

# Economic Rights in African Communitarian Discourse

*Erasmus Masitera*

*Abstract:* There has been much debate on the question of rights in African communitarian thinking. Some scholars have averred that duties are prior to rights in African communitarian society, and that to prioritise rights is foreign to the non-Western perspective. Yet, there are others who argue that in non-Western societies rights are prior to duties. I share this view. I present my position by arguing that economic rights in African communitarianism affirms autonomy of the individual, though the same rights are expressed through the ideas of consensus and human well-being. In my argument I state that human well-being is well expressed as a communal effort climaxed through consensus where all these are premised on individual autonomy. By arguing in this way, I respond to the accusation that says African philosophers who argue for the priority of rights have failed to demonstrate how rights are considered prior to duties in African societies.

*Keywords:* African communitarianism, consensus, economic rights, human well-being, obligation

Since Ifeanyi Menkiti's 1984 discussion on personhood and communitarianism, a lot of literature has ensued within that area. Some philosophers such as Motsamai Molefe (2018) have supported and elaborated Menkiti's utterances that, in an African communitarian society, duties are prior to rights. The argument advanced by philosophers in this category is that the duties are deeply entrenched within the African moral system and almost inherited. Molefe (2018: 225–226), in particular, justifies this position by tracing the idea of duties as intricately connected to the view of other-regarding



that is to be in relation to others. Molefe (2018: 219) further argues that duties reflect the socio-cultural factor of relating to others (this I consider reflects the historical dimension), which is the humanisation through virtuousness, and posits that this is fundamental in securing well-being of all.

On the other hand, there are philosophers such as Kwame Gyekye (1997), Oritsegbubemi Oyowe (2014), and Thaddeus Metz (2011a) who think that in the African communitarian discourse, some individual rights are prior to duties. These philosophers argue that autonomy, self-determination, self-reflection coming from individual autonomy propels one towards others. Gyekye (1997), in particular, avers that individuals use their rationality to make choices to become or not to become part of the community. Associating (forming a community) with others is more a matter of choice that comes from critical reflection upon the benefits that one may realise from doing so. This view is poignantly expressed by Elias Bongmba (2018) who asserts that community is an association of individuals who share values, and interests from whence obligations are formed. I share this view, and defend it in a unique way by appealing to an economic context.

Specifically, I want to establish that economic rights in an African community show the independence of the individual in making decisions and at the same time that they are meant to use that freedom to be in communion with others. I argue that this has been achieved through the recognition of individual human capability, freedom to work (according to ability and talent), and individual choice<sup>1</sup> (living a kind of life that one choses). These liberties, I argue, have always been generated and guaranteed by the community through engaging with each other. Implied in this position is the fact that communal interaction—in particular from human experience and discussion—has been instrumental in the recognition and establishment of rights. In saying this, I agree to a certain extent with Fainos Mangena (2012: 8) and Munyaradzi Madambi and Fainos and Mangena's (2016) views that say consensus has shaped African morality and that morality is the basis of human well-being. I differ with these scholars when they postulate that consensus has been more a preserve of the elders (without further clarifying on this term). In reacting to their thinking, I argue that community consensus ideally is, and

sometimes historically was, inclusive of all ages and sensitive to people in society. In my thinking, consensus is a shared consent on how to live together through being responsible to each other. Consensus is a way of forging a common end that is beneficial for all in the community. The consensus is inspired by *ubuntu* thinking which emphasises ‘being there for each other’. *Ubuntu* is a moral theory dominant within southern Africa. *Ubuntu* as a moral theory is pervasive as it covers the political, social, and economic spheres of human life. Moreover, *ubuntu* inspires and influences the way people think and act by encouraging people to be humane in their political, social, and economic lives. Pertinently, being humane is the basis of recognising, respecting, and being responsible to each, it is also the basis of exercising individual freedom. Note that this view is driven by intentional involvement of the individual rather than as something imposed or forced on the individual.

While African communitarian economic practices largely promote human well-being, it is important to note that in executing human well-being some economic rights have also been recognised and promoted. In this regard, I will expose some of the economic rights that are dominant within the Indigenous African society, particularly from the communitarian African culture. In this article, I argue that economic rights revolve mainly on (i) upholding the primacy of human life (right to life), (ii) securing human livelihood (welfare rights), and (iii) promoting and supporting human life choices (entitlement rights and liberty to choose occupation and the kind of life to live). These economic rights are the same as those of other non-African thought systems, but the difference is that for Africans there is a personal conviction and commitment towards the other (through consensus) whereas for others this is not the case.

To fully show the stated, this article will proceed by first defining rights (including economic rights) through a universal perspective, second the paper will then present an understanding of what communitarianism is and make a case for consensus and well-being as central to the African economic rights discourse. Third, the focus will be on discussing the African economic rights within the communitarian society. And lastly the paper will make a general critique of African communitarianism which prioritises community over the individual.

## **Definition of Rights: A Defence for Universal Understanding**

My definition of rights follows the universal understanding of the term, rights. In this case I fully subscribe to the thinking of Francis Deng (2004: 499) and Oyowe (2014: 329) who aver that rights are universal. Otherwise to think differently is to commit cultural relativism in the talk of rights. In connection with this assertion, Deng (2004: 499) avers that rights are enshrined in different international instruments such as the Universal Declaration of Human Rights and African Charter on Human Rights among others. Deng (2004: 499) further thinks these instruments are cross-cultural in perspective though the language and systems of achieving dignity differ. Hence Deng (2004: 501) observes that (emphasis added):

The precise language [*and systems*] employed in articulating these standards may, of course, differ from society to society, but the values that underlie the inherent dignity of the human being remain universal.

From Deng's observation, one can conclude that this is the reason why African philosophers and scholars end up comparing 'African' and 'Western' systems. In making the comparisons, scholars indicate similarities and differences. Following from the position I have posed; my definition of rights will take the universal understanding.

I therefore assert that rights are universal, and I employ the universal understanding of African communitarian rights. In defining rights, Issa Shivji (1989: 11–12) opines that rights are a claim or entitlement that one has on a state. Rights as a claim reveal the extent to which individuals may make demands upon a state. This view is extracted from a libertarian philosopher Robert Nozick's thinking. Nozick (1974), avers that rights refer to the autonomy and liberty that individuals have; furthermore, rights imply the limits that the state has on individual activities and thoughts. In that sense, rights should exclusively promote and preserve individual interests/liberties. Nozick's view is corroborated by Jeremy Waldron (2007: 745), who argues that rights indicate the limits of the state on individuals, that is, what can be done to individuals by states. George Crowder (1998: 330–331), argues that such a conception of rights infers a minimal state or a limited state; that is, a state that does not interfere much in the lives of its citizens. A minimal state accords

an individual a chance to self-determination. The presented view is a Western libertarian position. Yet, in communitarian societies rights refers to – what we have to do for each other in a community-however, what we have to do for each other in this case, emanates from an individual's will (a choice to associate with others). This position I am positing here is turning upside down the usual meaning ascribed to the phrase by philosophers who interpret what we have to do for each other as meaning obligations towards others rather than ascribing freedom to the other; philosophers such as Menkiti (1984) and Molefe (2018) subscribe to this thinking.

Waldron (2007: 746), furthers the argument on rights by saying that rights also imply duties and responsibilities. Implicitly, rights are prior to duties and responsibility; though duties and responsibilities are a direct result of according each other liberties. Moreover, discussion on rights is not strictly speaking of egoistic nature, but also of reciprocity through respecting each other's liberties. The rights discourse, argues for respect among individual members of the state. The respect sometimes culminates in contracts which are mostly for the benefit of the individual member, and also coincidentally benefit the whole community or state. The benefits are intentionally well calculated by members of the community. Such a conclusion comes from the realisation that members of a community benefit more when they work together rather than when they work individually. The foregoing discussion points at the fact that rights are prior (autonomy of choice to either connect or not to connect with other) to obligation (being responsible towards the other). It is from this perspective that I argue that, rights are always prior to obligations. My argument on rights as posed above, was responding to the question, how did communities come about? My answer is that communities came about through individuals exercising their rights on how to survive. Experience then taught them that they needed each other, thereby coming together and forming a community in which they developed the means of living together (obligations).

I now turn to define economic rights. Economic rights pertain to the freedoms that individuals should have so as to attain reasonable livelihoods in society. Economic rights relate to having access and having opportunities to realise basic needs necessary to function in a society. Functioning means realising those conditions that

facilitate one in being productive. Such conditions include but are not limited to employment, owning property, receiving social services such as health-care, having adequate nutrition and living in a safe environment (Khoza 2007: 19).

It is important to note that economic rights are supported and proceed from social and political rights as well. When the composite rights are respected, that is, the social, economic, and political rights it is always the case that members in that community realise or lead dignified lives, that is living lives according to their own choices. However, that does not mean that there are no chances of discussing the different forms of rights separately. This is what I will do in this article, that is discussing the relevance of economic rights on its own.

With the issue of rights and economic rights clarified, I now turn my attention to the discussion on African communitarianism and the practice of rights in such communities. In the discussion on practice of rights, I will emphasise the pertinence of consensus and human well-being. These two components have a bearing in the African communitarian economic rights discourse.

### **African Communitarianism and the African Communitarian Practice of Rights**

This section is divided into two sub-sections, that is, the understanding of communitarianism and the communitarian conception of rights that are confirmed through consensus.

#### *African Communitarianism*

The term communitarianism is derived from the idea of living in a community. Community living involves living together and working together through utilisation of human capacity to form a community. Indicating that, a community is made up of individuals who are willing to reconcile their individual interests for the realisation of the good of all. My postulation is inspired by Daniel Bell's (2016), thinking that argues African communitarianism is steeped in concessions that are made by communities on how to live together. In line with this thinking, I also note that the word communitarianism

has close relations to the Latin phrase '*communis*'. '*Communis*' refers to common opinion and or generally accepted views. Following from the just stated, I argue that communitarianism is a way of living that is based upon the will of different people to live together in an area through compromises and consensus brought about by reasoned deliberations. The deliberations are based upon human experience and conduct which compels people to forge a collective life. Allen Buchanan (1998: 1599–1600) summarises the above views by observing that:

The concept of the community includes two elements: (1) individuals belonging to a community have ends that are in a robust sense common, not merely congruent private ends, and that are conceived of and valued as common ends by members of the group; and (2) for the individuals involved, their awareness of themselves as belonging to the group is a significant constituent of their identity, their sense of who they are.

The same ideas are shared by African philosophers such as Metz and Mogobe Ramose. According to Metz (2011a: 532; 2011b: 16), communitarianism is the orientation of living collectively in African societies. Metz (2011b: 16) asserts that, in some instances, communitarian life is still experienced in contemporary rural communities. Communitarianism also refers to the intimate social relations that are geared towards establishing humanised societies. By humanised societies is meant social relations that strengthen, support, and enhance the idea of human well-being; whereas human well-being refers to humans realising desired states of living and actions that they have reason to value (c.f. Sen 1999: 89). In this regard, the concern for the communitarians is the idea of humanising (treating each other as humans) and valuing life through communion with others (Metz 2011b: 16–17) by developing shared values. Ramose (1999), goes beyond the just stated view by extending the community beyond living humans. For Ramose (1999) community life includes communion with the living, the dead, yet to be born, and the general environment for the benefit of humans. Underlying the presented views is the thinking of respecting interests (values that emanate from individual choices), though the interests are subsumed in those of the community. On this note, it is prudent to now focus on communitarian connection of rights, well-being and consensus.

*I. THE AFRICAN COMMUNITARIAN CONNECTION OF RIGHTS,  
CONSENSUS AND HUMAN WELL-BEING*

The communitarian conception of rights is the opposite of the individualistic conception of human nature. In the communitarian thesis, individuals are considered as part of a whole or a group in which the individual interest is always considered as constituting part of the group's goal (Bongmba 2018; Gyekye 1997). This is unlike the practice in individualistic societies in which self-interests are pursued independently of the community. The Western conception of emphasising upon individual interests does little to promote the well-being of others. To put it crudely, by respecting individualism, sensitivity towards others is an individual discretion or is coincidental as Nozick (1974) says. In African communitarian society, the well-being of every individual is a sum effort of the community. In as much as individuals are free to decide on their way of life, individuals also realise that to continue acting in an egoistic manner may cause unceasing conflict, and is also unbeneficial to the individual. Such a realisation causes individuals to seek each other and forge a way forward together. In that way, they form a system that supports each other's well-being.

Furthermore, I argue that in communitarian societies individual rights were exercised by individuals for the individual's own good and for the good of the community as well (Gyekye 1997). Meaning that in African communitarian society, individual freedom is prior and is unhindered, the exercise of autonomy is promoted through individuals making choices concerning their lives. By emphasising the act of making choices, it shows that rights are a priority in African communitarian societies. However, the exercise of a right is to be achieved within parameters set by the people themselves (which we may refer to as the community), that is an environment which promotes peace, stability, and harmony through consensus (c.f. Madambi and Mangena 2016: 125; Mangena 2012: 8–10). To bolster my position here I quote Bell (2002: 63) who posits that:

To uphold the value of the priority of community does not necessarily deny an individual of her own identity her potential creative role in a community, nor does it absolve her of personal responsibility for her actions toward the community.



In the same line of thinking, James Rachels (1998: 367) argues that:

Morality arises within a community when each person agrees to “play the social game,” respecting other people’s rights and interests, provided others will do so as well.

In my own opinion, the just presented positions of Bell and Rachels situate the perceptions of communitarians on rights. That is ‘individuals’ deciding to be part of the community and sharing in communal values and interests thereby increasing one’s liberties and interests. In fact, participating in a community’s shared goal(s) strengthens relations among members of the community and inversely encourages duties and responsibilities towards each other, thereby opening up channels of mutual cooperation. In short, mutual respect of rights is driven by the need to achieve a common goal and it is a rational, individual involvement. This idea is also shared by Gyekye (1997) when he says that individuals choose either to or not to belong to a community.

To elaborate on the above, it is essential to realise that in communitarian society the aim is always to promote ‘agreed upon’ community goals, rather than overburden individuals with duties that are not of their concern. By saying this I am opposing Menkiti (1984) and Molefe (2018) thinking that prioritises duties over rights in an African communitarian society. To argue for the primacy of duties in an African communitarian society sounds like depriving individuals of the chance to rationally discern or determine their lives. It even seems to me to be denying African people living in communitarian society the freedom to self-determination. Importantly, self-determination feeds well into the idea of community well-being.

Community well-being refers to treating each other as humans so that each individual realises a life they value. This kind of thinking finds fulfilment in the *ubuntu* mantra that encourages ‘being there for each other’. Pertinently the idea of human well-being is based on the sacredness and primacy of life, the respect of life as specified by cultural dictates and the realisation of the finiteness of human life when individuals act separately. Hence collective and collaborative living is necessary for developing solidarity and harmony among members of the community (Deng 2004: 503; Bongmba 2018) and for achieving human well-being.

Human well-being is constitutive of living a good life. That is, individuals living and functioning in non-exploitative and non-marginalising environments (Nussbaum 2011: 19; Sen 1999). In other words, in order for human beings to realise or live the life of their choice, the social, political, and economic conditions must be free of humiliating, dehumanising, and disadvantaging circumstances. When individuals live such lives, they are bound to do well in life or when well-being exists and is promoted in society, then human flourishing is also realised (Nussbaum 2011: 19). Human flourishing mostly relates to understanding the quality of lives that people are living, in particular the promotion of good and long lives in community (-ies). The achievement of such lives is through agreements which members of a community willingly construct. Beyond mere construction of such agreements there is the intention to be involved in uplifting each other's well-being. This for me asserts the pertinence of rights. From the foregoing discussion, the freedom of the people to create the kind of life they want to live is very much promoted. There is the autonomy to be part of the community, and to participate in communal arrangements, and even to choose and work towards one's goals though guided by communal agreements. Effectively this implies that rights are prioritised and contained within communitarian practices. Implied in my argument above is that, economic activities (such as exchange of goods and services) are agreed upon by society. Furthermore, it is important to that the collective action does not come out of nothing, rather it comes through communal discussions; that is, rational deliberation is key to successfully forming cohesion and understanding in society. Ephraim Gwaravanda (2011: 148); and Erasmus Masitera (2017: 277–278) discuss this discursive nature of African communitarian societies as essential in forming the political, social, and economic structures of African society. They also argue that discursive system leads to formation of moral standards. In addition to formation of moral standards, contracts, and values are also established through discussions (Mangena 2015: 6; Rachels 1998: 367; Ramose 2014: 12). Mostly, the moral standards and values established aim at promoting humane treatment of each other and certainly this is for the mutual benefit of every member of society (Deng 2004: 503). Having justified the existence of rights within the communitarian societies I now focus on particularising my argument by presenting economic rights within communitarian societies.

## **Economic Rights Promoted in African Communitarian Societies**

In this section of the paper, I want to present an African conception of economic rights in which I argue that rights are prior to duties. Economic rights like any other rights are an entitlement. The entitlement reflects the freedom that individuals have. It is the autonomy of individuals which generates duties, especially duties towards others and duties towards an object in one's possession.

My argument here is that, obligations – our relations to others and objects – are an intentional involvement with an objective beyond the self. The point I am trying to forward is that, freedom to decide and act in a particular way is an affirmation of individual existence which comes before obligations. A pertinent question of reflection here is, when does one begin having obligations; certainly, it has to be at a particular point in time in one's life; yet rights are from the moment of conception. In addition, to argue that one starts a life burdened with obligations is to override the real fact of life that is one has to exist then decide how to live with others. This is a fact which Menkiti (1984), John Mbiti (1969), and Molefe (2018) and others who say that in African communitarian societies duties are primary to rights over look. Oyowe (2014) substantiates the stated view by saying that, giving primacy to communitarian duties is fixing community as something that is a natural formation, unchanging, rigid, and existing independently of individuals. The independence of individuals in deciding and influencing society ought to be recognised. There are however three important dimensions about rights discourse in communitarianism. These are: (i) in a communitarian society human life is primary; (ii) human livelihood is secured; and (iii) promoting and supporting entitlement to property. I will now focus on these and their relation in African communitarian rights discourse.

### *I. PRIMACY OF HUMAN LIFE*

Life is the most respected form of right among African societies. The primacy of life in African communitarian societies is equal to the right to life. Right to life focuses or places importance on the subject that is the individual rather than on objects who in this case are other individuals. I have decided to include the right to life here,

because it is the foundation upon which other rights are premised. The right to life is important for this discussion because it shows the pertinence of human existence, for without that existence there is no need for further discussion.

The right is premised upon the fact that life is sacred hence the need to secure it (Mugambi 1989: 135–136). Right to life asserts the autonomy that individuals have, and it also affirms existence. This right is manifested through respecting each other and by promoting the continuation of life. If there is no respect and guarantee of life, then there is also no justification for other rights. It is important to note that among the African people no one can unilaterally end someone else's life. There are religious, and moral reasons and prohibitions associated with violating one's right to life. In cases where violations occur, individuals are expected to compensate by offering another life (in the form of a virgin girl, or most recently through beasts and manual labour to the satisfaction of the offended family). The religious restrictions on violating the right to life are premised upon the belief that people or a person's life is sacred; human life is governed by powers that are not of this world, that is the ancestral powers and other forces beyond human comprehension. The combination of these makes human life sacred and at times mystical as well, hence the need to respect human life (Mugambi 1989: 136). Morally, the right to life comes from the fact that human existence is governed by the ethos of being humane. This is particularly the case among the Bantu people or those who share in *ubuntu* moral thinking. Being humane, refers to respecting life and recognising it. In some instances, philosophers refer to this as 'being there for each other'. In this case it means that people in society value each other's lives through not ending it prematurely and finding ways to prolong life in cases when it may end prematurely. This shows the primacy of life and connected to this, the importance of the right to life.

It is equally important to note that the right to life as presented above presents the view that individuals are important in their own right, in that individual autonomy, rationality, and freedom are in a way implied. By right to life, we assert the distinctiveness or atomic nature of each individual, that is, the freedom individuals have in making choices for their lives. However, in a communitarian society, the distinctiveness is harnessed for the benefit of the whole community. Communitarian societies recognise that individuals are

responsible for their own lives with and in interaction with others. Yet in those interactions the finiteness and proneness of individual abilities are realised when utilised for personal glory's sake. In order therefore to strengthen individual abilities, communitarian societies harness the differences and distinctiveness of individuals to build a society or community in which all benefit. This is done through working together from differences for a common cause. The argument presented here is that communitarian societies realise that individuals do not choose where to be born, which family to be born in to, which talents to have, and even in which social class to be born. But they realise that bringing together the diversities and differences is important to secure and promote one's life. In the words of Julius Nyerere (1987: 10), by living in communitarian societies, one avoids and 'ends exploitation on man by man'; this is really key to living in communitarian societies. The same idea is necessary in defending economic rights within African communities. Furthermore, autonomy in choosing and living a kind of life that one values is another component drawn from this right; this will also be premised upon the idea of participating in the life of the community as a means of strengthening one's social and economic standing.

## *II. WELFARE RIGHTS/ SECURING LIFE*

In this section of the paper, I illustrate how communitarian communities work together at ensuring that they promote communities' well-being, and in line of argument show how life is secured in communities. African communitarian communities have always been characterised by broader communal working together for a common goal. According to Metz (2015: 1179) working together is to:

[U]ndertake labour of a sort that would support their society, to impart the customs of the community . . . and to develop their moral excellence, understood as centred on a disposition to relate communally with others.

It is important to realise that the principle of working together is a result of a moral obligation intended at enhancing and securing people's lives. This idea is shared by Michael Adeyemi and Augustus Adeyinka (2003) and Adeyinka and Gaolekwe Ndwapi

(2002). Ogenga Otunnu (2015: 19) refers to working together as collectivism; the collectivism aims at eradicating poverty and fighting inequalities in African communitarian societies. For instance, members of a community would work in communal fields which are under the custodianship of traditional chiefs so as to contribute to the communal breadbasket. This was done through (i) participating in a communal activity; (ii) contributing labour to the communal initiation; and (iii) realising the final outcome that is ensuring a health community (a kind of social welfare). This means that the communal activity aimed at ensuring or contributing to communal food security and also encouraged solidarity among member of the community. Indirectly there was also the idea of prolonging the life of people in society through promoting healthy beings in communities. More importantly, the final product from the communal work and activities was at the disposal of the whole community. Anyone who would be in need would always be assisted. This also means that working together was a social support system that was not exclusive or discriminatory. Working together was an all-encompassing exercise; both labour wise and in enjoying the fruits of the labour. The contribution to the communal breadbasket was out of conviction that individuals are doing the right and good thing; members would readily participate because of the mutual benefit attached to the exercise. The practice of communitarian well-being expresses reciprocity through interdependence, trust, spirit of caring and loving, working together and respecting each other; these perspectives enhances the welfare of the people. The just mentioned values are a result of the intentional and rational reflections which compels individuals to join hands and work for a common cause, the economic well-being of the community.

The idea of working together does not disqualify individual effort at securing and contributing meaningfully to one's own life. Individuals in African communitarian communities were encouraged to also work on their own. The idea advanced here is that individuals could exercise their labour independently and also communally to shaping their own lives. Bonny Ibhawoh and Jeremiah Dibua (2003: 70), express this view as the self-help projects that individuals embark upon for their own good and that of their communities. By forwarding this argument, I am refuting the notion that communitarian communities inhibit individual right to work

or employment. In communitarian societies individuals also have the right to work and even choose the kind of employment from among the community's available options. To illustrate this point, it is pertinent to note that African communitarian societies had a variety of trades such as miners, agriculturalists, different forms of merchants, among others. However, what differentiates these individuals from the libertarians is that African communitarians have a different mental orientation. The orientation of the communitarians is that while they aim at attaining individual excellence in their professions and progression in life, they also think of their neighbours through not taking advantage of them. African communitarians have a mental attitude of not exploiting or marginalising others. This attitude is centred on 'being there for each other'. Being there for each other is a mental orientation geared towards an intentional promotion of economic well-being of each other. Importantly, the orientation is a result of self-reflection on one's individual role in society and also a result of African teaching on the importance of working and living in a community. The stated points reveal that there is the idea that the individual has autonomy in deciding to or not to be part of the community.

### *III. ENTITLEMENT TO PROPERTY*

Understanding the communitarian system of property is the focal point in this section of the paper. In the communitarian system, there are two forms of property ownership: (i) communal ownership and (ii) individual ownership. It should be mentioned here that the ethos of the communal ownership is to reduce unjust distribution of material goods necessary for expanding human survival and avoiding unequal access to such goods. In that sense, communitarian societies enlightened by such insights attempted to advance just distributions and equal access to resources which are easily depleted and that are highly contested for by members of the community by distributing such resources through communal efforts. Among resources that fall within this category is land, and I will use land as an illustration of my point. Land is the backbone of African traditional communitarian (economic) societies.

In communal societies land is considered a communal property to which every member of society has to have access to. The stated idea is confirmed by Pauw (1997: 375); Kwasi Wiredu (2003: 374),



and Leonard Chuwa (2014: 48-49) who argue that land in the pre-colonial and post independent (rural) communal areas is considered a communal property. In the African communitarian societies land is not a commercial commodity, to such an extent that any form of commercializing the land is prohibited (Thompson 2003: 188-189; Wiredu 2003: 374). The main reason why land is considered a communal property lay in the fact that by so doing, its distribution would be impartial, and that land be availed to all members of society and especially those in need of it (Wiredu 2003: 374). Just land distribution was also assured since everyone in the community is entitled to land holding and use (Masitera 2017: 74; Wiredu 2003: 374). Entitlement to land emanated from the traditional thinking and religious argument which link people to the land they inhabit and considered people as bearers of the creator's gift that is land (Pauw 1997: 375). Impartial land distribution was assured through fair communal land distribution. In fact, the land distribution was headed by the local chief, who was the custodian of the land, who also had the responsibility to share it among members of society through the help of his council; the council was in turn advised by the other members of the community (Pauw 1997: 375)<sup>2</sup>. The thrust of involving members of society was on building good social relations among the society's members so as to avoid undue confrontations (Bennett 2011: 40); while at the same time satisfying and addressing the needs of society's members, in this case land, land use, and benefiting from the land. It is important to note that the community involvement and community holding and distribution of land also aimed at preventing unequal and impartial land holding and corruption (Matolino and Kwindigwi 2013: 199). Bennett (2011: 43), and Bernard Matolino and Wenceslaus Kwindigwi (2013: 199), also argue that communal land distribution aided in avoiding the temptation of greed which was and is incompatible with the spirit and attitude of the system. Sam Moyo (2013: 73) shares the same sentiment, arguing that neo-liberal ownership patterns tend to fuel conflict among people in society thus when land is owned by all the chances of reducing the conflicts are high.

Furthermore, communal ownership and sharing intended at establishing social harmony and social cohesion while at the same time respecting individual rights to access and use land. Through land was owned communally, individual entitlement existed in



terms of owning other goods such as movable properties (houses, pets, domestic animals, and tools among others), own labour, and products that accrue from the labour and use of the land.

The most important point to note here is that, in both communal ownership and individual ownership is the individual right to access, and use different material goods. The ownership of the material goods is always prior to duties associated with owning the goods. For example, an individual first owns a fruit tree, thereafter they will feel obliged to care for the fruit tree. It is the ownership of the goods that brings with it an obligation. It is highly improbable that an individual feel obliged to care for something that does not belong to them. If one does not own it, they feel and think that they are removed from the particular goods and therefore not obliged to pay attention to the object.

### **Critique of African Communitarianism that Prioritises Duties over Rights**

The African communitarians who make a case for obligation as primary in the political-economic system of communities generally undermine the primacy of rights in those particular communities. To this end, such arguments are considered as promoting paternalism in the sense that communitarian practices impinge negatively on individual autonomy, liberty, rights, and privacy (Andoh 2016: 9; Oyowe 2014: 333). The negativity mainly occurs when individual consent and liberty is overlooked and overridden for the sake of promoting and protecting the well-being of others (Andoh 2016: 9). Paternalism in the communitarian economic perspective is created when well-being is thought of as a communal activity. In such cases, one notices that in some cases individual will and freedom to make independent decisions is confined to promoting communal goals rather than individual goals. Importantly, in paternalism, individual's involvement in self-governance and self-determination is denied as individuals are expected to abide (through duties) by communitarian expectations.

Reflecting on this Matolino and Kwindigwi (2013: 198–204) aver that indoctrination and manipulation are promoted at the expense of individual freedom and autonomy. Hence the view that

communitarian practice and thinking seems to promote the creation of a monolithic and unchanging society that does not respect the multi-cultural and cosmopolitan values and societies that now characterise contemporary society (Matolino and Kwindigwi 2013: 203). African communitarian life as expressed by placing primacy on obligations gives the impression that human and social life is inherited, is unquestionable, and unchanging. Yet this is not the case, African communitarian lives have always been dynamic, and change according to the situation. It is for this reason that even moral systems such as *ubuntu* have managed to stand the test of time, they have been able to change and influence contemporary societies.

Another weakness with African communitarian thinking of placing primacy on obligations over individual rights, is that it overburdens people with duties and responsibilities that are not necessarily theirs. John Murungi (2004: 523) avers that the communal thinking that is rampant among Africans, implicitly imposes extra duties upon people within a given community. In a sense, people are expected to carry out duties on behalf of the society, meaning that they are thereby overburdened by community responsibilities which are not necessarily theirs. The idea, therefore, forces people to become what they would rather not be, thereby creating a false sense of belonging and thus an enslavement of personality.

In addition to that, I think that continual invocation of communitarianism invokes uncritical thinking among people. There is a danger of communitarian thinking degenerating into an ideology or a mere rhetoric when used for political reasons and when used to advance selfish ends. When communitarianism is used as mere rhetoric or as an ideology it can lead to enslavement of people's minds and uncritical thinking. Whenever enslavement occurs, the autonomy of the individual is also limited, especially the freedom to choose and critically think and reflect upon one's life since one is bound to always think in preference of the group. In this regard, conceptions of communal land ownership forces people to have a false understanding of themselves and even limits their autonomy. On the positive side though, communitarian thinking on land sharing fosters cohesion and unity, but on the negative side, it forces people to adhere to ideas and ideals that are not particularly theirs. By limiting people's thinking, it means there is

the creation of a false sense of unanimity. The idea of communal ownership, while reasonable and applicable, presumes that all share the idea of communal ownership as the ideal land ownership model. The concept of unanimity also ignores the fact that it is the majority who are in charge who wittingly or unwittingly suppress the minority. As a matter of fact, when it comes to making decisions, it is the majority who dominates. To this, Ethan Leib (2006: 146) postulates the minority are likely to be intimidated by numbers. In such a scenario they (the minority) would rather withdraw and keep quiet thus giving the majority the chance to dominate. This implies that conclusions are drawn that a decision has been reached unanimously.

## **Conclusion**

In this article, I showed that within African communitarian thought and practice individual economic rights are respected. These rights are expressed through the respect of life, securing of life, and through entitlement. I also noted that the economic rights are founded within the ideas of autonomy, consensus, and human well-being. I have also argued that the pertinence of the community rests on the idea that individual rights are well preserved, promoted, and protected within communities that place priority on discussions among members of the community. In that regard, the paper argued that consensus on how to live together promotes and protects each other's autonomy in the economic realm.

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ERASMUS MASITERA is a postdoctoral research fellow in philosophy at the University of Johannesburg, South Africa; he is also a lecturer in philosophy at Great Zimbabwe University, Zimbabwe. Erasmus is interested in social and political philosophy. E-mail: [eramasitera@gmail.com](mailto:eramasitera@gmail.com)

## Notes

1. I am here thinking of the economic status that one attains in life, this was not decided by the community rather an individual utilized his or her abilities to become who they want for instance become poor or rich, become a trader among other things was all according to individual ability and will to attain that status.
2. The concept of parcelling out land as a community was perpetuated during the colonial periods through the communal laws that empowered Native Commissioners to give land to the people through the local Chiefs. This same system even continued into the post-independent period particularly in former Tribal Trust Lands.

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