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**Towards a Global Public Square: Individual, Community
and Human Rights**

Souleymane Bachir Diagne
Columbia University



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On Tuesday, August 12 of this year 2008, at a time when the world is still dumfounded by the sumptuous opening ceremony of the Beijing Olympic Games – as it will soon be by the epics named Michael Phelps and Usain Bolt- New York Times well known conservative columnist David Brooks publishes in that newspaper, under the title *Harmony and the Dream*, the philosophical-political reflections inspired to him by what was perceived as the celebration of China's raise to the status of a global superpower. At the center of these reflections is the question of human rights. Interestingly he gave to that question the meaning of being another aspect of a cosmic clash of civilizations by making it a dimension of the cultural divide between cultures that value the individual above the community and cultures where, supposedly, the totality is everything.

The column starts by evoking psychology tests conducted by Pr. Richard Nisbett, from Michigan University, Ann Arbor, explained and commented in his book *The Geography of Thought: How Asians and Westerners Think Differently...and Why*. In his book, R. Nisbett, who ran the Culture and Cognition Program of Ann Arbor reports on the differences, judged significant, in the cognitive approaches of American subjects when compared to citizens from Far East countries. With his international team of researchers, among them Chinese, Korean and Japanese scientists, they had established, for example, that when presented with a fish tank, Asians would be more likely to see the wider context while Americans would rather focus on individual objects, say the biggest fish in the tank. The major conclusion that the team of scientists drew from their research is that apparently, and in general, south Asian thought (whatever that means, because it remains to see if there is a denotation for that phrase) has a tendency to be more holistic than western thought (again: whatever that means) as it seeks to embrace the totality of the field using as little as possible logical categories that could exclude the coexistence of multiple perspectives. Something of Chinese philosophy of Feng Shui, the art of arranging objects with respect to the cosmic correlations that weave them together could find here, apparently, an illustration.

The same researchers also think the tests they have thus conducted could help clarify questions such as: why did ancient Chinese excel in algebra and arithmetic and did comparatively poorly in geometry? Why do kids in the western world learn nouns faster than verbs while the contrary happens in eastern Asia? I keep wondering whether these questions of comparative psychology of entire populations are truly meaningful when they seem to lead to reasons to believe in something like a “geography of thought”. And it is worth noting that Nisbett and his colleagues indicate that it takes less than a generation for persons of Asian descent living in the United States to adopt, along with the culture in which they are immersed, the same cognitive approaches that we could call “atomistic”, when it comes to problem solving. But after all there are other scientists in the same field who could judge the premises, methods and conclusions of this type of research and maybe critically assess them.

What I am interested in concerning the results stemming from that kind of comparative cognitive psychology is to measure the exploitation perpetrated by David Brooks in “applying” them to the question of human rights. Or rather his hijacking of those results in order to reinforce the notion of a profound, civilizational rupture between the West and the East. Because the experiences he has invoked as a scientific validation of his thesis are about the far East in general, he also cites Japan but, ultimately, it is really China that he considers as *the other*, the holistic –in a political sense now- other of

an analytical West. It is understandable why Japan would not be seriously considered even if it is evoked: after all, the Country of the Rising Sun is a democracy where human rights are not more mistreated than in the other democracies, which could make it an immediate counter-example for the point D. Brooks wants to make: namely that a radical difference in civilization opposes the West and the East when it comes to human rights which are truly and naturally the rights of the individual. To exploit scientific hypotheses the way he does is to slip without further ado from cognitive issues with which they are conversant into the field of politics in which his true interest resides. What he wants to demonstrate therein is the existence of an array of human civilizations from the most individualistic to the most collectivist: “you can create a global continuum with the most individualistic societies –like the United States or Britain- on one end, and the most collectivist societies –like China and Japan- on the other.”

What characterizes individualistic countries then is that they “tend to put rights and privacy first” while collectivist societies “tend to value harmony and duty”. The first consequence of this way of disposing human cultures is to reduce the richness of the spectacle offered by China to the rest of the world during the opening ceremony to nothing more than the simple manifestation of the collectivist Chinese essence. What D. Brooks explains with all the seriousness supposed to come from the scientific background of his reflection is that “thousands of Chinese moving as one –drumming as one, dancing as one, sprinting on precise formations without ever stumbling or colliding” is not mere choreographic work of precise and meticulous coordination leading to flawless achievement, but rather the emanation and ultimate illustration of a culture of “mass conformity”. The second consequence is to solidify into as many destinies the collective individualistic or collectivist identities thus established. The notion that individualism has a history connected with that of capitalism is evoked only to be afterwards relegated behind an essentialist vision for which the West is a natural continuation of an ancient Greece which is said to have particularly and uniquely valued “individual heroism” – as if such a value was not so widely shared in all epics, literatures and praise poetries in all cultures. D. Brooks’ essentialism goes as far as presenting collectivism as the natural consequence of the massive presence of disease-causing microbes in certain parts of the world around the equator: tribal philosophies thus express the need to enforce group solidarity and “conformity over eating rituals and social behavior”! The third consequence is that all notion of a direct relation between development and individualism is radically overturned: economic progress does not imply a transition towards societies where the individual will be more and more valued along with the rights that she is seen as bearing naturally. Not at all, says Brooks: China has just demonstrated by becoming the superpower it is now that it is possible to build a model of development that is predicated upon (and therefore preserves) the collectivist essence, the culture of “mass conformity”. In summary, the few individualistic societies on the planet are such in virtue of an essence that sets them apart while those, far more numerous, naturally inclined to value the group are now offered, with the model of China, the path of the “harmonious collective” which can be, says Brooks, “as attractive as the Ideal of the American Dream”. That is why, he continues, the new Chinese power “isn’t only an economic event. It is a cultural one.” As a consequence, this other culture of development is going to create the conditions for a “new sort of global conversation” between civilizations

which are both irreconcilable in their different identities and bound to find ways to live together in peace.¹

The reason why I have at length reproduced the argument of that column is that the huntingtonian paradigm that it draws upon, no matter how decried it is for its simplistic cultural determinism, still colors, more or less, under different avatars, the ways in which we think of questions such as that of human rights as both a stake and a foundation of a global public square. Thus, the very notion of a dialogue of cultures as a way out of their “clash” supposed to be inscribed in the very nature of things is yet a tribute paid to that paradigm. And I agree with Amartya Sen when he explains in his *Identity and violence. The illusion of destiny* (New York and London, Norton & Company, 2006) that the alternative between clash or dialogue is a pitfall since the two terms share one same premise, which needs to be reassessed, that of cultural identity as destiny.

That being said, it must be underlined that what makes the illusion of identity as destiny function is less what is written by intellectuals like Brooks who assigned to themselves the task of celebrating the unique excellence of the *telos* of a “West” who naturally fathered democracy, public debate, individualism and human rights than the implicit acceptance of that representation by intellectuals who adopt in principle an anti western posture and undertake the symmetrical task of defending and illustrating an *other* identity which entails, for example, on the topic we are dealing with, advocating *another* philosophy of human rights. Criticizing the ‘championing of ‘Asian values’’, which, he says, “flourished particularly in East Asia in the 1990’s”, Amartya Sen characterized it as “anti-Western rhetoric” stemming from “an attitudinal climate that is obsessed with the West.” (*ibidem* pp. 84-85). The question is that of the possibility for a *postcolonial* world (“de-westernized” and also “disoriented” according to Emmanuel Levinas, because it has become a “saraband of innumerable cultures”)² to converge and come together around a human universal that is invoked by a Declaration of rights.

To take a concrete example, let us now consider the African Charter of Human and Peoples’ Rights. According to the Drafting Committee it is designed to “reflect the African approach to human rights” and to model itself on the African philosophy of law while responding to the needs of Africa. After it was adopted by the eighteenth Conference of the Heads of States et Governments of the Organization of African Unity (OAU) in Nairobi, on June 1981, it is only in 2006, after many events that the Assembly of the Heads of States and Governments of the African Union (AU) has started to really activate it by electing the eleven judges of the Commission in charge of its application.

It should be noted first that the Charter presents in one single document, civil, political, economical, social and cultural rights (that is the case too for the Interamerican Charter on Human Rights, which obviously was also used as a model); second, that it insists particularly on peoples’ rights and what is designated as “the duties of the individual vis-à-vis the community” in order, it is indicated, to reflect the unique

¹ As one could have expected, such an essentialist vision, entirely inscribed within the huntingtonian paradigm, has provoked many indignant reactions from readers who denounced in the following issue of the *New York Times* this pseudo-scientific recycling of stereotypical considerations on Asian spirit or values.

² *Humanisme de l’autre home*, Fata Morgana, 1972.

importance of the *group* in African societies. Again the opposition between individualistic and communitarian societies is considered a given. Now, does taking that supposed specificity into account mean, in practice, adding collective rights to the internationally recognized ones? That seems to be the thinking here. But what do we make of a statement like article 29, paragraph 7 which stipulates that “the individual shall also have the duty (...) to preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society” (immediately followed by an injunction “to contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity”). One can immediately see how wide open the doors of interpretation are: what are the African cultural values? When do they cease to be “positive”? And what does “positive” mean? One can guess the kind of complex issues the drafters of the Charter had to deal with as they were caught, as it were, between the will to affirm the primacy of the community to be sure they were reflecting the “African philosophy of human rights” and the need to avoid seeing that same primacy trample the individual right to another dissenting view and to the freedom to express it. Hence the precision made that the values considered are the “positive” ones (and not, say, those entailing mutilations for the purpose of initiation) and that their preservation and reinforcement should be conducted “in the spirit of tolerance, dialogue and consultation”; which is to say: they should be promoted, not imposed.

In general, that article 29 establishes a list of duties vis-à-vis the national community (and even the security of the State which then is assumed, apparently, to represent *ipso facto* that community) that the individual is invited to fulfill by “by placing his physical and intellectual abilities at its service”. It concentrates in itself all the difficulties of the exercise of weaving together the rights of the community, the rights of the individual and the duties of the latter vis-à-vis the former.³ It should be noted that Amnesty International which has published a brochure publicizing the Charter in order to be able to use it as an instrument for its mission of preventing human rights abuses on the continent has deemed it necessary to comment that, of course, “the duty to contribute to one’s country’s defense must take into account the right to freedom of expression and of religion.” Such a precision is crucial because one can imagine a situation where it could be imposed that what “the community” demands is to enlist “physical and intellectual abilities at the service” of a certain idea of what the identity of the community is and what it means to preserve it, thus criminalizing any dissidence. In fact, “what is the community?” is not a question that one can easily answer and to make it the bearer of human rights and to define duties towards its preservation predisposes to an incarcerating conception of identity which will eventually endanger the very notion of human rights.

³ It is clear that this article is here the equivalent of article 32 in the American Convention on Human Rights which indicates, under the title “Relationships between Duties and Rights”: “1. Every person has responsibilities to his family, his community and mankind. 2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.”

So one question is to be posed: is it inevitable that an African philosophy of what it means to be human and as such to have rights should be caught up in a communitarian approach? Absolutely not. And one only needs, to be convinced, to consider one of the most important and ancient documents on human rights in Africa, namely the so-called Oath of the Manden, proclaimed in the early thirteenth century - 1222 is generally accepted-, by the founder of the Mali empire, Sunjata Keita.⁴ The West African secret society of the Hunters has been ever since the memory and the guardian of the oath. Let me quote from it three articles. The very first says: “The Hunters declare: Every (human) life is a life. It is true that a life comes to existence before another life, but no life is more “ancient”, more respectable than another life, just as no life is superior to another life.” The sixth says: The Hunters declare: “the root of slavery is extinct on this day, ‘from a wall to the other, from a border of the Manden to the other; razzia is banned in the Manden from now on, the torments created by those horrors are over starting this day in the Manden. What a test torments are! Especially when the oppressed has no recourse. The slave enjoys no consideration, nowhere in the world.” Finally, the seventh followed by the conclusion of the oath states: “ People from ancient times tell us: ‘man as an individual made of bones and flesh, marrow and nerves, of skin covered with hackles and hair is nourished by food and drinks; but his soul, his spirit lives from three things: to see whom he wants to see, to say what he wants to say and to do what he wants to do; should one of these things be missing for the human soul, it would certainly suffer from it and wilt.” Consequently the Hunters declare:

From now on everyone enjoys self-determination,
Everyone is free in their actions,
Everyone disposes of the fruits of their labor.
That is the oath of the Manden for the ears of the rest of the world.”

One first remark to be made a propos this text from the oral tradition of the Manden is of course to note that the notion of a declaration or an oath to promote the rights attached to human life is the prerogative of no particular civilization. Amartya Sen often cites, on that question, the pursuit by the Indian emperor Akbar of what this one has called “the path of reason” (*rahi aql*), which led him to proclaim, among other articles, freedom of conscience in no equivocal terms saying: “[N]o one should be interfered with on account of religion, and anyone is to be allowed to go over to a religion that pleases him.”⁵

The second remark is that the vision of humanity manifested in the Hunters’ oath has not encumbered itself with considerations on the value of the community and the duties of the individual towards it. The approach is straightforwardly individualistic because every life is individual and unique. As we could put it,

⁴ See Youssouf Tata Cissé’s *Soundjata, la Gloire du Mali*, Karthala, Arsan, 1991. Also see by Y. Cisse, Fofana and Sauvignot *La Charte du Mandé et autres traditions du Mali*, Paris, Albin Michel, 2003. This «oath of the Hunters» is not the same thing as the so-called «Kurukanfuga Declaration”, the “constitution” of the Mali empire which is also a declaration of rights, usually dated on 1236.

⁵ Quoted in Amartua Sen, *Identity and Violence*, p. 50. On the “path of reason” he also quotes the following from Akbar: “The pursuit of reason and rejection of traditionalism are so brilliantly patent as to be above the need of argument. If traditionalism were proper, the prophets would merely have followed their own elders (and not come with new messages). (p.161)

paraphrasing the first words of the oath by emphasizing in the English rendition one particular word: “every life is *one* life.”

From these two remarks I would like now to draw a practical conclusion on the one hand and, on the other hand, a few reflections on the importance for us, today of the light shed on the dialectic individual/community by Kwasi Wiredu. As for the conclusion: I first observe that the text of the African Charter on Human and Peoples’ rights is deeply flawed when it comes to its “communitarian” articles, as they are written in such a way that they end up almost codifying as human rights statements that could as well express some *raison d’état* contrary to individual rights. And, as I believe that to be the consequence of a philosophical misunderstanding of what the dialectic between individual and community is, I also believe that it is the task of African philosophers to conduct, more than they have done so far, a critical reflection on a text that has been in general too neglected in our works, even when dealing with the same questions of the relationship between personhood, individual, community and rights. After all the Charter is or should be an important tool for African integration and unity.

Kwasi Wiredu calls for a conscience of the importance of such a task when he writes: « How to devise a system of politics that, while being responsive to the developments of the modern world, will reflect the best traditional thinking about human rights (...) is one of the profoundest challenges facing modern Africans. »⁶ The distinction that he establishes between a descriptive conception of a person among the Akan people and a normative concept is crucial here. On the descriptive level, we are told, a person is the individual who received from God life principle and destiny (*okra*), inherited from her mother a lineage (*mogya*) and owes a certain “presence” (*sunsum*) to her father. But what truly defines personhood is what one has to be, his *to ti en einai*, as Aristotle would say. Therefore « personhood is not something you are born with but something you may achieve and it is subject to degrees, so that some are more *onipa* [persons] than others, depending on the degree of fulfillment of one’s obligations to self, household and community. »

What is thus being said about becoming-person in Akan society shows, I think, what the flaw I evoked earlier in the Charter’s communitarian articles really is: ontological primacy of the community is the *raison d’être* of the individual’s duties vis-à-vis the group whereas we should understand those duties as part of the individual’s process of becoming-person. So on the one hand it is recognized that the human being is fully complete, and can achieve his destiny only in the community (as a social animal in Aristotelian terms): as stated in an Akan word of wisdom cited by Wiredu: « when a human being descends upon the earth s/he lands in a town ». On the other hand, it is also affirmed that the duty to become a person through the group and in particular through service to the group remains inscribed in the individual trajectory of a life seeking self-realization. As another Akan word of wisdom also puts it, according to K. Wiredu: « nobody was there when I was taking my destiny from my God. »⁷

⁶ K. Wiredu *Cultural universals and particulars. An African perspective.* Bloomington, Indiana University Press, 1996; p. 171.

⁷ Actually K.A. Appiah very much speaks as an “akan” when he talks about “the ethical task each of us has” to make our life saying at the same time that it is “inevitably bound up with the ethical lives of others.” (*The Ethics of Identity*, Princeton, Princeton University Press, 2005; p. xvii.

This seems to me a fundamental lesson that Wiredu's work on Akan philosophy teaches and which we need to meditate in the task of critically accompanying the elaboration of a Charter of Human Rights by which Africa recognizes the universal and recognizes herself in it. And, more generally, the task of creating a global public square founded on public reasoning and our common humanity.

International human rights law guarantees everyone the right to the highest attainable standard of health and obligates governments to take steps to prevent threats to public health and to provide medical care to those who need it. Human rights law also recognizes that in the context of serious public health threats and public emergencies threatening the life of the nation, restrictions on some rights can be justified when they have a legal basis, are strictly necessary, based on scientific evidence and neither arbitrary nor discriminatory in application, of limited duration, respectful of hum... Human rights defenders and those participating in protests denouncing corporate abuse are being increasingly targeted. Communities struggle to obtain justice for violations of economic, social and cultural rights , even more so when involving multinational companies that operate across national borders. FIDH advocates for the full recognition and justiciability of economic, social and cultural rights, and campaigns for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Together with its member organisations, FIDH works with communit... Human rights violations in the enforcement of quarantine measures which have been brought to light around the globe. This abusive policing is not new, but the media coverage in most cases is.Â â€œThis virus is no respecter of persons.â€[i] Coronavirus is a pandemic of global proportions which some have termed the third world war.[ii] Due to the pandemic, quarantine measures have been put in place across the globe.Â Filipino president Duterte told the country in a public address that lockdown violators could be shot.[xxiv] While there have not been any reports of anyone being shot, reports have alleged that police have put people in public animal cages, and subjected others to physical punishments which the police video and then post online to shame the violators.[xxv]. The UN Global Compact's human rights principles are derived from the Universal Declaration of Human Rights. Learn the business impact of providing human rights.Â Human rights are universal and every person around the world deserves to be treated with dignity and equality. Basic rights include freedom of speech, privacy, health, life, liberty and security, as well as an adequate standard of living. While Governments have the duty to protect individuals against human rights abuses by third parties, businesses are recognizing their legal, moral and commercial need to get involved. Businesses have minimum responsibilities to meet to respect human rights. They must act with due diligence to avoid infringing the rights of others. The Global Public Square is where you can make sense of the world every day with insights and explanations from CNN's Fareed Zakaria, leading journalists at TIME and CNN, and other international thinkers. Get informed about global issues, exposed to unique stories, and engaged with diverse and original perspectives. Amar C. Bakshi is the site's editor, features writer and producer.