

Communalism and Liberalism in the Struggle for Human Rights in Africa

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Since the 1980s almost all African states have made significant improvements in their Polity IV scores. In 1985 the majority of African governments were autocracies, but by 2012 only two (Eritrea and Swaziland) earned this designation.¹ What caused this dramatic shift? Of course, it is impossible to use one, or even a few, factors to explain all of this. But I believe that one important explanation has been neglected. Today I will examine the improved protection of human rights in Africa by focusing on liberalism and communalism. One of the central debates in the field of human rights is over the validity of using liberalism versus communalism as the way to define human rights outside the “western” world. My central argument is that, although many African scholars and political leaders assert that African culture is embedded in communalism, several factors indicate that Africans have come to define human rights in terms of liberalism.

Before I explain the tension between liberalism and communalism, it is important to provide a brief historical context for the problems that Africa has faced in the realm of promoting human rights. When we examine a map of Africa’s political borders transposed onto a map showing the continent’s ethnic groups, we see no coherence. The Europeans were not concerned about creating homogenous nation states, or about dividing major ethnic groups between two or more states. This disregard guaranteed that there would be political instability across post-colonial Africa. The political institutions that the Europeans left behind were highly centralized, disconnected from the populace, and undemocratic. During the Cold War, the US, the USSR, and their respective allies played vicious games in Africa that were designed to find and support dictators, not democratic leaders. The neocolonial need to secure access to Africa’s natural resources was another factor that undermined democracy in Africa. All of these external factors, plus others I don’t have time to mention here, provide much of the explanation for why Africa’s post-colonial human rights record has been so poor. But this doesn’t mean that we should ignore internal explanations. My aim today is to examine the detrimental role that the doctrine of communalism has played in the recent history of human rights in Africa, and to examine the primacy of liberal values as a key step in the ongoing struggle to promote human rights in Africa.

COMMUNALISM AND LIBERALISM

What is communalism and how does it differ from the liberal doctrine of human rights? A motto of communalism, which is also referred to as communitarianism, is: “I am because we are.”

Communalism asserts that nobody can put herself/himself above the community. The preferences of the individual cannot be allowed to undermine the interests of the collective. I believe that the most interesting aspect of communalism is the belief that “duties” (of the individual to the community) are more important than “rights” (of the individual against the community).

In sharp contrast, liberalism places the individual above the community. The individual is autonomous and cannot be oppressed by any claim to “community interests.” Liberalism is grounded in the priority of individual rights, and rarely refers to any duties of the individual to submit to the interests of the community. A crucial part of liberalism is the belief that everyone has the right to question the leader’s decisions, and to have a say in keeping or removing the leader.

Josiah Cobbah is one of the most prominent defenders of the link between communalism and African culture. Here is a sample of his writings:

Although African society is communal, it is hierarchical. Respect governs the behavior of family members toward the elders in the family. . . . Restraint is the principle that makes communalism within the family and within the wider society possible. This simply means that a person does not have complete freedom. Individual rights must always be balanced against the requirements of the group. . . . It is a worldview of group solidarity and collective responsibility. In effect, in the same way that people in other cultures are brought up to assert their independence from their community, the average African’s worldview is one that places the individual within his community.²

Cobbah may have been correct about African political culture in 1987, when he wrote these words, but it is hard to defend his argument today. There is evidence that liberalism has stronger support than communalism as the preferred approach to human rights in contemporary Africa. I will use three points to defend this assertion. First, there is growing recognition that communalism, as a human rights ideology, has been counterproductive. There has been a sharp decline in the frequency and intensity of the use of communalism as a means to block efforts to promote the individual rights of citizens. Second, the shift away from communalism on the national and pan-African levels has led to significant improvements in the protection of human rights in Africa. In other words, as the African states have moved in the direction of liberal principles in their domestic political systems and in the numerous pan-African agreements and institutions, their human rights scores have improved significantly. Third, there has been growing popular support in Africa for the need to move beyond communalism as a human rights framework. Public opinion surveys indicate that Africans are supporting liberal principles concerning the desired relationship between the state and the people. Let us now examine these three points.

THE RHETORIC OF DICTATORS

First, the rhetoric of communalism was widely employed by African leaders in the decades after independence. By describing themselves as the fathers and protectors of their respective nations, these leaders justified their positions at the top of the communal hierarchy. By “essentializing” African culture they drew a clear line between “western” individualism and indigenous communalism. It was their duty, they claimed, to defend this indigenous culture against foreign cultural intervention. At a lecture at Juniata College in 2002, Simeon Ilesanmi eloquently condemned this strategy:

Cultural difference, like racial difference, was a marker of inferiority and condemnation [in the colonial era] . . . Why anyone outside of the small elite which has benefitted from this state of affairs would want to defend it as culturally ‘African’ is not clear. . . . While the continuing process of ‘orientalizing’ has been much complained of by the orientalized, the elites of the orientalized cultures of the world have been actively complicit both in the their own representation of themselves as ‘other’ and in the reverse process of occidentalizing, in which the ‘West,’ and especially individuality in Western cultures, is symbolized and portrayed as an opposing essence to the communality of the cultures that non-Western intellectuals (religious and secular) represent and control.³

But over the past twenty years the political rhetoric has changed significantly. There are still some leaders, such as Yahya Jammeh in The Gambia and Robert Mugabe in Zimbabwe, who regularly exploit hierarchical communalist language to justify their suppression of individual rights, but most African leaders have moved beyond this strategy.

One of the most noteworthy changes in African politics over the past twenty years has been the widespread condemnation of coups and of leaders who seek to alter constitutions in order to extend their terms of office. As pluralism and electoral democracy have taken hold in more countries, the leaders have adopted new rhetoric. Rather than “protector of the people” we increasingly hear language such as “elected servant of the people.” There is a growing rejection of the “leader for life” arguments, and increased demands for term limits and respect for the constitution. In short, the rhetoric has shifted away from “neocolonial threats” to “good governance.”

THE AFRICAN RENAISSANCE

My second point is that this rhetorical shift is even clearer at the level of pan-African declarations and institutions – where we have seen a full range of efforts to abandon the absolute devotion to state sovereignty and to adopt meaningful ways to promote individual rights and good governance. The Organization of African Unity was created in 1963. The guiding principles of the OAU were to fight all forms of colonialism, and to fight any intervention in the internal affairs of African states. The OAU was widely condemned as a dictator’s club that pretended to defend national sovereignty, when their real aim was to defend presidential sovereignty. Any threat to the cult of personality was portrayed as a threat to indigenous culture. Thus, any challenge to the leader’s autonomy was portrayed as a neocolonial threat to the welfare of the community.

Due to rising condemnation of the OAU's refusal to address human rights violations, the members created the African Charter on Human and Peoples' Rights in 1986. They also created the African Commission on Human and Peoples' Rights in The Gambia. The African Charter laid out a full range of individual rights, but it included interesting "clawback clauses." Articles 27 and 29 were designed to balance the individual rights that are spelled out in the charter with reference to the communal duties of all Africans. Here are the key references to communalism:

Article 27:

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 29: The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need; . . .
4. To preserve and strengthen social and national solidarity, particularly when the latter is strengthened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defense in accordance with the law; . . .
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.⁴

It is important to note that the African Commission ruled three times against attempts to invoke the principles of communalism in Article 27. Only once – in the case of the Ogoni people – did the commission issue a ruling that could be interpreted as legal support for group rights.

The African Charter and the Commission were the first small steps, and they had little impact on the behavior of African states concerning human rights, but they set the stage for the African Renaissance that began in the 1990s. The publicly proclaimed aim of the renaissance was to push all African states in the direction of good governance. In concrete terms, the most important results of the African Renaissance were:

- The New Partnership for Africa's Development (NEPAD) was created in 2001. In the "Declaration on Democracy, Political, Economic and Corporate Governance," the heads of state proclaimed: "We reaffirm our commitment to the promotion of democracy and its core values in our respective countries. In particular, we undertake to work with renewed determination to enforce the rule of law, the equality of all citizens before the law and the liberty of the individual."⁵
- The African Union replaced the OAU in 2002. The AU reinforced NEPAD's focus on human rights and democracy. In contrast to the OAU's reverence for the principle of nonintervention, the African Union took a revolutionary step in accepting that intervention was a necessary part of the

commitment to human rights. The AU is the first international organization that formally recognizes the right to intervene for humanitarian purposes.

- The African Peer Review Mechanism was created in 2003. The APRM is an “African self-monitoring mechanism.”⁶ As of January 2015, twenty-five African governments had agreed to allow a review of their performance of human rights and democracy (among other areas).
- The African Court on Human and Peoples’ Rights came into force in 2006. This court was designed to reinforce the work of the African Commission in monitoring implementation of the principles of the African Charter. No plaintiff or defendant has yet invoked the communal clauses in articles 27 or 29.
- The African Charter on Democracy, Elections and Governance was adopted in 2012. It makes no mention of communalism or traditional values, and represents the institutionalization of the AU’s democratic ideals.

Together these pan-African institutions, plus several others, are an expression of a radical change in the way that African leaders view democracy and human rights. There is still a troublesome gap between the principles of the African Renaissance, on the one hand, and the behavior of African leaders, on the other hand. Perhaps the most famous example of this is the refusal of the AU, and of most AU member governments, to condemn the repeated human rights violations conducted by Robert Mugabe’s government in Zimbabwe. But overall, it is hard to deny that there has been a renaissance. Defending dictators is no longer the standard operating procedure of pan-African institutions. Democracy and human rights are now widely accepted as the standards of state legitimacy.

DEMOCRATIC POLITICAL CULTURE

My third point examines this change at the level of public opinion. Unlike the mountain of public opinion data on European and US politics, it is hard to find survey data that measures Africans’ political attitudes. Nonetheless, Afrobarometer offers some interesting insights. Based on Afrobarometer surveys in sixteen African countries, between 2002 and 2012 there was a significant change in attitudes in the direction of increased demand for democracy—a shift away from respect for state authority and towards expectations of accountability.⁷ In the 2002, thirty-six percent of the Africans surveyed rejected military rule, one-man rule, one-party rule, and supported democracy. In 2012 this number rose to fifty-one percent. Unfortunately, we don’t have data that would allow us to compare attitudes in the 1960s with attitudes in 2015. But the change between 2002 and 2012 is clear enough to support the argument that the African Renaissance is occurring at the grassroots level, as well as at the levels of political rhetoric and pan-African institutions.

In another survey conducted by the World Values Survey Association in 2012, subjects read the statement “Having a strong leader who does not have to bother with parliament and elections” and then answered the question, “Would you say it is a very good, fairly good, fairly bad, or very bad way of governing this country?” Only three African countries were included in this survey, and I selected Russia, China and the US to provide some cross-national comparison. Russia is often used as an example of a non-democratic political culture, and this survey supports this stereotype: only 21.5% of the Russians in this poll expressed a negative view (i.e. combining the “fairly bad” and “very bad” responses) of a strong leader who doesn’t have to share power or who cannot be removed through an election. In China the number was 42.9%. The US was 63.4%. By comparison, the Africans show relatively solid democratic political cultures: Nigeria, 57.8%; Rwanda, 71%; Ghana, 85.6%.⁸

CONCLUSIONS

I have tried to convince you that the improvement in Africa’s human rights record over the past few decades can be explained partly by the shift away from communalism and toward liberalism. I am not arguing that Africans have diminished their concern for community. I am asserting that in terms of defining human rights, and especially in terms of defining the role of the state in protecting human rights, there has been a significant shift in the direction of liberal values of governance.

I recognize that this is a controversial argument to make, for cultural and methodological reasons. There are several important questions that demand further investigation, such as: Is it possible to translate communal values from the local level to the national level? What is the community that is the foundation of these values: the family, village, ethnic group, nation, or Africa? Is it possible to measure communalism with public opinion surveys? Communal values played an important role in fighting colonialism, but can communalism be translated into a legal framework? Does liberalism provide a better framework for promoting communal values (such as in Scandinavia)? Is economic development the key factor in causing a change in attitudes away from communal duties and toward individual rights?

I believe that this last question is the most fruitful topic for further research. I intend to examine the scholarship that suggests there is a link between increased economic modernization (measured by, for example, levels of urbanization and industrialization) and increased prevalence of individualistic attitudes.

An appropriate way to end this talk is to read a quote from Thomas Franck, a leading scholar on international law and decolonization. I share Franck’s view that individual human rights are not western principles. Human rights emerge as the result of many factors that we simplistically call modernization. It is misguided and dangerous to view human rights as static and culturally determined. In Africa, just as in

Europe, attitudes moved away from giving priority to the community and in the direction of creating political and legal safeguards of individual autonomy.

What brought about the transformation to personal autonomy in religion, speech, and employment as well as legal rights for the races and sexes? Although these recent developments occurred first in the West, they were caused not by some inherent cultural factor but by changes occurring, at different rates, everywhere: universal education, industrialization, urbanization, the rise of a middle class, advances in transportation and communications, and the spread of new information technology. These changes were driven by scientific developments capable of affecting equally any society. It is these trends, and not some historical or social determinant, that – almost as a byproduct – generated the move to global human rights.”⁹

NOTES

1. Max Roser, “Democratisation,” *OurWorldInData.org*, <http://ourworldindata.org/data/political-regimes/democratisation/> (accessed May 20, 2015).
2. Josiah A.M. Cobbah, “African Values and the Human Rights Debate: An African Perspective,” *Human Rights Quarterly*, 9 (1987): 321, 323.
3. Simeon O. Ilesanmi “Moral Revolution, Human Rights, and the Myth of African Cultural Uniqueness,” *Juniata Voices*, 2 (2002): 61, 62, 63.
4. “African Charter on Human and Peoples’ Rights,” African Commission on Human and Peoples’ Rights, <http://www.achpr.org/instruments/achpr/#a27> (accessed June 29, 2015).
5. The New Partnership for Africa’s Development, “Declaration on Democracy, Political, Economic and Corporate Governance” (18 June 2002): 3; aprm-au.org/admin/pdfFiles/aprm_dpec.pdf (accessed 26 July 2015).
6. “Organization Overview,” African Peer Review Mechanism; <http://aprm-au.org/pages?pageId=vision-mission> (accessed 26 July 2015).
7. Michael Bratton and Richard Houessou, “Demand for Democracy is Rising in Africa, But Most Political Leaders Fail to Deliver,” Policy Paper #11, 23 April 2014, p. 13, *Afrobarometer.org*, <http://www.afrobarometer.org/publications/demand-democracy-rising-africa-most-political-leaders-fail-deliver> (accessed May 20, 2015).
8. “Online Data Analysis” World Values Survey Association; <http://www.worldvaluessurvey.org/WVSONline.jsp> (accessed 23 July 2015).
9. Thomas M. Franck, “Are Human Rights Universal?” *Foreign Affairs*, 80 (2001): 200.