

2001

Assessing the Concept of Human Rights in Africa

Paul J. Magnarella

University of Florida, Gainesville

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>

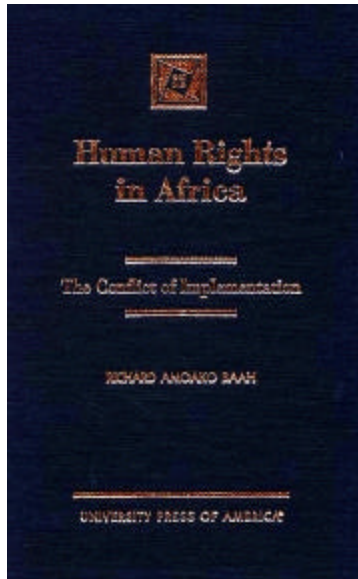
 Part of the [African History Commons](#), [African Studies Commons](#), [Cultural History Commons](#), [Political History Commons](#), and the [Social History Commons](#)

Recommended Citation

Magnarella, Paul J. (2001) "Assessing the Concept of Human Rights in Africa," *Human Rights & Human Welfare*: Vol. 1 : Iss. 2 , Article 6.

Available at: <https://digitalcommons.du.edu/hrhw/vol1/iss2/6>

This Review Essays is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.



Assessing the Concept of Human Rights in Africa

By Paul J. Magnarella

A review of Human Rights in Africa: The Conflict of Implementation by Richard Amoako Baah. Lanham, MD: University Press of America, 2000. 123pp.

The title of this book is somewhat more expansive than its contents. The author, a native Ghanaian who holds a Ph.D. from the University of Tennessee and teaches government at South Texas College, reports on an interesting study of human rights/human dignity conceptualizations among the Akan people of Ghana. The Akan constitute about 60% of Ghana's 14 million people and consist of five major groups: Fanti, Ashanti, Akim, Brong, and Akwapim. A sizable Akan population also lives in the Ivory Coast. The author maintains that because the Akan share fundamental values and social structure with many other African peoples, the conclusions of this study can be generalized to Sub-Saharan Africa.

Baah begins the book with a summary of the philosophic contributions of Thomas Hobbes, John Locke, Jean Jacques Rousseau, and David Hume to the conceptualization of human rights and dignity. He argues that human rights as presented in the United Nations Universal Declaration of Human Rights (UDHR) with its focus on the individual is basically a Western notion that nevertheless has relevance for Africa. He disagrees with those who claim that African societies historically have had human rights in the UDHR sense. Instead, Baah sides with R. J. Vincent who holds that in African thought collective rights take precedent over social and economic rights that, in turn, precede civil and political rights.

Baah argues that the universalistic claim made for the Western conceptualization of human rights in the UDHR and other UN conventions presents a problem of implementation in non-Western societies, such as those in Africa. This problem can only be overcome by education, improved living conditions and more democratic governments. The author believes that many African practices that are contrary to the UDHR result from ignorance, poverty, and unenlightened rulers. He is especially harsh on African rulers, many of whom have been authoritarian and greedy. He faults the Organization of African Unity for not promoting human rights in a vigorous fashion. The OAU has consistently failed to criticize major African human rights violators, such as Idi Amin of Uganda.

Against this historic and philosophical background, Baah presents his questionnaires and the Akan responses to them. Sample sizes are generally small, usually under a hundred. The author explains that “questionnaires [were] constructed from the key tenets of the various human rights instruments, [and] a field survey in five major Akan centers was carried out to determine the level of understanding and acceptance of these tenets. Another group of respondents, 65 years or older was interviewed in an attempt to establish what the Akan socio-political orientation was before the United Nations Declaration of Human Rights in 1948” (Preface). Unfortunately, the author fails to explain when or exactly how the data were gathered. The reader does not learn, for example, whether the author himself administered the questionnaires and conducted the interviews or whether he enlisted the help of others.

In general, the Akan respondents agreed strongly with such statements as “Human rights are rights accorded an individual simply for being human” (p. 70). However, they disagreed strongly with statement that clearly elevated individual rights over group authority. One such statement went as follows: “In matters involving private individual relations such as marriage and private property disposal, the individual shall have the right to make decisions even at the objections of groups like elders, clan village, etc.” (p. 70). On the bases of his view of African political history and the questionnaire results, Baah asserts that “Africans in general, and Akans in particular do not understand human rights” as it is conceptualized in the West with its elevation of the individual over the kin group or community (p. 66).

Baah devotes Chapter Seven to “Human Dignity,” the quality that some claim is the justification for universal human rights. However, philosophers and human rights scholars do not agree on the nature of human dignity. For example, philosopher Herbert Spielgeberg defines human dignity as the intrinsic worth of a person for his/her own sake. While Rhoda Howard claims it as an extrinsic and relative quality, either granted at birth or earned in adulthood, depending on the society in question. John Locke claimed that the universal possession of human dignity justified the universal entitlement to human rights, while Jack Donnelly writes that human rights refers to a particular social practice whose purpose is to realize human dignity.

The search for a universal justification for universal human rights has led many into tautological idealism, and in some cases a “chicken-and-egg” kind of confusion over which came first: universal human dignity or universal human rights? Are the legal positivists correct? Could it be that it took thousands of years before a few good sovereigns decided to grant human rights to their subjects? In part, I believe they are correct. But they do not tell the full story. It is a story best told by anthropologists.

The ultimate source of universal human rights lay in the universal psycho-biological nature of humans, not in the abstract and idealized concept of inherent human dignity—a concept, which by the way, I personally cherish. Humans universally have magnificent brains that give them the ability to think, create, invent, imagine, manipulate abstract symbols, anticipate the future, and learn from the past. They have a complex vocal apparatus that enables the brain to express itself orally in the complex, highly developed communication systems we call language. Our bodies are, in part, self-regulating survival machines. Our nervous system tells us when we need nourishment, water, heat or cooling, rest or exercise. Our bodies naturally recoil from pain. We are naturally social beings who

love others, bond with others, and develop mentally and emotionally through interaction with others.

Because of these natural endowments, humans naturally want and value the freedom to think, to express their thoughts, to bond with others, to be free from torture, to have an adequate diet, shelter and clothing. We value and want to be free to learn and develop our mental abilities. These universal human wants and values have existed throughout human history. It is only recently that they have become, for some people, “human rights.”

The process whereby human wants and values were transformed into legalized human rights was a slow one that involved demands made by subjugated peoples against their contemporary and future rulers. The process involved social and political revolutions. The three documents always mentioned as historic stepping stones to contemporary human rights conventions are: the Magna Carta (1215), the American Declaration of Independence (1776), and the French Declaration of the Rights of Man and of the Citizen (1789). All three were associated with political revolutions. In all three cases, a propertied class of men demanded rights for themselves and imposed corresponding duties on their sovereigns. Because of their shared psycho-biological nature, people universally do not want to be treated unjustly. Consequently, whenever they are in a position to do so, people endeavor to secure rights protections for themselves from their rulers.

Because human rights, as commonly expressed today, are individual claims against the state, they are often described as recent creations of Western civilization. This description is correct. I do not mean that human rights are absent in non-Western cultures. However, the predominant characterization of human rights today stems from the human experience with Western political systems. This is a conclusion that Baah also reaches. He reasons that because this historic connection is basically lacking in Sub-Saharan Africa, people there do not perceive of human rights in the way Western Europeans do.

Consequently, Baah concludes that the claimed universality of human rights is problematic. He warns that unless this problem is understood and addressed, “human rights will remain a fictitious abstraction based on Western liberal ideas and aspirations, relying on [a] capitalist ideological framework; imposed on mankind with no regard for cultural and religious differences or economic and political maturity; and expected to work in a real world of competition, avarice, and greed” (p. 94).

In general, this is a serious study with philosophical, conceptual, and empirical elements. Scholars interested in Africa and the universalism-relativism debate will find it useful. The reader should be alerted, however, that the pagination of the table of contents and body of the book do not match.

Paul J. Magnarella is Professor of Anthropology and Affiliate Professor of Law and African Studies at the University of Florida, Gainesville.

© 2001, Center On Rights Development.