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Fundamental Human Rights in African Religion: A Critique

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Abstract

The 21st century humans are in chains, clamouring for freedom. Round about us are clear restrictions and violations of human rights. In general, human rights are fundamental to the African values. Human rights in traditional African religion are couched in human dignity as inveterate in fundamental values cherished by the society. Thus, all these human values in African society are regarded as African humanism. In spite of this African humanism, restrictions, clauses, violations of human rights and individuality are the springboard. Therefore, this paper attempts to look at African humanism as human rights, using historical, socio-cultural, religious and moral approaches to examine and critique fundamental human rights in African religion. Therefore, the paper postulates that African humanism is urgently needed for the restoration of African civility, socialism, solidarity, communitarianism, independence, self-actualization, self-respect, freedom, egalitarianism, democratic and liberal life. This traditional African humanism therefore has much to contribute to human development.

Keywords: Fundamental human rights, African Religion, humanism, critique, ujamaa, ozovehe.

Introduction

Man is born free, yet he is everywhere in chains – Jean-Paul Satre.

THE QUOTATION IS THE STATE OF HUMANITY TODAY, LOCALLY AND GLOBALLY. BUT, IT is of immense interest to note that human being is the masterpiece of God's creative genius and theomorphic being who possesses innate human qualities which are couched in human rights. Thus, African cosmology is overtly anthropocentric in which African people consider man to be at the centre of the universe. The motif of man being at the centre in African Religion is the recognition of African humanism. African humanism therefore emphasizes human dignity, interest, happiness, welfare, independence, self-actualization, self-respect, freedom from exploitation, the evil of capitalism, communitarianism, egalitarianism, and democratic and liberal life.

Instead of Africans to be celebrating and consolidating their communal humanism, they are everywhere in chains of capitalism, individuality, intimidation, insecurity,

assassination, abduction, restriction of movement consequent upon the predicament of the society, western influence and globalization. However, African humanism needs to be restored so as to restore these sets of human values that have the propensity of turning the African world around, and to restore also African civility, socialism and environmental rights. To this end, the thrust of this paper is to examine and critique fundamental human rights in African religion.

A Panoramic Overview of Fundamental Human Rights

Fundamental human rights are rights that every civilized and emerging society inhabited by human beings must accept as belonging to each person as a human being. In other words, human rights are rights which are innate and inherent in human existence; rights that are inviolable and irrefrangibly worth of the essence of individual human commonwealth.¹ These fundamental human rights are attributes which all men or a clear majority of people would prefer if they had a choice. Eskor Toyo helps in a great deal to showcase these humane attributes to include life, kindness, love, truth, knowledge, justice, equality, one's own boss, security, stability, dignity, cooperation or friendliness, non-exploitation, freedom, honest dealing, shelter, happiness, comfort, health, strength against disabilities, peace, non-subjection to detrimental discrimination, access to means of life, advocacy of and organization and rebellion for the foregoing values and progress enhancing the foregoing.²

Oxford Advanced Learner's Dictionary defines human rights as "one of the basic rights everyone has, to be treated fairly and not in a cruel way, especially by their government."³ The above clearly indicates that this right is inborn and that the government should recognise and respect this right no matter the status of the individual in the society. Thus, these rights are what Inegbedion and Odion describe as bench-mark rights. According to them, human rights are "the bench-mark rights below which no municipal or national law may fall."⁴ As a matter of fact, Owolabi supports the submission advanced by Inegbedion and Odion in the light of its benchmark of human freedom. According to him, "human rights are those rights which all human beings enjoy by virtue of their humanity, the deprivation of which would constitute a grave affront to one's natural sense of justice."⁵ Besides, Umozurike extends its frontier by adding global community to this subject-matter. In his assertion, he submits that human rights are "those rights which international community recognizes as belonging to all individual by every facet of their community."⁶ In fact, Shorts and Than approach their definition of human rights from legal and moral perspectives. In their quest for meaning,

Human rights are those rights that have been derived from natural law which have evolved out of natural rights; rights inherent to people by virtue of their being human and being of a moral, and rational nature and having a common capacity to reason.⁷

Alamu has thus agreed in consonance with the above submission of Shorts and

Than. Alamu rather extends the frontier of human rights to include God as the Source or Originator of these rights. According to him,

These fundamental human rights are those entitlements or rights which are universally identified as given to man by his Creator which nobody can take away from him. Of a truth, these rights are needed by men to have peace, to develop their potentials and to enjoy rhapsodically self-actualization. These therefore, are indispensable in a civilized society. It is trite to note that these natural privileges are the will of heaven. Thus, the constitution only guarantees these natural privileges and wills.⁸

However, Mpamugoh sounds so critical about the whole meaning of human rights, albeit, he appreciates the fact and meaning of it, but he seems to appraise it in the context of the new trends. He therefore sees "human rights as human societies some of which are protected by law and have become part of *lex lata* while others remain aspirations to be achieved in the future."⁹

Human rights are neither a morality nor religion and are thus much more than human language, because they are inherent privileges and requirements. Thus, these rights are fundamental and inalienable right, human essence or human worth, moral will, supreme and intrinsic value, human dignity, fair hearing- all of which are innate and natural rights as long as the universe remains. No doubt, God recognizes these innate rights even before He created humankind. Fundamental human rights are as old as human nature and the modern struggle to entrench these rights started during the Renaissance- the period of dangerous awakening or period of enlightenment. Toyo asserts that it was in Europe from 1300 to about 1600AD that men struggled to liberate themselves and the society from oppressive pretentious, traditionalist, and conservative envelope of ideas, institutions and rights inherited from ancient slave and feudal society.¹⁰ Attempting to grapple with liberation and classlessness, people's humanism rose up in protest in 1820 against the bourgeois movement and socialist movement. In 1871, the first state of the working people emerged in Paris namely, the Paris commune which did not last as the bourgeois movement subdued them as one of the most callous acts of barbarism in entire history. In 1917, and the succeeding years, the people of Russia resumed the effort of Paris commune. No doubt, this effort was much successful until the end of World War 2.¹¹

Nonetheless, in the dawn of the 20th century, issue of human rights received global attention as a result of atomic bombing of Hiroshima and Nagasaki in 1945 as the aftermath of the Second World War. This antecedent drew the realization of the need for universal declaration of human rights which was subsequently instituted in 1948.¹² Over the ages, humankind has considerably shown remarkable and plausible concern and interest in human rights so that the disgraceful abuse of human rights as witnessed prior to 1948 would not re-appear again, because these rights are central to humanity. Fundamental human rights have been recognized to entail those rights that are very crucial to the actualization of human aspirations without which life becomes Hobbesian state of nature where life is worthless, nasty, brutish and

short. Some scholars of repute have argued that human rights include civil and political rights, economic, social and cultural rights and environmental rights.¹³

Thus, the civil and political rights enjoy more profound prominence than the others. It is so because the state finds it politically convenient to be entrenched in the constitution. The constitution finds it inveterately fundamental.¹⁴ Without equivocation, economic, social and cultural rights include right to gainful employment, right to a higher standard of living, right to education, right to shelter as the necessities of life. These rights have been recognized by the constitution.¹⁵ Isuku has observed that these rights are expressed in the form of fundamental objectives and directive principles of state policy. Besides, these social and cultural rights serve as international instruments as they have been enshrined in chapter IV of the 1999 Nigerian constitution as amended bearing in mind that they are held to be non-justiciable.¹⁶ By implication, the enforcement of these rights cannot be subject to litigation in court. Frankly speaking, Nigeria which is a signatory to each of these human rights' charters has entrenched these rights into her municipal law.

Environmental rights which are just gaining currency are rights to a clean and serene environment.¹⁷ There has been a corresponding concern over environmental degradation and pollution as largely responsible for the distortion in the weather such as the global warming, health hazards, deforestation and among others.

African Religion: A Brief Account

African Religion embraces all aspects of all life. Dopamu attests to the fact that Africans do not know how to exist without religion. Religion plays a leading and major role in their lives. According to him, "Africans do not know how to live without religion. They celebrate life religiously and they never embark on everything without bringing in religion."¹⁸ The foregoing reveals that Africans are incurably religious hence they bring in the understanding of God and His vicegerents in the theocratic rule of the universe. Africans start off from religion and their lives terminate at the point of religion. Put differently, Africans transit with religion. Thus, African understanding of the universe points to the fact that there is one universe that accommodates the tangible and intangible, sensible and super sensible, material and immaterial.

For Africans, religion is simply life and life is all about religion. This assertion critically supports Kungs's interpretation of religion thus:

A believing view of life, approaches to life, way of life, and society, humankind and the world, through which is a person, though only partially conscious of things and experiences, thinks and feels, acts and suffers, everything. It is a transcendently grounded experience and immanent operative system of coordinates by which human beings orient themselves intellectually, emotionally and existentially.¹⁹

For Africans, religion is a far more exceeding way of life or an approach to life as directed by a holy writ. It is a way of life and life itself, where there is no dichotomy between religion and human nature and existence.

Gaiya emphasizes that a study of the beliefs and practices of the African peoples lead to the theological understanding that African Religion is a religion of salvation and wholeness.²⁰ As a matter of fact, African Religion is careful in analysing both worldly and spiritual salvation. Africans believe that life is a complex web of relationships that may either promote and preserve life or diminish and destroy it.²¹ According to Gaiya,

The goal of religion is therefore, to maintain those relationships that protect and preserve life. For it is the harmony and stability provided by these relationships, both spiritual and materially that create the conditions for wellbeing and wholeness.²²

Therefore, the condition for well-being and wholeness depicts religious credential and tonality of African Religion. As is the case for most other people, religion is the keynote and keystone of the people's cultures. Hopfe and Woodward assert that "a basic understanding of African Religions will provide knowledge of customs and attitudes toward the family, society at large, the environment, and death and the life beyond."²³ The above elucidates the essential features of African Religion, but African Religion is not many, we only have one African Religion. It is wrong for Hopfe and Woodward to think that Africans have many religions. However, it is true that there are varieties and diversity in African beliefs. Dopamu nevertheless argues that varieties in African Religion must not be taken to mean a diversity of fundamental beliefs rather he assuringly avers that these varieties are underlying affinities running through them.²⁴ Corroborating Dopamu's statement Magesa writes:

Varieties in African Religion must not be taken to mean a diversity of fundamental beliefs. ... Much has been made of the differences within African Religion based on the distinctive lifestyle of the peoples of Africa. It is not possible to deny that these lifestyles affect the religious symbols of the people. Yet to conclude that there is therefore no internal essential unity in the various expressions ... is to exaggerate ... if we study African Religion in a special place among a special ethnic group, as many scholars have done and still do and, indeed as it is necessary to continue to do it is for the sake of depth and should not be used to support the argument that African Religion is not a generic whole.²⁵

African Religion has actually had sizeable proportion of effect with the incursion of proselytizing religions of Islam and Christianity. Gaiya observes with precision that the arrival of Islam and Christianity in Africa, the whole scenario of Nigerian perhaps African religious wholeness and experience metamorphosed into series of changes. Thus, the religious structures or institutions that held the African people together into various communities went through drastic form of transitional experience.²⁶ It is an irrational and inadvertent experience that created and thus creates tension, mutual suspicion among ethnic and religious groups that make up the continent. Through this obvious fact, religious wholeness of the Africans has been tampered with severely. Despite the current trends, many values of African Religion will continue; the emerging Islam and Christianity in Africa have distinctive African qualities.²⁷ As long as the religion continues to speak the language of the people, it will survive.

African Culture

African culture means a way of life of the Africans. It also means a way of feeling, thinking and behaving in a traditional African setting. In a nutshell, culture is a way of life of the African people. Traditional Africa is embedded in the culture of the people. African life is communal, collective or corporate with social solidarity, harmony and cooperation. These African credentials are of paramount importance to the Africans. The culture of the African people is not for the individual but for the community to which the individual belongs.

African Humanism

In African life, there is the major concern for the dignity of human being which brings about human welfare and happiness. It is worthy of note that African people recognize this human worth and values. African humanism constitutes universal family of humankind with the recognition of human value that promotes human appreciation, compassion and hospitality. As a matter of fact, the thoughts, actions, art and institutions of the Africans are replete with tonality of concern for human welfare and the significance of human being. The deep appreciation for humanity is reflected in such corporate social structures as the clan, nuclear and extended family and other complex networks of social relationships. African customs cherish an arm of opening one's door to strangers and showing them the acts of kindness, accommodation, hospitality and we-feelings. Consequent upon African humanism, people constitute one universal brotherhood whereby we appreciate the value of human being and demonstrate compassion, hospitality and moral duty of extending hand of fellowship to one another.

Fundamental Human Rights in African Religion

Dopamu argues that the motif of African Religion revolves around God, man and the society. And of those tripod motifs, man is at the centre of them all.²⁸ Sincerely speaking, African cosmology is overtly anthropocentric. The human person is the champion of religious universe.²⁹ Thus, the anthropocentric tendency of African Religion makes Dopamu to assert that the religion of the African is humanistic or is regarded as communal humanism.³⁰ Gyekye supports this fact when he was analyzing Akan proverbs. He analyzes a number of Akan proverbs from which he concludes that Akan is very humanistic. In Akan thought, human beings are exalted creatures, they are theomorphic beings because they have the spark of God in them.³¹ In addition, Tempels also agreed that man in Bantu philosophy is "the living force; the force or the being that possesses life that is true, full and lofty. Man is the supreme force, the most powerful among created beings."³²

Consequently, man as the supreme force in Africa is recognized by Idowu as possessing unrestricted, universally unbounded or immutable moral and human values in the religion of the people as revealed by *Olodumare*, the Supreme Being.³³

As earlier observed, these human values find theological expression in African humanism. Gyekye again asserts that the concept of human rights in the traditional African society is anchored in notions of human dignity and integrity and rooted in and propped up by fundamental values cherished and pursued by the society.³⁴ It is of interest to note that African humanism emphasizes human dignity, knowledge, interest, happiness of ordinary people as human beings, egalitarianism, democracy, liberty, welfare, independence, self-actualization, self-respect, freedom from exploitation, personal relations, hospitality, and we-feeling and among others.

All these essentials of African humanism are recognized and respected by the Supreme Being. Furthermore, these essentials of African humanism are couched in fundamental human rights universally accepted as natural laws, wills and privileges, than universal declaration of human rights of the United Nations in 1948. The U.N. promoted and still promotes this course, canvasses for their acceptance and directs all to be enshrined in the constitution of the nations of the world.³⁵ As a general rule, the list of fundamental human rights as produced by UNO in its charter has been enshrined in chapter IV of the 1999 Nigerian Constitution as amended:

Right to life; right to dignity of human person; right to fair hearing; right to personal liberty; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and press; right to peaceful assembly and association; right to freedom of movement; and right to freedom of discrimination.³⁶

It is appraisingly evaluated that there are restrictions or clauses in the area of defence, public safety, public morality, public health and emergency period. In fact, every person has the right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty. All these restrictions border on the morality of the constitution. This declaration which is not out of place in the 1999 Nigerian Constitution as amended is to prevent alienation of human rights. It is not uncommon to say that constitution does not confer on the individual these rights; rather the constitution recognizes these rights as natural laws and privileges.³⁷ Azelama posits that "the culture of the various societies of the world contain indicators of consciousness of these rights."³⁸

No doubt, fundamental human rights are natural; therefore it began before African religion was known, since "religion is a common heritage which Africans share with the rest of humankind."³⁹ Again, it is clear that in Africa, emphasis is placed on the dignity, interest and happiness of ordinary people as human beings which Eskor Toyo expresses as humanism.⁴⁰ Equally on this humanism, Ehusani looks with nostalgia at the traditional African humanistic world view which is encapsulated in the *Ebira* name *Ozovehe* meaning "the human person is life."⁴¹ He emphasizes that this world-view which is expressed in the traditional African's love for children for the family, for the harmony, dignity, or wholesome personal relations, for community, and for hos-

pitality, gave meaning and purpose to traditional life and characterized the African as humanistic.⁴²

Idowu, one of the Doyens of African religion observes that in these days of African personality, there are many human values by which the forebears lived and by which the present generations are living, and are spiritually and morally potent for today and as well preserved for posterity.⁴³ The pill of human values is also resident in the great and equal value of African person. In Africa, all men are of equal value. The Supreme Being is the foundation stone of the society. There is no hint that God is partial and reserves the universe only for the benefit of a minority call the rich, rather it is for the overall benefit of God's masterpiece.

Also substantiating this African humanism as encapsulated in fundamental human rights, Julius Nyerere, one time President of Tanzania postulated African socialism or *Ujamaa* socialism.⁴⁴ He identified the cardinal point of the traditional African society as 'Humanism'. For him, it is this humanity that *ujamaa* is geared to re-establish. Worthy of note is the fact that Julius Nyerere's sociopolitical philosophy represents a

Socialist position that is communitarian, egalitarian, democratic and liberal... Nyerere's socialism is clearly anthropocentric totally geared to man's welfare and self-actualization. He depicts the purpose of Nyerere's socialism as an attempt for the African to regain his self-respect, independence and mastery of his world.⁴⁵

All these and others are embedded in Nyerere's Arusha Declaration of 1967, where the principles explaining the aims, objectives, and programme of implementation of the *Ujamaa* socialist system for both leaders and followers were articulated.

African humanism encompasses justice, peace, equality, egalitarianism, communitarianism and among others. Azelama again asserts that it is the responsibility of the International body to prevent the various circumstances that attracted the attention of international law as it developed.⁴⁶ In African religion, there is no room for individuality. Senghor is convinced that African society puts more stress on the group than on the individual, more on solidarity than on activity and on the need of the individual, more than on the communion of persons than on their autonomy. Ours is a communal society.⁴⁷ In the same vein, Bujo as cited by Ezekwonna argues that "without communitarian relationship there is no identity for the African person. Only together with others can one become a human person and achieve individual freedom, which again should be exercised in a communitarian manner."⁴⁸ Indigenous disquisition portrays the fact that in the traditional African society, a happy means exists which imparts strength and unity. Its essential humanism, as exemplified in the folktale narratives arises from the awareness of the individual destiny with a large, more inclusive communal destiny.⁴⁹ Khapoya opines that in Africa, there is the sense of we-feelings, for the society is always collective and corporate.⁵⁰ Mbiti buttresses further that neighborliness is a matter of course in Africa. He states that "I am because you are; and since you are, therefore I am."⁵¹ Azelama further indicates that these

humanistic imperatives inhibit encroachment on human rights. The Universal declaration of human rights and International Covenants of human rights recognize justice, freedom, peace, and equality in all societies. Besides, the Vienna declaration preventing human abuse and the programme of action were inputs to 1993 conference of human rights.⁵² To this end, all these are geared towards the common good and total well-being of the individual members of the society.

A Critique

The satirical *Animal Farm* states that "all animals are equal, but some are more equal than the others."⁵³ It is against this background that all human values as indices for human rights are alien and strange to the individual persons in Nigeria in particular and Africa in general. Today, the issue of inequality, injustice, killing, individuality as I argued elsewhere almost has divine approval despite the enormous call for equal privileges and rights. In practice, men are hardly equal because it is a universal phenomenon.⁵⁴ Today, if America, as the acclaimed Superpower, is not monitoring Iraq, she is suspecting South Korea of bacteriological weapons of mass destruction. Therefore, people's rights have abused, encroached and manipulated, and their rights, as Ehusani enunciates are regularly harassed, infringed, tortured, and violated by brutal law enforcement agents.⁵⁵

Moreover, human rights in Nigeria are trampled upon as a result of kidnapping, assassination, and child trafficking. Also, the disparity between the aristocrats and commoners is becoming wider daily. The case of OSU caste in Igbo nationality is a strong point of this social morbidity. In simple language, a non-Osu is totally forbidden from marrying an Osu otherwise, the former automatically becomes one if he or she does. Indeed, it is the common saying among the Igbo not to marry any of them, because they are vestiges of misfortunes. Despite the fact that Erinosh, Umejisi, Nnamdi Azikiwe (of the blessed memory), other catholic and Pentecostal Priests clamoured for and are still clamouring for its halt, the phenomenon is still strong among the people. The social structure that disregards fundamental human rights has resulted in widely different sets of moral standards within the social organism. Judicial inadequacies, inefficiency on the part of the government, extra-judicial killing, degrading treatment, economic meltdown, undermining court order or summon, brutality and other dehumanizing peculiar challenges are on the increase.⁵⁶

Clifford has argued that African religion has been influenced such that it has become deregulated and put into the hands of the foreigners. There is an emphasis on freedom of choice and a move away from the traditional settings. Thus, the boundaries of what is considered religious are blurred or removed. The twentieth century identities no longer presuppose continuous cultures and traditions.⁵⁷ Idowu, in his *October Lectures* series presupposes that twentieth African religious stakeholders' identities have deviated from the original meaning of religion. According to him:

Any form of evil becomes possible within it because, in order to make it work, man

must be denied his inalienable rights, his freedom must be trampled underfoot, and his conscience stifled; he becomes, generally, a mere spare-part in a soulless machine of society, and often a sacrificial victim to the few in power whose moral bent dictates what to them is good for the whole.⁵⁸

This whole perception is enabled as a result of the western influences as evidenced in Christianity and civilization.

Incontrovertibly, under religious laws, the will of the people is supplanted by the supposed will of god or God, who is believed to be greater than the human being. There is no place for the voice of the people, instead there is only the voice of god or God, which is appropriated, patented and employed by few males to tyrannize the lives of others. Similarly, under religious laws, there is no place for equal or universal human rights, for the right to freedom of expression and freedom of religion or belief are no longer guaranteed. Like other religions, in the process of demonstrating faith, religious law has no regard for human beings. To this end, Gyekye argues that in the pre-colonial African society, the practices of human sacrifice and domestic slavery were clear violations of human rights, not merely a failure to recognize a human value but also, denial of one's right to live. The metaphysical ritual and the enslavement of human beings or colonial exploitation, the destruction of human life is morally reprehensible and unacceptable. The sanctity of human life is fundamental.⁵⁹ Therefore, religious laws are incompatible with the values of human rights. For those who implement these religious laws would always see themselves swimming against the currents of human progress, hope, civilization and enlightenment.

It is preposterous to note that some people are deprived of their rights in Africa. Some African leaders are greedy, selfish, self-sufficient, materialistic, individualistic, self-centred, corrupt, and among others. In Africa, child abuse, child trafficking, kidnapping, suicide bombing, ritual killings and abduction are becoming recurring phenomena whereby human life has no mystique and sanctity of human life is no longer respected. In fact, the concept of human rights is not appreciated in a society characterized by individualism. Kukah confirms this by saying that the bureaucracies, the military, the security agencies, local elite, the traditional rulers, these institutions have proved to be a far worse disease than the cure of the civilizing mission of the colonial state. By using these local institutions, they have managed to ensure that business never really takes a firm foothold as the local elite have been reduced to mere commission agents.⁶⁰

Conclusion

This paper has given an exposé of fundamental human rights in African religion with a critique. It is quite significant to note that Gyekye subscribes to the fact that human rights find context in human dignity, intrinsic value, and moral worth that generate a notion of moral right that as derived ultimately from the creator, as well as belonging fundamentally to every human being as a creature of God, could be linked

with the notion of innate right. Human dignity is not only individualistic but also communal context.⁶¹ Africans recognize this as African humanism.

Despite this African and communal humanism, everyone is everywhere in chains of exploitation, intimidation, inhumanity, harassment, assassination, suicidal mission, in alienation of right, inequality, social stratification, individualism and among others. However, the egalitarian and casteless society that existed in primitive communal Africa and served humanity devotedly for thousand years can still be welcomed. African humanism still has the knack of promoting human values, restoring African world and reintegrating African society essentially from exploitation, by substituting cooperation and equality for competition and domination of the poor by the rich. Nyerere has always believed that African culture is replete with some primary values which if integrated into the modern sociopolitical system would help solve the problems of African underdevelopment.⁶² Therefore, it is expected that through the sincere political and economic will of the stakeholders, implementation of the Universal Human Declaration and enforcement of appropriate law regarding human rights should be entrenched. Once, these fundamental human rights are recognized and respected in the state, and then the essence of human life is secured as a member of the *Civitas* regardless of age, ethnic, social position, physical buildup, illness and other contingencies surrounding human birth. The traditional African humanism therefore has much to contribute to human development.

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