian.[59] Wiredu fails to differentiate between the varying structures that constitute the Akan political system, for example the national, village, family and individual levels.[60] At each level of this structure, the practice of 'authoritarianism' was different. It was prevalent at the level of the family. It was here that adults had greater say than children. Among adults, the views and interests of men were privileged over those of women. However, when talking of proverbs becoming a shared heritage, such development occurred at the community or state level and became a community asset that was not 'imposed' in an authoritarian manner. In support

---

56 Langley (n 13 above) 8.

57 Oruka (n 8 above) 51.

58 Potholm (n 9 above) ch 1. Also Ayittey (n 9 above).

59 Wiredu (n 10 above) 2-5, esp 4.

60 This can be compared to Hegel's analysis of a three-tier composition of the ethical life as composed of the family, civil society and the state. See details below.

of the respect that was accorded to freedom of expression, at least with the set-up of the Council of Elders in the Akan society, Busia writes:[61]

> The members of a traditional council allowed discussions, a free and frank expression of opinions, and if there was disagreement, they spent hours, even days if necessary, to argue and exchange ideas till they reached unanimity. Those who disagreed were not denied a hearing, or locked up in prison, or branded as enemies of the community. The traditional practice indicated that the minority must be heard, and with respect and not hostility.

The situation is no different in the evolution of Western philosophical thought. In Greek philosophy, Plato delineated the philosopher king whose main job was to eat, enjoy life and think for the people. His enlightened thoughts became binding on the people as law.[62] The same process in essence applies to the works of all Western philosophers. Locke was an individual thinker, but his thoughts on the state of nature and natural rights were embraced by the people of his time and even imported to America, where it was whole-heartedly accepted and became the *agent provocateur* in the struggle for independence. Also, that even the ancient Greek states, the cradle of modern democracy, did not tolerate the expression of views that were considered to be destructive to religion, morality and the city. The trial and sentence to death of Socrates is an outstanding example. The situation was no different in Rome and England.[63] Therefore, Wiredu's critique of authoritarian imposition of thought is not supported.

Coming back to Gyekye, the conclusion he reaches regarding the existence of African philosophy is that one can differentiate between traditional and modern African philosophy. He argues that the thinker — the creator of philosophy — perforce operates on the diffuse and inchoate ideas of the cultural milieu. However, for modern African philosophy to be African and have a basis in African culture and experience, '[it] must have a connection with the former, the traditional'.[64] Gyekye then concludes that there is an African philosophy based on the fact that there are certain core qualities that unite Africans.[65] He identifies these qualities as relating to the beliefs, customs, traditions, values, socio-political institutions and historical experiences of African societies.[66]

While this conclusion is important, it does not talk of Africa's contemporary experience as playing a part in uniting a concept of African philosophy. In my view, the experiences that unite Africa in the colonial and post-colonial eras are more than those that unite Africa at the pre-

---

61 See Ayittey (n 9 above) 240-241.

62 See Plato *The republic* (1974). See C Colliard *Les libertés publiques* (1972) 330.

63 See Colliard (n 62 above) 330.

64 Gyekye (n 9 above) 11-12.

65 As above, esp ch 12.

66 As above.

colonial level.[67] I base this view on the effect of the infliction of the 'spirit of Europe' on Africa. This infliction includes the re-designation of the boundaries of traditional political systems in a haphazard manner and massing differing socio-political communities together to form the modern African nation state. By such a capricious act, colonialism was able to reduce Africa's plurality to 53 states today. Another reason relates to the motive that drove the colonialist agenda. Although executed in various styles by different European colonial states and in different colonies by the same colonial power, the rationale for the introduction of colonialism was the same, namely to exploit the people and their resources. Therefore, talking of a common African philosophy, I would argue that one may have to recognise plural traditional African philosophies, such as the Akan, and a modern African philosophy that is diverse in outlook,[68] but united by the experiences mentioned above.

In sum, my position is that the holistic tradition represents a more realistic exposition of African philosophy and offers a better chance of using philosophy to address Africa's problems. The final question is as to the role Akan philosophy may play in the promotion and protection of rights in Africa. This question is relevant in view of the prevailing fact that the gateway to development is through the exercise and enjoyment of rights.

5 Conclusion: The role of African philosophy in the African rights struggle

A critical reflection of the general project of African philosophy indicates that its principal goal is to critique European philosophy and to assert the existence (or emergence)[69] of an African philosophy. This is reflected in Outlaw's notion of the deconstructive challenge facing African philosophy which, according to Serequeberhan, is 'aimed at unmasking these European residues [in the form of its educational,

[67] It is my contention that each political tradition would have a concept of philosophy which would differ from another. I believe that it is out of this observation that Hountondji talks about internal pluralism in Africa generated by confrontation, etc. As we learn below, different political systems and the concept of human rights developed due to the severing of allegiance by disaffected people over an oppressive system and/or ruler and separating to set up their own system. Thus, eg, among the Akans there is a proverb *Obi nsi ne ho hene* ('no one imposes himself on the people as chief'). This proverb will not apply in a stateless or 'headless' community which does not have a chief. Thus, in each of the political environments, the political philosophy will differ. Likewise, in the context of rights discourse, the stateless society will not concern itself with political rights such as the right to vote. Their legal philosophy in that context would thus also be different. Even within the same political system, divergent views held by different interest groups forming 'civil society' are discernible.

[68] Oruka (n 8 above).

[69] In the case of the contemporarists.

political, juridical, and cultural institutions] in modern Africa that still sanction — in the guise of science and enlightenment — the continued subordination and intellectual domination of Africa'.[70]

On the other hand, the 'reconstructive challenge' aims at 'critically revitalising — in the context of the modern world — the historico-cultural possibilities of the broken African heritage'.[71] In sum, the discourse of African philosophy is 'indirectly and historically linked to the demise of European hegemony (colonial/neocolonial) and is aimed at fulfilling/completing this demise'.[72] In its indigenised form, African philosophy also concerns itself with 'class struggle'[73] and empowerment of the oppressed:[74]

> The deeper issue is one with much higher stakes: It [the question of African philosophy] is a struggle over the meaning of 'man' and 'civilised human', and all that goes with this in the context of the political economy of the capitalised and Europeanised Western world.

However, no concrete and comprehensive concepts have yet been formulated in African philosophy to launch the project of emancipating the people from the clutches of the global economic system and from the appendages of this system that parade as the local representatives of the people. What is crucial is a conceptualisation of a realistic, down-to-earth application of concepts of African philosophy which is rooted in the diverse African traditional political systems.

The major contribution of the contemporarists is the constructive and comprehensive critique they have offered against the local ruling group who sits comfortably on the dependence structures of African states. The contemporarists reject 'the conception of philosophy as an ideological comment on politics'.[75] The latter approach represents the stance of African political ethnophilosophers whose 'discourse has lost its critical charge, its truth':[76]

> Yesterday it was the language of the oppressed, today it is discourse of power. Formerly a romantic protest against European pride, it is now an ideological placebo. The function of ethnophilosophy has changed: it is no longer a possible means of demystification but a powerful means of mystification in the hands of all those who have a vested interest in discouraging intellectual initiative because it prompts not living thoughts in our people but simply pious rumination of the past.

This is as far as the contemporarists are prepared to go in involving

---

70 Serequeberhan (n 2 above) 22.

71 As above.

72 n 70 above, 22-23.

73 It is my contention, however, that the concept of 'class struggle' is not indigenously African.

74 L Outlaw 'African ''philosophy'': Deconstructive and reconstructive challenges' in G Floistad (ed) *African philosophy* Vol 5 *Contemporary philosophy: A new survey* (1987).

75 Hountondji (n 3 above) xiv.

76 n 75 above, 171.

African philosophy in political discourse. Their next step, unfortunately a *faux pas*, is to use African philosophy as 'the ''handmaid'' of science and (unfettered) modernisation'.[77] This approach, which is devoid of a political contextual analysis, presents an obstacle to the implementation of the 'scientistic'[78] project itself. The means of dismantling the stumbling block in order to facilitate the use of science as a stepping stone to development has a political dimension to it. This is expressed in the frustrated reaction of Wamba, which prompts him to ask:[79]

> But, how is science related or articulated to politics? What stand does Hountondji take on this debate? What position does he hold in the ideological struggle around the problem of science and technology?

Keita seems to extend the trend of thought of the contemporarists to use African philosophy to promote the natural and social sciences. He argues:[80]

> Its [African philosophy's] function should be to help in the imparting of knowledge of the natural and social world and to assist in the constant discussion of the optimal set of value judgments and cultural assumptions that social individual must make to take the fullest advantage of the sum of scientific knowledge available.

The usefulness of Keita's methodological approach is that it is more broad-based than that of the rest of the contemporarists. However, it is elitist and overly 'academic', allowing no room for the role of the ordinary person in the struggle to reconstruct Africa. In relation to this critique, it is worth quoting Wamba again:[81]

> The African philosopher is now neither an organic intellectual of the masses of African people who resist imperialism (a possible meaning of the term African philosopher), nor quite exactly an organic intellectual of imperialism (which is also a possible meaning of the term philosopher in Africa).

African philosophy must move beyond this to be used as a tool by the oppressed, the deprived and the marginalised to regain their status in the development structures of their countries. The question of developing a practical political as well as legal philosophical framework within each major traditional African political system that the popular sectors can identify with and utilise is what should preoccupy African philosophy at present. The next fundamental step is thus to embrace the language of rights and to use it as a tool for development. That is, the deconstructive challenge of African philosophy should be geared towards an unmasking of the disempowering effect of enjoying

---

77 Serequeberhan (n 2 above) 21.

78 Serequeberhan (n 2 above) Introduction xvii at xix.

79 W dia Wamba 'Philosophy in Africa: Challenges of the African philosopher' in Serequeberhan (n 2 above) 211 230.

80 L Keita 'Contemporary African philosophy: The search for a method' in Serequeberhan (n 2 above) 132 146.

81 Wamba (n 79 above) 230.

abstracted civil and political rights disconnected from the struggle for economic justice.

In this regard, Shivji comes closest to arguing for a reconceptualisation and revolutionisation of rights by detaching oneself from the dominant discourse of rights embodied in the ideological Western construct of civil and political rights. The weak link in Shivji's analysis, however, is that, while the contemporarists look to Western Europe, he looks to Eastern Europe and adopts a narrow and outdated Marxist discourse of rights as the key to organising the people to attain development. This is not unexpected since, like the contemporarist school of African philosophy, he turns his back to Africa's cultural past which depicts the rights struggles of the common people in the form of debates, revolts and separation from a tyrannical leader or majority group. Nonetheless, Shivji's categorisation of the 'working people' — all people who do not belong to the *compradorial* (bourgeois) — is broad enough and usefully applicable to the African situation.

The failure to locate human rights in African culture seems to be resolved in Quashigah's work.[82] Quashigah analyses the emergence of the concept of human rights in the Western world through the application of the methodologies of philosophical idealism and philosophical materialism. He concludes that, if the Western concept of human rights was so developed, then:[83]

> The irresistible inference is therefore that each and every human society, whatever its stage of development, from absolute primitivity to modern statehood, logically recognises some rights which could be rightly termed human rights. The concept of human rights is, therefore, not alien to African societies; if anything at all, it is absent only in any articulated philosophical form.

This analysis was not done in the context of evolving an African concept of human rights. It was only to counter the notion of human rights being inherently Western. Also, Quashigah falls into the same trap as the contemporarists by not recognising the fact that the concept of human rights as expressed in proverbs, folklores, and so on, is philosophical.

The role of developing an indigenous African human rights philosophy falls to two members of the contemporarist school, Hountondji and Wiredu.[84] While Wiredu dwells on Africa's past cultural experience to evolve an Akan conception of rights, Hountondji digs into the colonial and post-colonial periods of Africa. On the historico-colonial front, Hountondji analyses and denounces the violence done to Africans in

---

82 Quashigah (n 3 above).

83 n 82 above, 30.

84 See Hountondji (n 3 above) and Wiredu (n 54 above).

the name of development for Western Europe and disputes Western European claims to being the repository of human rights:[85]

> Supposing that the facts invoked are correct, and that the power of the West was consistently built upon violence, why should the pattern build their power on the same basis and develop along the same lines? On the contrary, should not the terms of the argument be reversed, so as to see in this disregard for human beings an indication that the European roads to development are unacceptable?

The role of philosophers in this regard is limited to an interest in examining the ideological discourse that those in power use to justify their acts, or even to pass for defenders of liberty, when in reality all that they do is to trample on human dignity.[86] Finally, Hountondji recognises human rights in the daily struggles of the people and contends as follows:[87]

> Nothing sensible or pertinent can be said about human rights if one ignores this daily, universal fact of revolt . . [O]nly by remaining silent about this commonly experienced fact, or by considerably reducing its implications, is it possible to make human rights an invention of Western culture.

It is therefore lamentable that, after taking such a strong stance on human rights in the African context, Hountondji should turn back and endorse 'the spirit of Europe' and its science as the gateway to Africa's development.[88]

What remains undone in this theorising is the conceptualisation of this notion of rights as a tool for development: What is the proper relationship between rights and development? All along African leaders and Western development agencies have emphasised the negative relationship approach to development, and at best, its counterpart, the passive relation approach. The negative relationship approach postulates that development can be attained in the absence of human rights by the ordinary people who produce the economic wealth of a nation. The negative relationship approach further assumes that it is through the process of development that human rights will naturally begin to flourish. In other words, human rights are a by-product of a rising standard of living. This approach suggests that people must forgo their human rights, at least temporarily, in order for development to gather speed. So civil and political rights are impossible luxuries because they destabilise a fragile developing state economy. Only at some future developed stage will the full exercise of rights be justified and permitted. The passive relationship approach ignores questions of human rights until the eruption of war or communal violence, or the sinking of the population into a state of profound demoralisation

[85] Wiredu (n 54 above) 326.
[86] Wiredu (n 54 above) 325.
[87] Wiredu (n 54 above) 320.
[88] Towa (n 5 above) 52.

(demoralisation being perhaps the only alternative to resistance or violence in the face of ruthless, top-down capitalist development). A passive relationship is employed when the smooth progress of escalating exploitation is disrupted or is likely to be disrupted by these events and political leaders and their financiers make pious appeals to a respect for human rights. A respect for human rights becomes necessary in this respect in order to appease the demands of a population that has previously been denied these rights.

Negative and passive relationship approaches to human rights and development regard development to be more important than the individual human person, separate from those who tread the economic and political corridors of power. The ordinary producer is seen as 'human capital', 'just another part of the production process, without reference to inherent rights or dignity,' and forced to produce goods for the world economy.[89]

Assuming a negative relationship between human rights and development results in an inability to maintain high levels of production over time. The exercise of these rights involves the full and unhindered participation in the process of development, including the right to work, and the right to favourable working conditions. To safeguard these, one also requires the right to form trade unions or farmers' co-operatives. To ensure that these rights can operate, the rights to freedom of association and assembly, to freedom of thought, opinion and expression are also demanded. It is clear that, if the population is to be the engine for development, these rights are neither luxuries nor can they follow on promised improvements in the standards of living. They are the very conditions for successful development. Participatory and proprietary rights are also to be guaranteed. They encompass decision making, identification of needs and types of projects to meet those needs, implementation, evaluation, sharing the benefits of development and protecting these benefits. Assuming a negative relation between rights and development ultimately leads to the population being seen as a negative factor in development.

For rights to be meaningful to oppressed and disenfranchised peoples, they need to be defined as socio-economic and political claims and entitlements which are exercised and enjoyed by human beings as human beings so as to enable the realisation of potentials, the utilisation of capacities and performance of duties that will lead to the meeting of needs and the attainment of development.[90] They need to be exercised

---

89 ICHRDD *Human rights: APEC's missing agenda* (1997) 12. However, the force that the author has in mind here is the threat of physical force.

90 For a detailed analysis on African conceptions of human rights, see K Appiagyei-Atua 'Contribution of Akan philosophy to the conceptualisation of African notions of human rights' (2000) 33 *Comparative and International Law Journal of Southern Africa* 165.

as the power to create and achieve and to overcome all stumbling blocks standing in the way of development, but not as the power (by the ruling class) over the people.

Thus, the way out for African peoples is to use the exercise of rights as a tool to confront the development agenda that Western governments claim to have for Africa and other developing countries. One can only use rights as a tool to achieve fundamental democratic change if one is able to appreciate the hidden agenda behind the human rights rhetoric of governments and become conscientised about how rights exercise can be used to promote self and community development. Fortunately, Africans have a guide in their history, allowing them to appreciate the intentions of Western governments and corporate interests for Africa, and their culture as a guide on how to use rights exercise as an effective tool to attain the goal of sustainable holistic development.

Adopting African notions of rights and integrating them into the international human rights law discourse will not make African leaders any less responsible for their human rights commitments at the international level, as the universalists fear. The goal is not to allow oppressive leaders or captive intellectuals to formulate 'African concepts' of rights. It is important not just to replace one master's voice with another. Rather, African ideas of rights should be formulated by a voice representing the experiences of the deprived and oppressed. It needs to be derived from their pre-colonial, colonial and post-colonial experiences.