HUMAN RIGHTS AND COMMUNAL RESPONSIBILTY IN AFRICAN PHILOSOPHY

By

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Abstract

Human rights are a matter of global concern. This is because every individual possess these inalienable rights and there is no nation or country who would say that this does not concern them, as it is the duty of the country to protect the rights of her citizens. This paper focuses on discussing the idea of this human rights within the context of the African philosophy, discussing the role of communal responsibility in protecting human rights within the context of African philosophy. Through the analytical approach employed on this research by breaking down the different concepts within the ambient of this discussion, it is very obvious that in African philosophy, the idea of human right is intertwined with the communal life of the Africans. This is embedded in some of their philosophies like Ubuntu built strongly on the principle of communalism, African Socialism (Ujamaa, built on the principle of brotherhood and on the African understanding of person and personhood. The paper also discovered that even though African philosophy is built on the principle of communalism, the community still has a role in protecting the human rights of her citizens. However, the community in protecting the rights of the citizens faces some challenges such as: cultural biases, economic differences, and some other factors, including traditional practices. The paper suggests that to surmount these challenges, the community needs to take some steps such as: continuous education, cross-cultural dialogue, and others approaches which can foster communal values with global human rights standards.

Keywords: Human rights, Responsibility, Communalism, African philosophy.

Introduction

Every human being on earth shares the same human nature and as such, equally shares certain rights with others which no one has the right to take away from him. Such rights are called "fundamental Human rights." The Universal Declaration of Human Right on December 10, 1948, declared the fundamental human rights of the individual person. The fundamental human right are those inalienable rights one has in which no one has the right to take away from him. Such rights includes right to life, right to freedom of speech, right to possession of personal properties, right to freedom of thought, conscience and religion, right to freedom of association and many of their likes.

It is called "inalienable" because no one has the right to take away these rights from anybody. This is because those rights has been bestowed on the individual by God (nature). This is the reason those who infringe into another person's right do not go without severe punishment. Notwithstanding, there can be some limitations to these rights under certain circumstances. One of such limitation to these rights are offenses like libel and slander because no one has the right to paint another person black either expressed verbally (slander) or written down (Libel).

Africans have deep regard and respect for human rights and uphold values that help sustain those rights. For instance, right to life and dignity. Life generally is something so sacred and ought not to be tampered with, and so in Africa, there is a high respect for the dignity of human life. To uphold these rights, Africans have high sense of respect for individuals especially for elders in such that no one has the right to infringe into another person's to disobey an elder. However, in Africa, emphasizes is laid not only on the human rights but also on the community. African philosophy is anchored on communalism which emphasizes the superiority of the community over the individual. This is reflected in the words of John Mbiti "I am because we are, and since we are, therefore I am"

(Mbiti, 1969, p. 108). This according to the African world view implies that it is the community which confers on one the rights, because no one can possess those rights without first existing in the community, and it is also the duty of the community to protect the rights of its citizens. Thus, the individual has no right to violate the rules of the community under whose protection it is shielded.

It is to this that this paper is written to expose the understanding of human rights in African philosophy.

Explication of Terms

Human Rights: Human rights are the rights one has simply by the virtue of his existence as a human being. They are those rights that are inherent to man irrespective of the nationality, sex, age, ethnic group, colour, language, religion or status (United Nations Human Rights, https://www.ohchr.org/en/what-are-human-rights). Such rights are right to life, right to freedom of expression, right to freedom of thought, conscience and religion, right to freedom of association, right to possession of properties, right to education, etc.

They are those rights which one has for the very fact that he or she is a human. It is not conferred on individual by the state, but naturally endowed. The Universal Declaration of Human Right in 1948 declared the human right to have a universal protection (United Nations Human Rights, https://www.ohchr.org/en/what-are-human-rights). The features of the human right are:

i. **Universality** which implies that every individual person has such rights everywhere.
ii. **Inalienability** which means that no one has the right to take it away from anyone. The only exceptions to this second feature are only on the issues like theft in which the individual may be restricted the right to movement or may even attract death penalty, and issues of libel and slander.
iii. **Indivisibility and "Independence** which means that it cannot be divided among people as one has the right to enjoy the rights independent of another person.
iv. **Equal and non-discriminatory** According to the article 1 of UDHR, all human beings are born free and equal in dignity and rights and in the article 2, it stated that it is free from discrimination. This implies that it cuts across every individual irrespective of the nationality, sex, age, ethnic group, colour, language, religion or status (United Nations Human Rights, https://www.ohchr.org/en/what-are-human-rights). Such rights are right to life, right to expression, right to religion, right to association, right to possession of properties and many of their likes.

Responsibility: According to *Dictionary.com*, responsibility has to do with the state and act of being responsible, answerable, or accountable for something within one's power, control or management (Dictionary.com). It could also refer to the duties and obligations one is expected to perform. It could also mean one being accountable for his actions. It is in this sense that you talk of someone being responsible for a particular action. One is regarded as being responsible if he discharges his duty effectively, and irresponsible if he did not respond to his duty effectively. Failure to discharge one's duty effectively often attracts punishment.

African Philosophy: African philosophy literarily means the philosophy of the Africans. Some may call it the world view of the Africans. African philosophy could mean the perspective of the existential condition of the Africans. Initially, there was debates by the Westerners of whether there is anything like African philosophy or not. The Westerners denied the Africans of rationality and thus denied them philosophy. However, to respond to this accusation, many African thinkers has engaged in various defense of the existence of African philosophy and that has divided trends in African philosophy into four stages: The stage of seeming non-existence, the stage of discovery, the stage of denial and the stage of sustained effort and self-justification. It is because of these struggles for the defense of African philosophy that African philosophy is often time said to be a philosophy born out of struggle.

Human Rights and the Universal Declaration of Human Rights: As earlier pointed out, human rights are those inalienable rights granted to man in which no one has the right to take it away from him. They are those rights that are inherent to man irrespective of the nationality, sex, age, ethnic group, colour, language, religion or status (United Nations Human Rights, https://www.ohchr.org/en/what-are-human-rights). This contrasts with other human laws such as civil right in which one's right can be conferred or denied of an individual simply by obeying and disobeying the civil law respectively. Andrew Clapham in his book: *Human Rights: A Very Short Introduction,* highlighted the multifacetedness of human rights, holding on to the fact that human rights mean different things to different people. He pointed out the fact that people give different interpretations to human rights and applies them in various context (Clapham, 2007, p. 14).

These rights are outlined by the Universal Declaration of Human Rights. The Universal Declaration of Human Rights is an international document adopted by the United Nations General Assembly that enshrines the rights and freedom of all human beings. On December 10, 1948, the Universal declaration of human right was proclaimed by the United Nations, the purpose of which is to protect the rights of the human person. This law is anchored on what was stated by the article 1 of this very: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (singh, 1948, United Nation (UN) Lexmercatoria.org). This human right is inalienable and universal. This was captured in the article 30 of the UDHR: "Nothing in this Declaration may be interpreted as implying for any state, group or person to engage in any activity to perform any destruction of any of the rights and freedom set forth here" (singh, 1948, United Nation (UN). Lexmercatoria.org).

Constitutional Adoption of the Human Rights

Human rights as a fundamental and inalienable freedoms and protections which all individuals have, is not without a constitutional backing especially in a democratic states. This constitution serves as the supreme legal framework which contains these rights and ensures that they are recognized, protected and enforced. Many constitutions encapsulates both the civil, political, economic, social, and cultural rights of the individuals. The inclusion of the fundamental human rights in the constitution of democratic States after the Universal Declaration of Human Rights flows from United Nations mandating members states to adopt and uphold the rights therein.

These constitution may differ according to countries, but still geared towards protecting that same rights. For instance, the United States Constitution, through the Bill of Rights, protects freedoms such as speech, religion, and assembly (U.S. Const. amend. I). In like manner, the Constitution of South Africa (1996) guarantees equality, human dignity, and freedom from discrimination (Republic of South Africa, 1996). The Part III of the Indian Constitution safeguard rights such as equality before the law and protection from exploitation (Constitution of India, 1950). Fundamental human rights are contained in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria as amended 2011.

There are also international laws that guide the human rights all over the world. Such international are: The Universal Declaration of Human Rights (UDHR), which influences national legal frameworks (United Nations, 1948). The European Convention on Human Rights (ECHR) also requires signatories from different countries to maintain human rights within their domestic constitutions (Council of Europe, 1950).

The constitution ensures that the human rights are legally enforceable, and issuing the commensurable punishments to all those who may violate the human rights or laws protecting the human rights. Therefore, constitutions serve as the backbone for the legal protection of human rights, re-emphasizing the universality, inalienability and applicability in governance and daily life.

Limitations of Human Rights

The human rights even though it is inalienable, can be limited when used abusively to inconvenience others. In as much as you have your own right, you have no right to infringe into another person's right. If so done, the constituted authorities have the right to limit the exercise of your own rights. Such limitations include but not limited to the following:

(i) Limitation to the right of freedom of speech: One's freedom of speech can be limited when it is meant to tarnish other people's reputation. This often come in the form of Libel and Slander (Wangare, 2022). Libel is a false written statement which is meant to tarnish the reputation of another person. According to the *Oxford Advanced Learner's Dictionary, 9th Edition,* "Libel is an act of printing a written statement about somebody that is not true and that gives

people a bad opinion about them. Libel is aimed at tarnishing the victim's image which may be for a no just cause. Slander on the other hand is similar to libel. The only difference is that while Libel is written, slander is spoken. *Oxford Advanced Learner's Dictionary*, defined it as a false spoken statement intended to damage the good opinion people have of somebody; the legal offence of making this kind of statement. The person involved in any of these acts (libel/slander) can be limited of his or her freedom of movement by imprisonment.

(ii). Limitation to the private ownership of properties: It is taken for granted that every individual is entitled to the private ownership of properties. However, this right can be limited in some circumstances. For instance, in terms of land ownership, the government may decide to take some portion of someone's land for the public good. In this instance, the person might be compensated, but he has no right over the land again.

(iii) . Limitation to life: One's right to life may be limitation if convicted of some acts punishable by the law which may attract death penalty. For instance, if one participates in an act of terrorism, such person when caught may be sentenced to death because he is a danger to the society.

(iv) . Limitation to the right of the freedom of movement: One's freedom to movement may be restricted in some certain circumstances. For instances: Government imposed curfews, detention, imprisonment etc.

(v) . Limitation to the freedom of religion: In as much as every individual has the right to practice any religion, such freedom can be restricted when one practices any form of religion that can violate human rights. The practice of such religious practices that can injure or kill people will have to be restricted on the ground of being barbaric, dangerous and unreasonable.

Individuals and the Community in African Philosophy

The issue of the place of individuals in African philosophy is a central issue. This is because Africans emphasis on the importance of community, which is based on the African's perspective that it is the community that gives the individual a place in the society. This can be seen in the words of John S. Mbiti: "I am because we are, and since we are, therefore I am" (Mbiti, 1969, p. 108). This is because the African society is built on the strong principle of communalism. According to Menkiti, in the communal African, it is the community that defines the person as a person and not the static quality of rationality, will and memory (Menkiti 1984: 172). This presupposes according to the African world view that what makes you what you are is the community, because without the community, you will have no identity. For Oluntaji, it is the state of the community that determines the lots of the individual, irrespective of the values upheld by the individual (Olatunji, 2006, p. 102). This is to say that the community serves as a shield to the individual and as an identity to the individual. If the community lacks security, the very right of the individual is at stake.

The traditional Africans are known for their high sense of communalism in which every individual is expected to work for the good of every member of the community. Communalism is the doctrine or theory that the community (or group) is the focus of the activities of the individual members of the society" (Gyekye, 1996, p. 36). Communalism is a way of life where the emphasis is placed on the common good rather than on individual goods (Ekanem, 2022, p. 74). The individual is expected to prioritize the common good over the individual good, in that the individual good will also find security in the community and his or her rights protected. What this implies is that in traditional African society, the community is what determines the state of the individual. If the community is happy, the individual will be happy, if the community is on chaos, the individual will likely be chaotic as well. This is captured in the words of Julius Nyerere: "In African traditional societies, individuals were poor, rich, happy, sad, stable or unstable depending on about the community" (Nyerere, 1964, p. 244), and according to Kenyatta, "if a tribe prospered, all the members of the tribe shared its prosperity." (Kenyatta, 2014).

This communal life of the Africans is evident in the life of the Igbos who live together in a community where they share common interest. This community forms the bedrock of the society. There, they live together as people with the same ancestral background (Onah, Ezebuilo & Ojiakor, 2016, 226). In that the actions of individuals must propagate the common good of the community. The individual finds meaning in the community, where one by being one with the members of the community, finds the purpose of life which is based on the common good of the members of the society. This is clearly seen in the words of Odimegwu: "Communalism is essentially the spiritual communion of a society, the spirit of being one community, of being one with one's community, of belonging fundamentally to one another and to the community; the consciousness that instinctively orients my search for meaning in life to the appreciation and valuation of the community" (Onah, Ezebuilo & Ojiakor, 2016, 226).

Ekanem asserted the view that apart from the claim made above by some African thinkers, there are many African proverbs which portray the communalistic nature of Africans. Some of those proverbs according to different people are the Binis of South Africa would always say: "*aghakugbe, uduehirir seaghae,* meaning "With compromise and cooperation the ant can be properly dissected, and its heart shared among people." The interpretation of this is that through cooperation and compromise, even the most difficult task could be achieved *(Ekanem, 2022, p. 74)*. Another is a Yoruba proverb which stated thus: "*Enikam ku jeawa de",* meaning "An individual does not make a forest, *Igi Kan ko le du ihgose,* meaning "A tree does not make a forest", *Agbajo owo ni anfi so aya"* meaning, *"unity is strenghth",* and many of such proverbs *(Ekanem, 2022, p. 75).*" This is the same thing with the Igbo adage: "*ofu osisi adighi eme ohia."* The interpretation of the proverbs above is that unity brings achievement. Another of its like is another Igbo adage which says, thus, *"Anyuko mamiri onu, ogboo ufufu"* which could literally mean "when you urinate in one

place, it produces a foam.*"* The meaning of this is that when people come together, they can do even the undoable.

These points to the power of the African communalism. The Africans believe that by coming together, they will achieve a great feat which the individuals cannot achieve alone.

Communal Living and Moral Obligation in African Societies

Communal living is an integral aspect of African societies. This communal life of the Africans is based on their traditional customs, values, and philosophies. Unlike Western individualism, African societies emphasize collective well-being, in which the individuals identify themselves as part of an interconnected community. This practice of communal life is rightly expressed in the Ubuntu philosophy of "I am because we are" (Mbiti, 1990, p. 141). Communal living fosters cooperation, mutual support, and a shared sense of responsibility among members of a society. The Africans do not just live as people who just meet them together, they live as people of the same family sharing the same ancestral background. This is very much evident among the Igbos who come together and live in a particular place as people with the same ancestral background and sharing the same values and interests. In many African cultures, family extends beyond the nuclear unit to include relatives, neighbours, and even non-blood relations who are integrated into the community. This system ensures that individuals are never truly alone, as they can rely on others for emotional, social, and economic support. Communal land ownership is another example of the Africans sense of communalism. The land is not seen as private property but as a shared resource that benefits the entire community (Gyekye, 1997, p. 45). This promotes fairness and reduces economic inequalities.

As an aspect of this communalistic life of the Africans, is their emphasis on some moral values such as respect for elders, hospitality, generosity, and justice. Elders are seen as the custodians and embodiments of wisdom and are often saddled with responsibility of conflicts settlement and maintaining social harmony. This is because, the elders are seen as people of lived experiences, who by their wisdom, and their experiences, can settle communal issues amicably without prejudices, given their position in the society. The youth are expected to respect and learn from the wisdom of the elders, and it is the duty of the adults to guide younger generations through mentorship and moral instruction (Wiredu, 1980, p. 62). Moral obligations such as acts of kindness, providing food for a neighbor or contributing to communal projects, are expected as social responsibilities to be seen in a communal society like Africa. It is also the moral duty of the community to train the younger ones who will grow up to carry on with values of the society. This moral duty is protected through proverbs, folklore, and communal rituals. A good example is the saying of the Akan people of Ghana, which states thus: "It takes a village to raise a child," which shows the collective responsibility of raising and guiding children (Gyekye, 1997, p. 73).

Religious and spiritual beliefs also play a tremendous role in shaping communal and moral obligations. In traditional African societies there is a belief that ancestral spirits watch over the living and ensure that moral values are upheld. This belief keeps the individual on Check to ensure that he or she carries out his or her moral obligations. Failure to fulfill one's social obligations can bring misfortune, while acts of kindness and generosity are believed to attract blessings (Mbiti, 1990, p. 112). Traditional African religions, as well as Christianity and Islam, emphasize communal worship, collective prayers, and social support systems that strengthen community bonds.

However, the strengths of communal living in Africa have been greatly challenged by modernization such as urbanization and globalization, which have weakened some communal traditions. Many people and cultures have neglected the reverence and fear of the ancestors, and thus, no longer carry out their moral obligations, because they believe that no one monitors whether they do them or not. However, many African societies continue to uphold these values, adapting them to contemporary settings. This is evident by the rise of cooperatives, community-based organizations, and social networks which shows that communalism remains a key pillar of African identity (Wiredu, 1980, p. 95).

HUMAN RIGHT AND COMMUNAL RESPONSIBILITY IN AFRICAN PHILOSOPHY:

As seen above, the Africans are known for their high sense of communalism. However, the communalistic nature of the Africans does not undermine the human rights of the individuals. This communalistic view is rather meant to protect the rights of the individuals, by making the environment safer for the people to exercise their rights while not neglecting the common good. According to Gyekye, "individual rights or human rights are claims that human beings are entitled to make by reason of their being human." (Gyekye, 1996, p. 150). Some argue that the community has taken the place of the individuals in the society. This is expressed by some views of some African thinkers like: Mbiti, who said that "the community must create or produce the individual" (1981, p. 107), and others like: Asouzu, would say that in traditional communal Africa, "the community determines who should live and who should not have life" (Asouzu, 1981 p. 351).

Against the view of some persons that African communalism implies that the individual has no right or freedom of self-existence and expression outside of the society, Menkiti argued that African communalism does not nullify individual rights, rather the expression of the individual rights for the good of every member of the community. In his own words; "Communalism understood and practiced in the traditional African society does not, on my interpretation, absorb individuality… communalism is not at variance with the concept of individual rights that is, human rights. It is indeed the exercise of individual rights which includes the right of the individual to exercise his or her unique qualities, talents, and dispositions that enhance cultural development and ensure the material and political success of the community"

(Gyekye, 1995, p. 151). This reflects the idea of Menkiti on this issue. Menkiti opined that African society is not just communal, but by its nature bestows on one both freedom and right (Ekanem, 2022, p. 75). It is by exercising the individual rights and responsibilities that the community is sustained. What the community does for the individual is to provide a shield for him, where he shall exercise his rights, while not undermining the common good.

As a proof of his stance that the community does not elude the rights of the individuals, Ekanem outlined some African proverbs which are clear indications of the place of the individual in the community. Such proverbs are:

i. It is by individual efforts that we can struggle for our heads
ii. The person who helps you carry your loads does not develop a hump
iii. The lizard does not eat pepper for the frog to sweat
iv. If you get your bundle ready you will be helped to carry
v. One does not fan hot food that another may eat
vi. Nobody cracks palm kernel with the teeth for another to eat (Ekanem, 2022).

In this same line of thought, Onah, Ezebuilo and Ojiakor believe that the community does not swallow up the individuals, rather the individuals have both his rights, duties and obligation (Onah, Ezebuilo &, Ojiakor, 228). Ezedike would argue that the argument of the absolute communalism of the African society where individuality is neglected as both a naïve and unbalanced assessment (Onah, Ezebuilo &, Ojiakor, 228).

As was pointed out by Odumegwu, the community is no other thing, but coming together of different individuals. So, since the community is the community of the individuals, the individuals exercise their rights, each person on his own. The only exception to this, is that just as earlier pointed out, the only limitation to the exercise of the individual rights, is when the individual tries to jeopardize the good of the community (Onah, Ezebuilo &, Ojiakor, 228).

This argument on the individual and community and the individual rights versus the communal responsibility, are embedded in some philosophies that guided the traditional African community. These incudes:

UBUNTU PHILOSOPHY (COMMUNALISM): The Africans as discussed above are known for their communal life. They come together to live in the community where they share common interest for the good of every member of the community. This communal life of the Africans is expressed in the philosophy of Ubuntu, which is strongly built on the principle of common good all over the individual good. The Ubuntu philosophy is the philosophical thought originated by the Bantu people of Ghana, which emphasizes the principle of communalism. According to James Ogude of Kenya, Ubuntu philosophy is a relational form of personhood which is a pointer to the fact that you are because of others (Paulson, 2019). The Ubuntu philosophy prioritize

community of individual. It is built on the principle of "I am because we are", which is a sign of a deep sense of interconnectedness, mutual respect and harmony among the people. Archbishop Desmond Tutu in his book: *No Future without Forgiveness,* while commenting of this idea of communalism of the Africans said: "We are bound up in a delicate network of interdependence because, as we say in African idiom, a person is a person through other person" (Tutu, 2000, p. 31).

Because of the communal lives of the Africans, the individual is not expected to exercise his or her right at the expense of the other members of the community. The right of the individual must be exercised for the good of every member of the society. Africans operate on the principle of live and let live. The exercise of the individual rights at the detriment of others will attract a limitation to such right (Onah, Ezebuilo &, Ojiakor, 228). It is also the duty of the community to protect the rights of its citizens, because the community serves as a shield to the individuals living in that community.

AFRICAN SOCIALISM: This is a political ideology of Julius Nyerere of Tanzania known as "The Ujamaa", which also portrays the communalistic life of the Africans. It is based on the principle of "African communitarianism". Ujamaa unlike Western Marxist emphasizes on communal living and cooperation, self-reliance, villagization, (people going into the villages to boost agriculture and communal living, equality and social justice and grassroots participation in decision making). Ujamaa is a Swahili word which is means: "family hood", it is a set of rules which was introduced by Julius Nyerere, the first president of Tanzania (Boesl, 2023, p.3). In his book *Essay on Socialism,* Nyerere defined Ujamaa as "a policy based on the principle that "a man is developing himself by working for the good of his fellow men." (Nyerere, 1968, p.1). Nyerere introduced Ujamaa as a form of African socialism whose purpose is to foster self-reliance, equality, and communal development. Unlike Marxist socialism, which emphasized class struggle, Ujamaa stressed communal living, cooperation, and rural development (Nyerere, 1968, p. 4). Legalized in the Arusha Declaration of 1967, Ujamaa called for nationalization of key industries, collective farming, and self-reliance (Nyerere, 1968, p. 12). The main ideas of African socialism such as economic development, social control, and African identity to achieve the envisioned development and establishment of a precolonial communal idea. Socialism is built on the idea of the communal life of the people. The Arusha Declaration generally defined socialism as the "absence of exploitation", the "people's ownership of means of production ", and the "existence of democracy within a one-party state" (Kareem & Kili-mwiko 2020: 43). The philosophy of Ujamaa could be one of the philosophies that influenced the traditional leadership, which was anchored on altruistic leadership for the betterment of the society. As noted by Pratt, "...but Nyerere's ideas of equality and self-reliance continue to influence political thought in Africa" (Pratt, 1999, p. 213). Nyerere, J. (1968). Ujamaa emphasizes living together as a family having as a common responsibility the means of production. Ujamaa is against the capitalist Marxism, in which everyone is up for himself and himself alone, but everyone is expected to work together for the common good.

PERSONHOOD IN AFRICA: The concept of personhood is another important discourse in Africa. This is a question of what confers on someone the state of being a person. It is a question of what constitutes a human person (Adedokun & Akinola, 2021, p. 201). This may differ according to ethnic groups. For instance, the Yoruba believe that one of the things that made up a person is the *Ori* which according to them can be viewed both sensibly (physical), and non-sensibly (spiritual). The understanding people have about personhood influences not just how the person views himself, but also how others in the society view him (Adedokun & Akinola, 2021, p. 201).

The African's perspective of the personhood anchors on the Menkiti's idea of personhood that it is the community that confers personhood on a person and defines person as a person (Adedokun & Akinola, 2021, p. 201). This idea was refuted by Maduka who argues that personhood is not what one works to acquire, but something that's ontologically inherent in someone by the virtue of his existence. Therefore, he argued that whether the community recognizes a person or not, he remains a person because the intrinsic value and worthiness he possesses over other creatures (Maduka, 2019). Maduka seems to be right in this idea because one at birth already shares in the personhood of every other human being. What the community does for the person is to protect his personhood and provide him with a shield to exercise his right as a person. This is because a person is born into a community, and not the community giving him or her personhood as argued by Menkiti, but rather provides him or her a safe environment to actualize his personhood.

The Yoruba understanding of a person is that a person is made up of three important parts, namely: The *"Ara"* which is the material body, including the internal organ of a person, the *"Emi*" which is the life-giving element and the *"Ori"* which is the individuality element which is response for a person's personality (Adedokun & Akinola, 2021, p. 202).

For the Akan people of Ghana, a person is made up of five elements, as was pointed out by Kwasi Wiredu Viz: The *"Okra"*, which is the life giving element, *"Sunsum"* the spirit that gives a personality its force, the *"Horan" or "Nipadua"* which is the body, the *"Mogya"* which is the blood which according to them is taken from one's mother and which for them forms the basis of identity, and the Ntoro which is they believe is inherited from one's father and gives one the basis for a patrimonial right. According to the, the *"Ntoro"* is the responsible for the cast of personality (Adedokun & Akinola, 2021, p. 202).

The Igbos like every other Africans understands the concept of authentic personhood with the context of the community. The Igbos view the individual in terms of communality (Obioha, 111). It is perceived as a communion of souls or persons linked together by common ancestry, shared values and interpersonal bonds. (Obioha, 112). For the Igbos, community goes beyond the living beings, it comprises both the ancestors, deities, and earth

goddesses. For the Igbos, the invisible members of the community guard the other members of the community (Obiọha, 112). This very conception could be what influenced the Igbo world views that both the physical world and the spiritual world co-exist here on this earth. They believe that both the spirit of the dead and the spirit of the living trek the same road, go to the same stream and even go to the same market. The Igbos also believed that the ancestors do not pass through the new road, but they trek the old road because that is what was in existence during their own time.

Personhood in Igbo (African) thought is more of a moral consideration than an ontological or metaphysical description (Obiọha, 113). The Igbos strongly share in the idea that a person is defined within the context of the community. According to Obiọha, who a person is, what he or she is not cannot be understood outside the community. In this she argued that personhood in Igbo (African) context, is different from the western understanding of personhood which is anchored on some physical and psychological features like: rationality, memory, body, soul, will, etc. personhood in Igbo community according to her is more of a mutual bond holding the same group of people together (Obiọha, 115).

The personhood in Igbo culture according to Obiọha, is based on moral consideration, and that is the judgment of the person's value in the community. According to her, "The judgment as to whether an individual is a person is a moral judgment made on the personality of that individual within the provisions of the community ethos"(Obiọha, 116). A person can be addressed as person if he has the capacity of moral attribution. In this sense, Obiọha argues that in this context, the fetuses, infants, imbeciles, and the insane cannot be described as a person not on the ground that they do not possess the physical and psychological qualities, but on the ground that they lack moral rectitude (Obiọha, 116).

So, it is on this context that one with good moral rectitude can be classified as ezigbo onye obodo (an authentic person of the community), while the person with a bad moral rectitude can be classified as "Onye a abụrọ ezigbo mmadụ", this person is not a good person. So, the Igbo's idea of personhood, is based on moral rectitude of the individual, either good or bad to the community.

The Community as the Custodian of Human Rights

After the family, the community is the next custodian of the human rights. As earlier discussed, in African societies, the individual must exercise his or her rights without undermining the good of the community. The community in turn must be a safe environment where these rights are nurtured and protected. While governments play a central role in establishing and enforcing human rights laws, communities act as the primary custodians of these rights. Communities shape cultural norms, influence societal attitudes and ensure that human rights are protected and upheld. Communities serve as the first line of defense in human rights protection. This can be done by making laws that promote justice and preventing violations. According to Donnelly (Donnelly, 2013, p. 45),

communities play a critical role in establishing moral and ethical standards that reinforce respect for human rights. This can be feasible by establishing some agencies that will help protect the human rights, such as: neighborhood watch programs, social activism, and advocacy for marginalized groups.

The communities can also help to protect human rights, through some institutions such as family, religious groups, and local organizations. The community also protect the human rights by establishing a social accountability. Social accountability is a means through which communities hold authorities responsible for human rights protection. This can be possible through some actions like Civic participation, public protests, and advocacy campaigns (Gaventa, 2002, p. 104). As a mediator between the governments, the community must ensure that the governments remain transparent and responsive to human rights concerns. The community can also engage in some activities like human rights education and supports for vulnerable populations can enhance social protection. The community can also establish some organizations who can intervene in cases of domestic violence, child abuse, and labor exploitation, providing victims with legal and psychological support (Merry, 2006, p. 153).

In its attempt to protect the human rights, the community can face some challenges such as cultural biases, economic differences, and some other factors. In some cases, traditional practices may contradict universal human rights principles, leading to gender discrimination or other forms of inequality (An-Na'im, 1992, p. 66). To overcome these challenges, the community needs to take such steps as: continuous education, cross-cultural dialogue, which can foster communal values with global human rights standards.

Communities play an indispensable in the protection and promotion of human rights. This is because, the human person is born into the community, and the community provides him or her with the ground to nurture and exercise his or her rights. If the community provides a fertile and safe environment, the individual will nurture and exercise his right fully and for the good of the society, but if otherwise, the human rights may suffer neglect and humiliation. As the primary custodians of these rights, the community has to establish ethical norms, social accountability, and provide support systems for vulnerable individuals. The community is the primary custodian of the human rights and must do everything within its power to ensure that the rights of the individuals are protected.

Integrating the Individual Rights and Communal Responsibility in African Societies

It is no longer hearsay that African philosophy is deeply rooted in the principle of Ubuntu which emphasizes the communal responsibility as central to social harmony. However, it also raises questions about the role of individual rights. The challenge here lies on how to balance personal freedoms (rights) with collective obligations to ensure justice and dignity for all.

In contrast to Western liberalism, which prioritizes individual

autonomy, African philosophy holds that individual rights are realized within a community. As Wiredu argues, the well-being of an individual is inseparable from the welfare of the community (Wiredu, 1996, p. 32). This perspective fosters collective care, moral responsibility, and social cohesion. However, the problem arises when there is a kind of extremism when communal expectations subsume personal liberties, particularly in areas like freedom of speech and gender equality. For example, some cultural traditions may undermine individual rights in favor of maintaining social order (Gyekye, 1997, p. 45).

So, there is a need to balance the equation, so that the individuals can exercise their rights without hurting the communal good of the community. This can be possible by promoting participatory governance and inclusive decision-making, whereby the societies can uphold human rights without overlooking cultural values (Menkiti, 1984, p. 183). The point here is the awareness that communal responsibility should enhance, rather than restrict, individual dignity and expression of the individual rights and freedom.

Conclusion

Human rights are fundamental to every human being. No one confers or takes it away unjustifiably. One by the very nature of being human being already possess these rights. However, at the abuse of these rights, an individual can be limited the use of them, this is known as the limitation of human rights. These human rights are not without legal back up. The constitution serves as a legal framework upon which these rights operate. The Universal Declaration of Human Rights of December 10, 1948 outlined these rights as absolute. As contained in the article 30 of UDHR, the human rights are both universal and inalienable (singh, 1948, United Nation (UN) Lexmercatoria.org). This presupposes that every individual possesses them and cannot be taken away from such an individual.

However, as discussed above, within the context of African philosophy, these rights are realized and exercised in the community. No individual exercises his or her rights at the expense of other members of the society. The Africans' high sense of communal life influenced their understanding of person and personhood in Africa. In the African society, the common good is prioritized over that of the individual good. These African communitarian and communalistic philosophies are anchored on the assertion of John S. Mbiti; "I am because we are, and because we are, therefore, I am." This is the summit of the African communalism. In these words, are contained high sense of communalism, in which the common good is held on a high esteem. Despite the communalistic view of the Africans and their understanding of person and personhood, they do not neglect the dignity of the human rights. This may be what informed Maduka's argument against the view that the community subsumes the rights of the individuals (Maduka, 2019). The community serves as the center of actualization of these rights. The community provides one an avenue to exercise his or her rights, while not neglecting the common good. The community also serves also as the custodian of these rights, ensuring that these rights are recognized, protected and exercised.

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