# THE CONCEPT OF RIGHT(S) IN WESTERN (ANGLO-AMERICAN) AND AFRICAN (YORUBA) PHILOSOPHIES: AN EXERCISE IN COMPARATIVE ETHICS.

## Lawrence Bamikole

## Introduction.

Two assumptions are made in this paper. The first is that there is more than one conceptual scheme in any attempt to understand and explain the realities in the universe; whether natural or human, visible or invisible. The second assumption is that conceptual schemes are always amenable to revision given the changes in human experience about the natural and the social worlds.

The first assumption is a direct antithesis of Davidson's (1984) position that there is no alternative conceptual scheme beside the one that has been established by Western Philosophy. The second assumption is also opposed to Kant (1965) that conceptual schemes (categories) are fixed for all times.

The position maintained in the paper is that there is indeed an African conceptual scheme which is different in important respects from the Western conceptual scheme. Furthermore, conceptual schemes are capable of being revised in order to enable us account for the mutual interactions that are witnessed through the different dimensions of the phenomenon of globalization. These two positions have implications for a relational conception of the self and rights which are at the bottom of human's attempt to give a more credible explanation of the self and the ascription of rights, within Western and non- Western philosophies

## The Self and the ascription of rights in Western (Anglo-American) Philosophy.

The history of the analysis of the concept of self or person in Western Philosophy dates back to the Socratic period where attention was shifted from the Pre- Socratic philosophers' attempt to search for the external realities of things to the attempt where such search was directed inwards. This change of emphasis in the philosopher's search for truth and ultimate reality was exemplified in the Socratic injunction, "know thyself". The essence of this 'revolution' in thought is that in order to get to know what exists in the external world, there is the need to be familiar with the internal operations of the human mind, because it is only through the mind's operation that access can be made into external realities.

However, the modern conception of self dates back to Rene Descartes who actually used the analysis of self for the larger project of searching for the criterion of truth and reality. Although the British empiricists' conception of the self was different from that of Descartes, the fundamental position regarding the notion of self was still the same. This position is that the self is the basic unit of analysis in all political, ethical and social

matters. Even in the twentieth century philosophical systems like analytic philosophy and phenomenology, the underlying concerns about issues that constitute subjects for philosophical discourses were predicated upon the notion of self as an autonomous individual

What runs through the Western conception of self in all these epochs is the idea of the self as an atom (monad). The features of this idea of self were summed up by Allen (1997):"the self is a separate independent, autonomous, I- me individual or ego" (p.7). From this conception of self was derived many ethical, political and social positions. The ethical position was exemplified by the moral theories of Kant, J.S. Mill and the contemporary intuitionists like H.A. Prichard and W.D. Ross. Like the epistemological view which engenders these positions, there is the attempt in them to look for the foundation of morality. Such attempt was typified by:

   (i)     A determinate and objective decision procedure which allows human reason to adjudicate all or most value conflicts;

   (ii)    The faculty of cognition is prior to and more important than the faculty of will- rational discovery is more important than nonrational conviction and commitment;

   (iii)   Proper principles of morality are ahistorical in that they are discovered outside specific societal and historical contexts;

   (iv)   These principles are incontestable and immune to revision. (Belliotti, 1989: 35).

Modern Western political theorists like the contractarians - the trio of Hobbes, Locke and Rousseau and classical economists like Adam Smith based their theories of the state on the assumption of the individual as an atom, a position that has been referred to by Macpherson (1962) as "possessive individualism".  It is also apt to note here that John Rawls, the foremost political philosopher of the twenty first century was also an apostle of liberalism which has always been identified with the politics of individualism.

The epistemological and metaphysical foundations of the notion of self have given rise to many traditional problems in (Western) philosophy. For example, in the area of knowledge, there is the problem of how it can be established that what is knowledge can go beyond the momentary situation of one's own consciousness; in the area of ethics, there is the problem of whether self interest is the only ground of moral obligation and in politics, there is the problem of explaining human relation, given the fact that the self is an atom but that she requires to relate to others in an attempt to pursue her life goals.

 The kernel of the problem encapsulated by the Western conception of self is exemplified in the fact that the individual is a free being who is self interested and rational in the sense that she knows what she wants and how to get what she wants. On the other hand, this individual requires others in the bid to achieve her life goals. The problem then is that what is or should be the relationship between the self as individual and others? Western philosophical system of thought has not been able to give an adequate account of this relationship. This problem is informed by the binary or polar concepts entrenched in the Western conceptual scheme. This kind of conceptual scheme assumes that notions

like that of the self constitute constant and fixed categories of understanding that are universal, transcultural and transhistorical.

However, realities in the different cultural spaces occupied by human beings have shown that there are different ways of explaining the same world; in other words, there are different conceptual schemes. Furthermore, the history and sociology of knowledge have shown that what constitutes knowledge is informed by the culture of a given people and the state of human knowledge that obtains at a particular time in history. The conclusion from this observation is that conceptual schemes are amenable to revision in order to capture the variations and dynamism which are at the heart of humans attempt to explain and understand their world.

The ascription of rights in Western Philosophy is grounded upon the notion of self as explained in the preceding paragraphs. In other words, individuals are bearers of rights. In the Western conception, rights are what individuals have. In the words of Ronald Dworkin (1977), rights are political trumps held by individuals:

> "Individuals have rights when for some reason, a collective goal is not
> sufficient justification for denying them when they wish as individuals
> to have or to do or not a sufficient justification for imposing some loss
> or injury upon them" (p. ix).

One implication of this conception of rights is that the individual in most cases is always at war with the society. This is what has been responsible for the contemporary debate on the precedence of right over good, a position that has been elucidated by John Rawls (1993). One of the commonest versions of this debate is captured by Gordon Graham (2000): "in the political sphere the implementation and application of impartial rules of social justice and civil liberty (the right) must take precedence over competing conceptions of what is or is not a valuable way of spending a human life (the good)" (p.73). This is also a contemporary version of an older debate between Kantianism and utilitarianism.

In line with the binary of opposite's doctrine of Western Philosophy, a distinction has been drawn between natural/moral rights and legal/civil rights. The first suggests the rights which an individual has as a human being based on the assumption that she is a rational and autonomous being and the second stands for rights that are conferred on individual as members of a society by invoking explicit rules for human conduct. The distinction that is often drawn between moral and legal rights has led to the problem of articulating in a satisfactory way the grounds of these rights and the relationship between them. Thus there is a school of thought championed by the legal positivists who deny that there are any rights which are conferred on individual outside the society or a given political system. It therefore follows that the standard of right conferment is societal rather than natural or moral. On the other hand, the natural theorists claim that rights are conferred on persons on the ground of the type of being they are. There is the assumption running through natural right theory that a person is a unique individual, who is autonomous, rational and responsible and it on the basis of such features that persons

deserve respect. The explicit rights that are conferred on person by the society are derived from the rights which persons have as human persons. Thus, it has been the position of natural right theorists that legal rights derive their force and legitimacy from natural rights. It has to be noted here that the debate between natural rights theorists and their legal rights counterparts has taken a very sophisticated dimension which need not concern us here. However, the point that concerns us is that the fact that such debate arises in the first instance from how Western Philosophy has always formulated philosophical problems in terms of binary opposites which has led, in most cases, to a fruitless search for resolving contradictions in an attempt to adequately understand natural and social realities.

**The Self and the ascription of rights in African (Yoruba) Philosophy**.

Just like its Western counterpart, the notion of the self in African philosophy is predicated upon the African conceptual scheme. In other words, in order to understand the African notion of self, that is a person, we also have to understand the African conception of reality in its epistemological, metaphysical, ethical and aesthetical dimensions.

However, there is the need to acknowledge a point of view which has suggested that there is no one African view of reality in view of the fact that Africa is made up of numerous peoples with different and diverse cultures (Taiwo, 1985). The quick response here is that there is no denying the fact that Africa is made up of different nations, different ethnic groups, and different regional groups. It can also be admitted that within nations, people are differentiated along ethnic, cultural, linguistic and religious lines. However, the fact of these diversities should not create an insurmountable problem for identifying what may be regarded as commonalities in cultures, if only for the purposes of methodological distinctions. Thus, it has been urged by Nwakeze (1987) that "there is nothing intrinsically wrong with either the concept "African culture" or African cultures" depending, of course, on whether one is concerned with cultural peculiarities or cultural uniformities" (p.102). Indeed if eyebrows have not been raised against the concept of European culture, or American culture, or Asian culture, one does not see any reason why one cannot speak of African culture or African reality in the singular. The position we take here is to toe a middle ground between what Allen (1997) has called "universal ahistoric objectivity" and "extreme relativism".

The African notion of self is predicated on the reality of the African universe. The African universe or world view has been conceived by scholars along two perspectives: from a religious perspective and from a humanistic perspective. According to the first of these perspectives (Idowu 1966; Mbiti 1969) all the belief systems and practices in the culture are inextricably linked to the supernatural while the second (Gbadegesin 1998; Bewaji 2003) holds that belief system and practices have as their foundation the human person (but not as atomic individual). We think there is no point over-stretching this dichotomy in the conception of the African world view, for on a deeper reflection, we may come to realize that the human person is made up of material and spiritual elements.

The material elements are in space and time while the spiritual elements concern that which is divine. However, there are always interactions between the world of humans and the world of the divine. For instance, within the Yoruba belief system, Olodumare, the Supreme Being is at the apex of the Yoruba pantheon. Olodumare creates the world (*aye*) and govern the world with the assistance of other gods (*orisa*), the ancestors (*oku orun*) and the laws of the land (*ofin*). For the Yoruba, just like any other cultural group in Africa, the relationship between the spiritual and the physical worlds is not mutually exclusive; it is an interdependent one. In contrast to the atomic conception of the self in Western Philosophy, the self in African philosophy is essentially social, "man- in-relation-to- others" (Okolo, 1992). The "others" here not only refers to human beings, but also to animals and plants and of course to the spiritual forces-God, gods and the ancestors.

There is one fact to note about the relationship between the world of humans and the world of the spirit. This fact pertains to what Okolo (1992) refers to as the "dynamism" in African understanding of reality. For instance, it has been suggested, and this is also borne out from the day- to- day experiences of the African people, that the relationship between human beings and God is a practical relationship. It is an experiential relationship. This is quite different from the predominant view in Western philosophy where God is only being used as *deux ex machina***.** The use to which philosophers like Descartes, Berkeley, Kant, and Kierkegaard put the notion of God in their systems will readily bear out this position.

One of the implications of the African belief system for the conception of the self is that given the fact that the self is defined in terms of others, there appears to be the problem of not being able to identify the self as an individual whose essential attributes are autonomy, freedom and responsibility. However, this way of putting the problem seems to commit us to the Western way of understanding the essential attributes of a human person. Within the African belief system, freedom, autonomy and responsibility are understood within the context of an organic understanding of human relationships, in which the self and her attempt at making sense of the world becomes significant in light of the existence of other beings in both the physical and the spiritual worlds. The individual's act of making sense of the world is not bound by any rigid interpretation of autonomy, for instance. There are instances where there have to be the recognition that autonomy is required when it comes to situations of making rewards or apportioning blame - *enikan kii je awa de*, (no one individual answers "we"); *ori to ba se loba nge*, (it is the individual who commits an offence that is punished); *oko kii je ti baba je ti omo, ko ma ni aala*. (A farm plot does not belong to the father and the son without demarcation or boundary). At other times, when there is need for cooperation: *Airinpo lo je omo ejo niya,* (The lonely snake suffers because it walks alone); *opo giri ese lo nyena*. (many legs. walking together marks the way). There are times when there is need to make a distinction between quantity and quality: *kaka kin bi egbaa obun, ma kuku bi okan soso oga*.(Rather than giving birth to thousands of foolish children it is preferable to give birth to only one that is smart and intelligent).

From the African notion of self, it is clear that individuals are not bearers of rights as *individuals*, rather, the idea of rights make sense within a social context. Such social context is inclusive of other non human beings like plants, animals, the gods and the ancestors. In other words, it is not even human beings alone that are bearers of rights. The ancestors, for instance, can be said to have rights- rights to be remembered through sacrifices and rights to have their offspring catered for by the living members of the community. This, however, suggests that an ancestor actually lived a communal life when she was alive. There is no reason to believe otherwise because, as Nwakeze (1987) points out: "the focal value of virtually all African cultures is community-rather than individual-oriented with very powerful emphasis on the extended family and kinship relations" (p.102).

Within the Yoruba ethical system, there is a close relationship between right (*eto*) and knowing what is right (*to*). There is no distinction which tends to exist in Western philosophy between searching for the foundation of morality on one hand and doing what is right on the other hand. The character in one of D.O Fagunwa's books called *Ademeto* is a person who recognizes what is right and does what is right without first asking why what is right is right. Thus, there is a similarity between the Yoruba ethical system and Aristotelian account of morality in the *Nicomachean Ethics* which defines happiness as a balanced state of personal integrity and well-being that develops out of repeated, virtuous actions.

However, the African (Yoruba) account of right (s) that has been presented here does not suggest that the child does not have an entitlement to her parents' property. What is suggested instead is that not only the child is entitled to the properties of her parents in view of the fact that such properties were acquired as a result of the combined labour of the extended members of the family. This position is however different from Locke's labour theory of value in which it is the mixing of the labour of the individual with nature that creates property; rather, the African position is predicated upon the fact that  property is a by product of the labour of members of the extended family. Such extended family is not an individual writ large, but a community in a methodological sense of the term.

One aspect of entitlement that is worth mentioning in traditional African society is related to the issue of the right which a son has to inherit the young wife of his dead father. The underlying factor for this right is the kind of relationship that exists among family members which gives rise to a situation in which no female member of a family that has been bound together by marriage who has also exhibited a good character is expected to be severed from that family, especially in the event of the death of her husband. This is the kind of practice which people have frowned at especially in contemporary times, given the realities of the health hazards involved in multiple partners and the fact of the attempt by some feminist groups to stand up for the rights of women to make informed choices among competing alternatives opened to them. It is in this connection that one can urge that the aspect of the African conceptual scheme on which this practice is based should be revised in order to take cognizance of the present realities in contemporary Africa.

**Towards a relational and dialectical notion of self and the ascription of rights.**

The philosophical problem that bedevils the notion of self in both Western and African philosophies pertains to the fact of conceiving the self in a particular way which tends to either extricate the self completely from the community or allowing the community to swallow up the individual. The first part of this disjunction reflects the Western conceptual scheme while the second is embedded in the African conceptual scheme. The way out of this imbroglio, in our opinion, is to argue for a relational and dialectical conception of the self. The relational conception of the self entails the position that the individual should not see herself as an atom with only an extrinsic relationship with another individual. The individual should endeavour to reach out to others within her own culture and outside it. In the process of reaching out, differences and commonalities between individuals, nations and cultures are discovered and the methods of dealing with differences are sorted out. On the other hand, the self should not be seen as totally encumbered by external 'other' in such a way that she totally forfeits her identity. What is involved in the relational conception of the self is the fact that persons can no longer live in isolation, given the fact of the phenomenon of globalization where human beings are living in a 'shrinking' world. As human beings living in a hostile world, we need the assistance of one another to overcome both natural and human made problems which together give rise to the problem of the human condition. There is the need for the human race to come together to fight common enemies such as poverty, disease, injustice, oppression, terrorism - both of the right and of the left. It is this relational and dialectical conception of the self that can ground an adequate ascription of rights, not only on individual *qua* individual but the individual who is related to others in such a way that her identity and destiny are bound up with these others. Like Allen (1997) remarks, "relating to other concepts of self, created by other cultures and even other historical periods, may serve as a catalyst to our own creative process of self development and self constitution" (p.20).

**Conclusion.**

Our position in this paper is that the Western conception of self and its African counterpart are not immune to criticisms. This is to suggest that the conceptual schemes on which their conception of self are grounded are capable of revision in such a way as to take cognizance of the contemporary realities of the world. Such contemporary realities are both natural and human. The natural realities pertain to the prevalence of natural disasters like hurricanes, earthquake, floods and diseases like HIV/AIDS and Bird Flu; while the human realities are the destruction of the ecosystem, poverty, oppression and various kinds of terrorism. As denizens of the world, every human being has the right to live a life that is devoid of certain preventable obstacles. As it is often said that "ought implies can", there should be the commitment engendered by genuine dialogue and cooperation among nations and cultures to pave way for the conditions that will make for the realization of human rights rather than the present situation in which only lip service is paid to the ideal of human rights.

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