

“PERSONHOOD AND RIGHTS IN AN AFRICAN TRADITION”: A CRITIQUE OF MOTSAMAI MOLEFE

Ademola Kazeem FAYEMI (PhD)

Abstract

African philosophical discourse on the relationship between personhood and human rights is roughly a recent preoccupation. In his seminal essay, “Personhood and Rights in an African Tradition”, Motsamai Molefe revisited the debate between Ifeanyi Menkiti and Kwame Gyekye on the nature of Afro-communitarianism and its theoretical implication on personhood and rights. While advancing Menkiti’s normative conception of personhood that gives primacy to duties over rights, Molefe argues that Gyekye’s Afro-communitarian construction of personhood that grounds rights as primary over duties is fundamentally problematic. In this paper, I seek to critically defend Gyekye against the three-pronged criticisms levelled against his perspective by Molefe. In interrogating Molefe’s arguments, I argue that none of the arguments is strong enough to vitiate the strength of Gyekye’s robust analysis of personhood and rights in African political philosophy. Drawing insights from the works of Gyekye, I contend that his views provide an intersectional (non-conflicting) relation between Afro-communal moral duties of personhood and human rights. In conclusion, I identify some other critical problems in Gyekye’s analysis of personhood and human rights that can further stimulate conversation in future African philosophical studies.

Keywords: Personhood, Afro-Communitarianism, Rights, Motsamai Molefe, Kwame Gyekye

Introduction

The debate between Ifeanyi Menkiti¹ and Kwame Gyekye² on the nature of personhood in African cultures has continued to generate controversies in African philosophical circles. Beyond a metaphysical discourse on what it means to be a person and the ontological status of ancestral-hood, the debate on personhood is now extending to epistemological concerns on knowledge of cultural systems, bioethical issues on moral status and agency, socio-political issues around politics of exclusion, and the institutional enablers of personhood including rights.³ Following Menkiti, who prioritizes duties to the collective over rights in African cultures, and Gyekye, who maintains the primacy of rights over duties, exploring the relationship between personhood and human rights is gaining more scholarly attention in African philosophy.⁴ Gideon Asante observes, for instance, that “it is not

¹ I.A. Menkiti, “Person and Community in African Thought”. In R. A. Wright, (ed.), *African Philosophy: An introduction*. (Lanham: University Press of America, 1984).

² K. Gyekye, “Person and Community in African Thought.” In K. Gyekye & K. Wiredu (eds.) *Person and Community: Ghanaian Philosophical Studies*. Vol. 1. (Washington, DC: Council for Research in Values and Philosophy, 1992).

³ P. A. Ikuenobe, & E. Etieyibo, *Menkiti on Community and Becoming a Person*. (Lanham: Lexington Books, 2020); M. Molefe, *An African ethics of personhood and bioethics: A reflection on abortion and euthanasia*. (Cham: Springer Nature, 2020); J. O. Chimakonam, & L. U. Ogbonnaya, The Ontology of Personhood. In *African Metaphysics, Epistemology and a New Logic: A Decolonial Approach to Philosophy*. (Cham: Springer International Publishing, 2021); O. A. Oyowe, *Menkiti's Moral Man*. (Lanham: Lexington Books, 2022); M. Molefe, Personhood and Moral Recognition in African Moral Thought. *Eastern African Literary and Cultural Studies* 8(3) (2022); O. Nwosimiri, K. Flikschuh, D. Masaka, & S. Ndlovu, Book Roundtable. *Theoria*, 70(175), (2023).

⁴ M. Chemhuru, African Communitarianism and Human Rights: Towards a Compatibilist View. *Theoria* 65(157) (2018); S. Ndwandwe, The Common Good and a Teleological Conception of Rights: An Article on the African Philosophy of Rights. *Theoria*, 65(157) (2018); J. O. Chimakonam, & V. C. A. Nweke, Afro-Communitarianism and the Question of Rights. *Theoria* 65(157) (2018); S. H. Kumalo, An Afro-Communitarian Compatibilist View on Rights? *Theoria* 66(159) (2019).

clear in Menkiti's analysis that the primacy of the community is related to individual rights and freedoms,"⁵ just as Gyekye also assumes that individual freedom is related to rights without demonstrating how and why. In engaging this unsettled nexus between personhood and rights, Motsamai Molefe's seminal essay⁶ is instructive.

In his "Personhood and Rights in an African Tradition", Molefe revisits the debate between Menkiti and Gyekye on the nature of Afro-communitarianism and its theoretical import on personhood and rights. While advancing Menkiti's normative conception of personhood that gives primacy to duties over rights, Molefe argues that Gyekye's Afro-communitarian construction of personhood that grounds rights as primary over duties is fundamentally problematic and less convincing. In this paper, I take the debate further by critically interrogating Molefe's thesis on personhood and rights in African politico-philosophical discourse. To the extent that Molefe's contributions significantly expand the moral-theoretical-scape, I unpack the flaws in his core positions against Gyekye.

I seek to defend Gyekye against the three-pronged criticism levelled against his perspective by Molefe – (i) strawman fallacy in the metaphysical notion of personhood advanced by Menkiti; (ii) unjustifiable introduction of foreign philosophical anthropology to African axiology; (iii) and non-articulation of African ontology of rights. In interrogating Molefe's arguments, I argue that none of the arguments is strong enough to invalidate Gyekye's robust African philosophical analysis of personhood and rights. Drawing insights from the works of Gyekye, I contend that his views

⁵ G. Asante, "How Communitarianism clashes with Individual's Right and Freedoms. African Communitarianism" (2019). Retrieved from <https://www.grin.com/document/503420>. 5 March 2024.

⁶ M. Molefe, Personhood and rights in an African tradition. *Politikon* 45(2) (2018).

cogently provide an intersectional (non-conflicting) relation between Afro-communal moral duties of personhood and rights.

This paper is organised in four sections. The first, proceeds by providing an explanation of Gyekye's concept of personhood and human rights. This is followed by a conspectus of Molefe's understanding of personhood and its relation to Afro-communitarian conception of human rights. As a follow-up to a survey of his conceptions of personhood that heavily draws on Menkiti's view, the third section provides the core arguments advanced by Molefe against Gyekye's Afro-communitarian position on personhood. In the fourth section, I refute the three criticisms as misrepresentations of Gyekye's positions on a restricted communitarian conception of personhood and rights. Contra Molefe, I show that Gyekye's restricted Afro-communitarian grounding of the primacy of rights does not attenuate the sense of duties and the gradient valuation of person latent in the relational understanding of moral agency in Menkiti's radical Afro-communitarian thought.

Gyekye's Account of Personhood and Afro-Communitarian Conception of Human Rights

Gyekye's discussions on personhood and human rights can be gleaned from his articles on "Person and Community in African Thought"⁷ and "Human Rights".⁸ The first article was a critique of a radical version of communitarianism establishing what Gyekye called a moderate understanding of communitarianism, which recognises individual rights. One of the moral questions that he asked in his article, "Person and Community in African Thought," is: What is "the status of the rights of the individual [in African thought]? Are such rights so fundamental that they may not be overridden in any circumstances?"⁹

⁷ K. Gyekye, "Person and Community in African Thought", 101-122.

⁸ K. Gyekye, *African Cultural Values*. (Accra: Sankofa, 2003).

⁹ K. Gyekye, "Person and Community in African Thought", 101

According to Gyekye, personhood in Akan philosophy is understood in moral terms.¹⁰ He states that, someone is regarded as a ‘person’ if he has a disposition which is seen by the community as largely ethical. This means that a person is deemed to be a source of goodness to the community by way of the person’s interactions or relationship with other members of the community, and his general choice of actions in life. Morality is not something that an individual alone can bring about without other humans. In other words, social relations are critical to the question of morality, and personhood is achieved on the basis of how one relates to members of one’s community.

Gyekye argues that his moderate view is better than Menkiti’s extreme view because “the most satisfactory way to recognize the claims of both communality and individuality is to ascribe to them the status of an equal moral standing”.¹¹ Gyekye argues that his view does this better than Menkiti’s view. Thus, he argues that “the metaphysical construal of personhood in African thought such as Menkiti’s and Mbiti’s is overstated and somewhat misleading”.¹² He says that Menkiti’s notions of ‘full personhood’ and ‘more of a person’ are as bizarre as they are incoherent. How does one know exactly when a person becomes a ‘full’ person, whatever this word means as applied to a person? And, when, and how, does a person become ‘more of a person’?¹³ Gyekye indicates that Menkiti’s “analytic account of personhood in African thought is befogged with confusions, unclarities, and incoherencies”.¹⁴ He recognises that there are standards, which individuals aim at. Such standards have an important role in how

¹⁰ K. Gyekye, “Person and Community in African Thought”, 109-110

¹¹ K. Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*. (New York: Oxford University Press, 1997), 41.

¹² K. Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*, 37

¹³ K. Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*, 49.

¹⁴ K. Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*, 49.

people think of themselves and their places in society. However, Gyekye denies that facts about a person's ambitions or goals add or subtract from his status as a person

The individual may fail in his strivings and, in the Akan community, for example, may consequently be judged as a "useless person" (*onipa hun*), an opprobrium term. But it must be noted that what the individual would be striving for in all these exertions is some social status not personhood. The striving is in fact part of the individual's self-expression, an exercise of a capacity he has as a person. A person may fail to attain the expected status, his personhood would not for that reason diminish. Such a person may lose social respect in the eyes of the community, not personhood.

In accentuating the notion of personhood in the context of the community, Gyekye defines, communitarianism as "the idea that a human person is an inherently and intrinsically communal being, embedded in a context of social relationships and interdependence, and not an isolated individual".¹⁵ In an Afro-communitarian setting, an individual belongs to various communities (such as family, clan, tribe, nation) and as such, shares many communal relationships. Unlike the cartesian dictum, an individual exists only because of society or community in an African setting. An individual is born and actualises his existence in the society. Gyekye implies that an individual's goal(s), interest(s), etc., must be in line with that of the community when he states that "It is the notion of common interests, goals and values that differentiates a community from a mere association of individual persons. Members of a community share goals and values".¹⁶ However, he advocates that the society should not in any way subdue the rights of individuals, an attitude that characterises Menkiti's radical communitarianism.

Gyekye challenges Menkiti's radical communitarian position which is a form of communitarianism that does not

¹⁵ K. Gyekye, "Person and Community in African Thought," 104.

¹⁶ K. Gyekye, "Person and Community in African Thought," 104.

acknowledge human rights. In the words of Gyekye, “Radical communitarianism is a view that gives an exaggerated conception of the community, wherein the community is construed as always prior to the individual and this conception of the community fails to recognize the individuality of the individual and the rights that naturally belong to a human person insofar as a person is essentially autonomous”.¹⁷ An individual, despite his affiliation to the community, should also have an identity that characterises him as a distinct entity with right.

Menkiti is a foremost defender of radical communitarianism. There are two articles by Menkiti that discuss the notion of personhood.¹⁸ According to him, in the African understanding, the community plays a crucial role in the individual's acquisition of full personhood.” Gyekye conceives Menkiti's position to be that personhood is an ontological progression, a journey from an “it to an it” which denies children the attribute of personhood. The community, through its various stages of socialisation, plays an important role in the development of the individual. Thus, personhood is a communally endorsed concept, rather than a thing of choice. It can be taken away by the community, which believes that an individual can only prove himself worthy of the title of a “person” when he carries out certain duties that advances the overall good, interests and goals of the society.

Gyekye disagrees with Menkiti's conception of personhood emanating from the society. The lack of clarity on the part of Menkiti with regards to whether he was arguing from a normative or descriptive (metaphysical) sense is largely responsible for the confusion that led Gyekye to accuse him of being a radical communitarian. Rather, Gyekye opts for a moderate communitarianism that acknowledges the importance of the

¹⁷ K. Gyekye, “Person and Community in African Thought,” 108.

¹⁸ I.A. Menkiti, “Person and Community in African Thought”; I.A. Menkiti, “On the Normative Conception of a Person”. In Wiredu, Kwasi (ed.) *A Companion to African Philosophy*. (Oxford: Blackwell, 2004), 324-331.

community as well as the value of the individual. For Gyekye, personhood is not fully embedded in a cultural community. For him, those individual rights and interests are meaningful and achievable only within the context of human society, and must, therefore, be matched with social responsibilities. "The supposition that human rights are incompatible with communitarianism is false both in theory and practice; Communitarianism is not necessarily antithetical to the concept of human rights. Rights belong primarily and irreducibly to individuals; a right is the right of some individual".¹⁹ Individual autonomy and rights are not antithetical to the notion of community because "communitarianism, cannot disallow arguments about rights which may in fact form part of the activity of a self-determining, autonomous individual possessed of the capacity for evaluating or reevaluating the entire practice of his community".²⁰

In his defence of human rights, Gyekye proposes some arguments that advance why human rights should not be subsumed entirely under the interest of the community. His first argument advances that human rights are innate and universal to every being by nature, and they derive ultimately from God. "To the extent that what are called human rights are conceptually related to innate (natural) or moral rights, they can be derived from conceptions of human dignity. The conception of human dignity compels the recognition of rights – some rights – not only in an individualistic but also in a communal context".²¹ Thus, it is an inalienable feature of all human beings and should not be undermined by the community. His second argument is premised on his idea of moderate communitarianism. The thesis he proposes here is that individuality and communality are not mutually exclusive, they coexist in traditional African society. Human rights would thrive in a context that strikes a balance between the individual and the community, ensuring that priority is placed on both rather than on

¹⁹ K. Gyekye, "Person and Community in African Thought", 111.

²⁰ K. Gyekye, "Person and Community in African Thought", 114.

²¹ K. Gyekye, *African Cultural Values*, 151.

either. “While the individual cannot develop outside the framework of the community, the welfare of the community as a whole cannot dispense with the talents and initiative of its individual members either”.²² The third argument of Gyekye in support of the existence of human rights in traditional African society is a kind of rights assertion. Rights are asserted only in civil and political matters in traditional African societies and rarely in matters of social and economic rights.

In the traditional African society, there is a little need to assert rights, particularly social and economic rights, because the social and moral structures or values fashioned by the traditional society in many ways almost adequately provide for the fulfilment of these rights. There is most probably, no need, for instance for one to assert one’s right to food against the society or the community, since access to food is an integral part of the social arrangement. Due to the inadequate character of the democratic institutions and unacceptable political behaviour of some rulers (chiefs), assertions of political rights have resulted in the removal of unjust, corrupt authoritarian rulers in traditional Africa.²³

Molefe criticises Gyekye’s notion of right within an Afro-communitarian society saying that “it does not demonstrate how and why the idea of community taking priority over an individual is related to the whole enterprise of rights. Gyekye simply assumes it does”.²⁴ Contrary to Gyekye’s position, the notion of rights in Afro-communitarianism abhors the idea of inalienability in the sense that an individual human being can be justifiably denied his supposed claim to rights by the community.²⁵

Drawing insights from the criticisms above, we can say that Gyekye’s notion of rights in an Afro-communitarian society is a strong foundation for continuous debate in the field of African

²² K. Gyekye, *African Cultural Values*, 50.

²³ K. Gyekye, *African Cultural Values*, 152.

²⁴ M. Molefe, *Personhood and rights in an African tradition*, 7.

²⁵ J. O. Chimakonam, & V. C. A. Nweke, *Afro-Communitarianism and the Question of Rights*, 97

philosophy. This was what propelled Molefe’s criticisms which has yet become another ground for epistemic debates.

Molefe’s conception of personhood

Menkiti’s conception of personhood, as articulated and endorsed by Molefe, entails three distinct notions: (i) as a claim about personal identity; (ii) as a claim about moral status; (iii) as “a purely other regarding moralities of duties”²⁶ expected to be performed by moral agents before they can be regarded as morally virtuous. The first sense of personhood, which Molefe characterises as a metaphysical view, is a description of “how human beings form their identities in a communitarian context through relationships. Here, understanding a being’s identity is not based on any internal properties of an atomic individual but based on internal socio-cultural determinants of being-with others in the community. A person’s self-identity is defined by a reference to the collective features of the “environing community”. Such features are marked by the patterns of socialisation and humanisation process, and they inadvertently become part of the individual’s identity formation. Molefe, just like Menkiti, quoted the popular communitarian statement by John Mbiti – “I am because we are; and since we are, therefore I am”.²⁷

Molefe’s second Afro-communitarian notion of personhood, which he flecthes out from Menkiti’s works is personhood in an important ethical sense; it is expressed in terms of the internal capacity or potentiality that moral patients have, which makes them entitled to moral recognition and justice. Such internal capacity is a “function of some feature intrinsic to a human being”,²⁸ which makes all beings with such capacity deserving of equal moral regards. Personhood, understood as moral status, “is concerned about the respect every human being should get merely

²⁶ M. Molefe, *Personhood and rights in an African tradition*, 1.

²⁷ J. Mbiti, *African Religion and Philosophy*. (London: Heinemann, 1969), 171.

²⁸ M. Molefe, *Personhood and rights in an African tradition*, 4.

because they are human”²⁹ with some fundamental properties/capacities. Though the nature of such capacity or internal property that is considered most morally relevant in having moral personhood is not mentioned by Molefe, he advances the position that rationality, sentience, and love are relevant capacities that are owed duties of equal moral justice.

Molefe’s third notion of personhood is also in the normative sense, and it is in consonance with Menkiti’s analysis of personhood in an African thought. Unlike in the second sense where personhood is moral patient-centred, personhood in the third sense is moral agent-centred, understood to mean moral evaluation of a human being as a person based on their moral achievement, ethical maturity, or “moral arrival”. Personhood in this sense is not automatic; it is a value that is earned and attained through virtuous living. According to Molefe, agent-centred personhood “refers to the respect an agent earns relative to individual performance”.³⁰ The moral respect due to an individual varies as a matter of individual’s performative profile of moral achievements. In the agent-centred conception, personhood is an ideal to be achieved and “this ideal is not achieved by every human being”³¹ as it is gradient, i.e., expressing personhood in varying degrees where “some may not be person at all, and others may have some of it and others more of it”.³²

Having discussed the three dimensions of personhood in Molefe’s writing, as inspired by Menkiti, the next section shall discuss Molefe’s defence of the normative conception of personhood, which promotes some moralities of duties, as more fundamental than Gyekye’s conception of personhood that prioritises human rights over duties.

²⁹ M. Molefe, *Personhood and rights in an African tradition*, 5.

³⁰ M. Molefe, *Personhood and rights in an African tradition*, 4.

³¹ M. Molefe, *Personhood and rights in an African tradition*, 4.

³² M. Molefe, *Personhood and rights in an African tradition*, 6.

Molefe’s Criticisms of Gyekye’s Positions on Personhood and Rights: A Conspectus

It is given that Gyekye’s writings on personhood are essentially reactionary to Menkiti’s work on the subject matter. Thus, Molefe launches three criticisms against Gyekye’s Afro-communitarian position on personhood: (i) straw man fallacy against Menkiti’s metaphysical notion of personhood; (ii) unjustifiable introduction of foreign philosophical anthropology to African axiology; (iii) and non-articulation of African ontology of rights.

Molefe points out the strawman argument in Gyekye’s criticism of Menkiti’s notion of personhood. In showing that Gyekye did not refute the major substance of Menkiti’s position on personhood but rather misdirected his critique to a different idea of personhood, Molefe writes:

Gyekye is under the impression that the idea central to Menkiti’s analysis is a metaphysical one. It is crucial to note that Gyekye overlooks the normative notion that is crucial to Menkiti’s analysis and focuses on an idea that is not a central focus of his article. More so, he even subjects this idea to a criticism that the idea does not even explicitly anticipate – rights.³³

For Molefe, there is a difference between the metaphysical and normative conceptions of personhood in African thought. While the metaphysical sense of personhood draws from the idea that the individual can only be made whole in the community, and this shapes the socio-political thinking of the community, the normative sense of personhood is about the moral valuation of a being and his conduct in the world as a moral agent, leading a morally upright life. Unlike the metaphysical idea of personhood that may yield either radical or moderate socio-political outcomes, the normative conception leads to a morality of duties to others understood as “a dialogical morality where our chief moral goal is

³³ M. Molefe, *Personhood and rights in an African tradition*, 6-7.

self-realisation but this goal can only be achieved by us fulfilling our other-regarding duties”.³⁴

In Molefe’s view, Gyekye criticism amounts to a strawman fallacy because rather than focus on Menkiti’s normative view of personhood in terms of social duties, greater attention was placed on the metaphysical tension between the community and the individual. Gyekye thinks that to say that the community defines the individual as a person, which can be found in Menkiti, is to maintain a radical communitarian position. Such a position advances an exaggerated conception of the community, and must be abandoned for a restricted communitarian position that Gyekye favours. The fundamental difference between these potential political consequences of a metaphysical notion of personhood is that in radical communitarianism “the community is construed as always prior to the individual and this conception of the community fails to recognize the individuality of the individual and the rights that naturally belong to a human person”.³⁵ However, in restricted communitarianism, there is a recognition of “the dual features of the self: as a communal being and as an autonomous being”.³⁶ Such balanced recognition in restricted communitarianism allows that “the status of equal moral standing” is accorded to both the place of commonality and individuality in the conception of personhood.

The second criticism that Molefe levels against Gyekye’s notion of personhood is premised on the introduction of a foreign framework to the African discourse on personhood. Molefe’s naturalist understanding of personhood made him argue that Gyekye’s attempt to ground rights through personhood is done by using a naturalist approach, which is necessarily western. In Molefe’s view, Menkiti’s writing on personhood does not explicitly provide an intersection with rights nor does it assume rights. Menkiti only provided an African account that “accentuates

³⁴ M. Molefe, *Personhood and rights in an African tradition*, 10.

³⁵ K. Gyekye, *Person and Community in African Thought*, 113.

³⁶ K. Gyekye, *Person and Community in African Thought*, 113.

the community as a crucial frame of reference in the humanisation and formation of personal identity”³⁷ without suggesting or relating such Afro-communal understanding of personhood to rights. However, on Gyekye’s account, the individuality of a human person entails a sense of ‘natural sociality’ and autonomy. And as autonomous beings, humans have dignity and rights that naturally belong to them.³⁸ So, Gyekye calls it radical communitarianism, a conception of community that allows stronger commitments to collective norms and less recognition of both the communal nature and autonomous characteristics of a being. In defending a restricted version of communitarianism, Gyekye claims that both the community and individual must be recognised as having “equal moral standing”.³⁹

However, Molefe finds this claim problematic. For one, he argues Gyekye’s restricted communitarianism “introduces the idea of self, which is a new concept in African philosophical construction of personhood, and that this concept is “completely absent in African thought”.⁴⁰ Such a notion of self, according to Molefe, originates from the naturalist tradition of rights especially that of Kant in Western discourse. For the other, Molefe’s criticism of Gyekye is not just on the fact of introducing foreign conceptual category to African philosophical discourse on rights but essentially because such “cultural borrowing is not explained or justified”.⁴¹

The third prong of Molefe’s critical engagement of Gyekye’s perspective on personhood and rights is about the assumption that “rights are crucial in an African tradition” without making a case “for the ontology and relevance of rights” within that tradition.⁴² Here, the claim of Molefe is that to successfully

³⁷ M. Molefe, *Personhood and rights in an African tradition*, 7.

³⁸ K. Gyekye, *Person and Community in African Thought*, 108.

³⁹ K. Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*, 41.

⁴⁰ M. Molefe, *Personhood and rights in an African tradition*, 7.

⁴¹ M. Molefe, *Personhood and rights in an African tradition*, 8.

⁴² M. Molefe, *Personhood and rights in an African tradition*, 8.

draw the political implications of personhood on rights as primary, some sort of African ontological considerations that would support such commitment are apt. Without such articulation, Molefe is homely with Menkiti's position that the idea of personhood is essentially normative providing some primary grounds for moralities of duties, and not of rights.

In the next section, I shall be interrogating Molefe's arguments. I shall identify the flaws in his critique of Gyekye's position by arguing that none of the foregoing criticisms is strong enough to invalidate the strength of Gyekye's strong African philosophical analysis of personhood and rights.

Evaluating Molefe on Personhood and Rights

I begin my critical evaluation of Molefe's view by showing the incomplete representation of Menkiti's view on personhood. In Molefe's attempt to provide a philosophical content to Menkiti's perspective, he came up with a tripod analysis of personhood as personal identity, moral status, and virtuous moral agent. In providing a nuanced understanding of Menkiti's notion of personhood, Molefe convoluted the categories of person, personhood, and personality. To be sure, these categories may have some conceptual overlaps, such should not be taken as sameness in meaning.

To start with, there is a distinction between human beings in a generic sense, and the human person in a specific sense. Whereas "human" is a biological classification of a being, a scientific term used to describe a being, in philosophy, the term "person" is used to describe a human being. Though when used interchangeably, it is reasonable to raise fundamental questions such as: What is a human? What is the nature of a human? These fundamental questions are indeed, of biological and philosophical relevance. Where the first question - "what is human?"- is an empirical question which may yield an answer based upon an objective description of human observable behaviour, the second question "what is the nature of human or person?"- is a

metaphysical question inquiring into the constitutive elements of a human being.⁴³ “The ontological sense of a person relates to the make-up of the human being, as in what sorts of things constitute a human being”.⁴⁴ While Gyekye provides some reflections on what constitutes a person in this metaphysical sense using the Akan example, Menkiti does not.

Besides the question “what is a person?”, another important question might be – “who is a person?” An attempt to provide an answer to this question is a departure from the metaphysical or empirical realms to the sociological-normative realm which engages an inquiry into the peoples’ perception of their cultural and personal identities.⁴⁵ Both Menkiti and Gyekye explored an answer to the question of who a person is. Menkiti’s first conception of personhood as a claim about personal identity is simply in this regard; however, Molefe falsely characterises it as a metaphysical category. The conceptual conflation here is between personal identity as a metaphysical account of the continuous existence and sameness of a being in different times and locations, and personal identity as sociological-normative inquisition on the moral environments marked by socialisation patterns and their influences on the formation of an individual’s identity. Though Molefe conflated the sociological for the metaphysical, he insists that Gyekye’s criticism against Menkiti cannot stand because of the strawman fallacy deriving from the impression by Gyekye that the core idea of personhood in Menkiti’s analysis is metaphysical. Metaphysical personhood in Gyekye’s sense is understood by Molefe as the formation of identities in African societies through

⁴³ N. K. Dzobo, Values in a Changing Society: Man, Ancestors and God, in K. Gyekye & K. Wiredu (eds.) *Person and Community: Ghanaian Philosophical Studies*. Vol. 1. (Washington, DC: Council for Research in Values and Philosophy, 1992), 123.

⁴⁴ H. M. Majeed, The Nexus between ‘Person’, Personhood, and Community in Kwame Gyekye’s Philosophy. *UJAH* 18(3) (2017), 26-27.

⁴⁵ A.K. Fayemi, Human Personality and the Yoruba Worldview: An Ethico-Sociological Interpretation. *The Journal of Pan African Studies* 2(9) (2009), 167.

relationships. To the extent that such categorisation by Gyekye is misleading, Molefe also did not provide details about the nature of such relationship requisite of metaphysical personhood just as he is also culpable of the straw man argument.

Personhood is an extensively discussed theme in contemporary African philosophy, which has taken metaphysical, epistemological and normative dimensions. It is the qualitative status, attributes, and capabilities of being a person; it is the recognition of a being as a person.⁴⁶ According to Molefe, two potential kinds of personhood can be found in Menkiti's works – “patient focused” and “agent focused”, and both constitute the second and third conceptions of personhood, respectively. Personhood is fundamentally about the second sense where consideration is given to some internal properties in the valuation of a being's moral status or standing. While scholars of different regions differ on what such internal properties might cogently be, the key point is that all beings with the capability of being a person are deserving of equal moral regards. In both Menkiti and Gyekye ideas, less is known about the most morally relevant internal property in Afro-communitarian context that would define the duties of equal moral justice owed to all beings with such capacities or properties. However, I think an African understanding of personhood as a relational moral patient construct might be instructive in better accounting for the intersectionality of personhood and rights. While this is not my immediate task, I shall now comment on the third conception of personhood by Menkiti that Molefe is in tandem with.

The third sense of personhood is the moral evaluation of a human being as a person based on his/her moral achievement within the community. Molefe calls this the agent-centred conception and heavily draws on Menkiti's agent-centred notion of

⁴⁶ A.K. Fayemi, Personhood in a Transhumanist Context: An African Perspective. *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions* 7(1) (2018), 53.

personhood to defend the primacy of duties over the secondary status of rights in African *weltanschauung*. Gyekye also shares this agent-focused conception of personhood by explicating the normative features of personhood and community in terms of the duties an individual has to others' welfare and the sense of shared life in the community. While the fundamental difference between Menkiti and Gyekye is in the decree of the nature of the relationship the individual has to the community, it is important to point out that the term "personality" is more apt in depicting the role of the community in the normative conception of moral agency. To avoid the conceptual conflation in Molefe's categorisation, I take personhood in the third sense, strictly as an attempt to gauge the personality of a moral agent. "Personhood is essentially connected with moral agency because a person is capable of doing right and wrong, fulfilling moral duties or failing to fulfil them."⁴⁷ Thus, when others (and community) now provide valuation based on communal expectations, shared tasks, and relationships, what emerges in the process is a personality construct, which is a combination of characteristics or qualities that form an individual's distinctive character. The major difference between personhood and personality is that while the former refers to those ontological features in virtue of which someone is a *someone* rather than merely something, e.g. rationality or the capacity for moral agency, the latter refers to the psychological characteristics of an individual. In this sense, the role that the community plays in the gradient valuation of a person depends on one's view about the relationship between an individual, his personality, and the community. Personality is a human "status attained, in progressively higher degrees, through the course of a human life."⁴⁸ It is relational in the sense that it is not self-determined, except at the risk of arrogance; personality is

⁴⁷ D. A. Hoekema, African personhood: Morality and Identity in the "Bush of Ghosts". *Soundings: An Interdisciplinary Journal* 91(3/4) (2008), 258.

⁴⁸ D. A. Hoekema, African personhood: Morality and Identity in the "Bush of Ghosts", 262.

attributed to individuals as a social recognition of their achievements in terms of caring for and being with others in the community and such social-normative status can endure beyond a lifetime.

Without prejudice to the above clarification, whereas Molefe stratified Menkiti's conception of personhood into three - personal identity, moral status, and virtuous moral agent, which is an underrepresentation of the full dimensions of Menkiti's view, what I have presented thus far can be summed as a quadruple analysis of personhood in Menkiti. (i) a person as a sociological category, (ii) a person as an ontological category, (iii) personhood as a moral patient category, (iv) personality as a socio-normative category. The added dimension, personality, is not ontologically prior to personhood, rather, it is a complementary category in a holistic understanding of being and becoming in Menkiti.

Gyekye's moderate communitarian discourse on the intersectionality of personhood and rights is not necessarily a naturalistic account as Molefe contends. Though Molefe thinks that Gyekye exogenously draws from Kant's naturalistic idea of human rights without justification in his conception of personhood and how it bears on human rights, it can be argued that such claim is a misrepresentation of Gyekye's scholarship on rights. To drive home this point, let us consider what it means to offer a naturalistic account of rights, and pause to examine whether Gyekye's attempt squares within that threshold.

Naturalistic conceptions of human rights are often considered alongside modern natural law traditions, with a touch of the enlightenment epoch. Given its long history, there is no homogenous view called the naturalistic account of rights as there are considerable variations between different naturalistic accounts. For instance, the exact sense in which John Locke qualifies as a naturalist on human rights is not the same as Immanuel Kant's. In the naturalist thinking of Locke, human beings are the fundamental sources of rights and they exclusively have it because of the autonomous conception of humans, equality of humans in the state

of nature, the law of nature governed by reason, and the fact that human beings are creatures of one God.⁴⁹ However, leveraging on his categorical principle of humanity as an end in itself, Kant argues for a naturalistic notion of rights on the ground of the very humanity of every being. Though “Kant initiated a tradition that grounds human rights in the capacity of autonomy”,⁵⁰ rights, for Kant, are innate and “human beings have it qua human beings, not just because they are members of some society (or state of nature) or stand in some relation to others in the community”.⁵¹ Rather, rights are based on the moral nature of human beings as beings with rationality and freedom and not a juridical claim.

Joseph Raz identifies four core features of naturalistic conceptions of human rights: (i) human rights are based on a certain value, feature, or interest that is thought to be specific to human beings; (ii) human rights are universal in scope and exist independently of cultural conventions, moral relativism, and legal recognition; (iii) human rights are timeless and have always been and continue to be; (iv) and human rights are pre-institutional existing independently of juridical institutions designed to protecting such rights.⁵² While I do not arbitrarily accept the features of rights identified by Raz given its exclusionary specificities to humans alone, at the risk of a charge of anthropomorphism, I shall unpack its imports for a naturalistic account of human rights. If such an account must fulfil the conditions of specificity to human feature/interest, universality, timelessness and pre-institutionality, the question is to what extent

⁴⁹ J. Locke, *Of Civil Government: Two Treatises*. Everyman edition. William S. Carpenter (ed.) (New York: J M Dent / E P Dutton & Co., 1924), 4.

⁵⁰ A. Pavão, A. Faggion, Kant for and Against Human Rights, in Faggion A., Pinzani A., Sanchez Madrid N. (eds) *Kant and Social Policies*. (Cham: Palgrave Macmillan, 2016).

⁵¹ H. Hart, Are There any Natural Rights? *The Philosophical Review* 64(2) (1955).

⁵² J. Raz, “Human Rights Without Foundations.” In Besson, S., and Tasioulas, J. (eds.), *The Philosophy of International Law*. (Oxford: Oxford University Press).

does Gyekye's account of rights reflect some or all of such characteristics? To grant that Gyekye borrows from the naturalistic account, without justification, as Molefe alleges, would imply that groups and indigenous rights have no place in Gyekye's human rights discourse. This is because such indigenous rights do not fulfil the criteria of universality and timelessness.

Contrary to Molefe's second and third criticisms that Gyekye's discussion on the notion of "self" "represents an account of philosophical anthropology that is characteristic of a naturalist tradition of rights"⁵³ and that it is one without an African ontological grounding, I argue that, whether in his earlier or later works, Gyekye did not ground human rights on a specific or any conception of human nature. Rather, while reflecting on the status of the individual in African social order, he balances the tension between individuality and communality by arguing that the two co-exist in many African cultures. In Gyekye's articulation of ideas and beliefs about human rights, like those about the nature of a person and what constitutes personhood, he draws insights from the given conceptual formulations in proverbs as well as in artistic and institutional expressions in preliterate cultural setting of Africa's historical past. In his words, "traditional African societies manifest both features and communality does not obliterate or squeeze out individuality".⁵⁴

Consider for example, the Akan proverb that he cited on individuality – "it is by individual effort that we struggle for our heads" (*ti wopere no korokoro*).⁵⁵ This proverb expresses the idea of individual effort and sense of self-responsibility as a necessary condition for struggling for human interests and needs. Such a proverb is cited to draw moral inferences and not to identify what is core to human nature as a basis of human rights.

⁵³ M. Molefe, *Personhood and rights in an African tradition*, 7.

⁵⁴ K. Gyekye, *The Unexamined Life: Philosophy and the African Experience*. (Accra: Ghana University Press, 1988), 30-31.

⁵⁵ K. Gyekye, *The Unexamined Life: Philosophy and the African Experience*, 32.

Molefe's third critique against Gyekye is about non-articulation of African ontology of rights. This position is contestable because Gyekye articulated an African ontology of rights. However, Gyekye draws on the metaphysical constitution of the person in Akan thought; such ontology has implications for his political philosophy and ethic of human dignity. Gyekye appropriates the Akan theory of the metaphysical constitution of a person as a theoretical support for his moderate communitarianism. The relational ontology of Gyekye's communitarianism structures his normative theory. The person is a duality in unity because two of a person's metaphysical constituents (*Ōkra* (soul) and *Honam* (body)), although logically distinct, are ontologically identical as it is the *Ōkra* that "causes" the breathing.⁵⁶

Gyekye's moderate communitarianism abolishes the dichotomy between the human being and normative personhood, and thus does more than provide a normative account of personhood. It elaborates an ontology of the human person upon which a normative theory is structured. Gyekye is emphatic that the ontological primacy of community should not be mistaken for a negation of the moral worth of individuality, for the promotion of the common good of shared relationships does not merit violating an individual's rights or dignity. For him, the human being is an ontological hybrid, an inherently autonomous agent and an object of moral value whose moral autonomy is active enough to facilitate her rejection of imposed norms that do not accord with her deliberative conclusions. Thus, in Gyekye's theory, self-directed pursuit of self-interest counts as a moral good provided it is not directed at wilfully ravaging the stock of common good. The foremost aim of his theory is to bridge an individual and her community's interests by emphasising her duty to contribute to accruing the common good as well as the community's duty to aid

⁵⁶⁵⁶ K. Gyekye, *An Essay on African Philosophical Thought: The Akan Conceptual Scheme*. (Philadelphia: Temple University Press, 1995), 59.

the individual in achieving this and of caring for the interests of its members.

Gyekye's communitarian theory expresses the ontology for the African Charter of Human and Peoples' Rights. The basis of the Charter's unique features is the relational ontology of moderate communitarianism. A unique feature of the African Charter is its introduction of the notion of "peoples' rights" to human rights language. The notion of "peoples' rights" occurs in several provisions of the Charter, including the following: "the promotion and protection of morals and traditional values recognised by the community"; the "unquestionable and inalienable right to self-determination" of peoples.⁵⁷ This interpretation of the right to self-determination mirrors Gyekye's hybrid ontology of the moderately communitarian person. This is because an idea of the ontological and moral priority of peoples and of community as a bearer of rights is embedded in the interpretation. But, as seen on Gyekye's terms, the ontological relevance of community does not count for a negation of defining features of the individuality of a human being, and neither does his idea of individuality correspond to ontological atomism. "The African Charter on Human and Peoples' Rights" affirms this hybridity of human nature when it states that

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics, and rights and freedoms of others.⁵⁸

⁵⁷ Organization of African Unity (OAU). African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June, (1982), Article 20.1, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58. Available at:<https://www.refworld.org/docid/3ae6b3630.html>

⁵⁸ Organization of African Unity (OAU). African Charter on Human and Peoples' Rights, first chapter, article 11.

This shows that despite the fact that the African Charter recognizes individual rights, there is also a provision for the protection of the interests of the society at large.

Gyekye agrees on the concept of human dignity as foundational to human rights. "The concept of human rights in the traditional African society is anchored in notions of human dignity".⁵⁹ Dignity, for Gyekye, is an intrinsic value deriving from the soul created by God and worthy of respect. Gyekye defends a version of the deontological foundation of human rights, which to some degree, is quite different from Kant's dominant views in Western philosophy. For Gyekye, human rights are oriented towards preservation and promotion of human dignity. "The reason for advancing human rights is, in ultimate terms, not so much to protect people against the state or other groups as to promote human dignity, a fundamental value in practically all human cultures".⁶⁰ It is true that Gyekye's idea of dignity is quite supernaturalist, however, I am concerned with establishing that while Molefe construed Gyekye's view of rights as lacking an ontological grounding, Gyekye indeed proves that rights are metaphysically justified.

Conclusion

To conclude, it is important to note that Molefe's criticisms against Gyekye are not weighty enough to negate the substance of Gyekye's conception of personhood and rights. While I do not claim that Gyekye's views on the subject matter are completely flawless, my argument is that those identified by Molefe are not overwhelmingly convincing. Indeed, there are some other critical problems in Gyekye's analysis of personhood and human rights that can further stimulate conversation in future African philosophical studies. For instance, his supernaturalist grounding of dignity upon which rights derive, has its own limitation. It is only apt for accounting for right to life while being less intelligible

⁵⁹ K. Gyekye, *African Cultural Values*, 155.

⁶⁰ K. Gyekye, *African Cultural Values*, 156

for grounding other variants of human rights. Also, Gyekye's philosophical discussion of human rights is past-oriented and tends to be silent on why non-human animals justifiably deserve rights. Beyond establishing the case of the existence of concepts of human rights in traditional African societies, and how rights and duties can resonate in a communal society, Gyekye's account provides lesser clues on how to address contemporary human rights controversies and violations. These and other potential objections to Gyekye's analysis of personhood and rights can stimulate further scholarship in and beyond African philosophy.

Bibliography

- G. Asante, (2019) How Communitarianism clashes with Individual's Right and Freedoms. African Communitarianism. Available at <https://www.grin.com/document/503420>. Retrieved March 5, 2024.
- Chemhuru, M. (2018). African Communitarianism and Human Rights: Towards a Compatibilist View. *Theoria* 65(157): 37-56
- Chimakonam, J. O., & Nweke, V. C. A. (2018). Afro-Communitarianism and the Question of Rights. *Theoria* 65(157): 78-99
- Chimakonam, J. O., & Ogbonnaya, L. U. (2021). The Ontology of Personhood. In *African Metaphysics, Epistemology and a New Logic: A Decolonial Approach to Philosophy* (pp.109-131). Cham: Springer International Publishing.
- Dzobo, N. K. (1992). Values in a Changing Society: Man, Ancestors and God. In K. Gyekye & K. Wiredu (eds.) *Person and Community: Ghanaian Philosophical Studies*. Vol.1 (pp.223 -242). Washington, DC: Council for Research in Values and Philosophy.
- Fayemi, A.K. (2018). Personhood in a Transhumanist Context: An African Perspective. *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions* 7(1): 53-78.

- Fayemi, A.K. (2009) Human Personality and the Yoruba Worldview: An Ethico-Sociological Interpretation. *The Journal of Pan African Studies* 2(9): 166-176.
- Gyekye, K. (1992) Person and Community in African Thought. In K. Gyekye & K. Wiredu (eds.) *Person and Community: Ghanaian Philosophical Studies*. Vol. 1 (pp.101-122). Washington, DC: Council for Research in Values and Philosophy.
- Gyekye, K. (2003) *African Cultural Values*. Accra: Sankofa.
- Gyekye, K. (1995) *An Essay on African Philosophical Thought: The Akan Conceptual Scheme*. Philadelphia: Temple University Press.
- Gyekye, K. (1988) *The Unexamined Life: Philosophy and the African Experience*. Accra: Ghana University Press.
- Gyekye, K. (1997) *Tradition and Modernity: Philosophical Reflections on the African Experience*. New York: Oxford University Press.
- Hart, H. (1955) Are There any Natural Rights? *The Philosophical Review* 64(2): 175–191.
- Hoekema, D. A. (2008). African personhood: Morality and Identity in the" Bush of Ghosts. *Soundings: An Interdisciplinary Journal* 91(3/4): 255-286.
- Ikuenobe, P. A., & Etieyibo, E. (2020). *Menkiti on Community and Becoming a Person*. Lanham: Lexington Books.
- Kumalo, S. H. (2019). An Afro-Communitarian Compatibilist View on Rights? *Theoria* 66(159): 142-154.
- Locke, J. (1924) *Of Civil Government: Two Treatises*. Everyman edition. William S. Carpenter (ed.) New York: J M Dent / E P Dutton & Co.
- Majeed, H. M. (2017) The Nexus between ‘Person’, Personhood, and Community in Kwame Gyekye’s Philosophy. *UJAH* 18(3): 26-37.
- Mbiti, J. (1969) *African Religion and Philosophy*. London: Heinemann.

- Menkiti, I.A. (1984). Person and Community in African Thought. In R. A. Wright, (ed.), *African Philosophy: An introduction*. Lanham: University Press of America.
- Menkiti, I.A. (2004). “On the Normative Conception of a Person”. In Wiredu, Kwasi ed. *A Companion to African Philosophy* (pp. 324-331) Oxford: Blackwell.
- Molefe, M. (2018). Personhood and rights in an African tradition. *Politikon* 45(2): 217-231.
- Molefe, M. (2020). *An African ethics of personhood and bioethics: A reflection on abortion and euthanasia*. Cham: Springer Nature.
- Molefe, M. (2022). Personhood and Moral Recognition in African Moral Thought. *Eastern African Literary and Cultural Studies* 8(3): 176-195.
- Ndlandwe, S. (2018). The Common Good and a Teleological Conception of Rights: An Article on the African Philosophy of Rights. *Theoria*, 65(157): 100-122.
- Nwosimiri, O., Flikschuh, K., Masaka, D., & Ndlovu, S. (2023). Book Roundtable. *Theoria*, 70(175), 42-67. Retrieved Nov 28, 2023, from <https://doi.org/10.3167/th.2023.7017504>
- Organization of African Unity (OAU). (1982) African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58. Available at: <https://www.refworld.org/docid/3ae6b3630.html>
- Oyowe, O. A. (2022). *Menkiti's Moral Man*. Lanham: Lexington Books.
- Pavão, A., Faggion A. (2016) Kant for and Against Human Rights. In: Faggion A., Pinzani A., Sanchez Madrid N. (eds) *Kant and Social Policies* (pp. 49-64). Palgrave Macmillan, Cham.
- Raz, J. (2010) “Human Rights Without Foundations.” In Besson, S., and Tasioulas, J. (eds.), *The Philosophy of International Law* (pp 321–37). Oxford: Oxford University Press.

Acknowledgment:

I thank the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) under the German Excellence Strategy – EXC 2052/1 – 390713894 for funding the Residential Fellowship that birthed this article through the African Multiple Cluster of Excellence, Moi University African Cluster Centre, Eldoret.

Ademola Kazeem Fayemi is from the Department of Philosophy, University of Lagos, and the Institute of African and Diaspora Studies, University of Lagos, Lagos, Nigeria