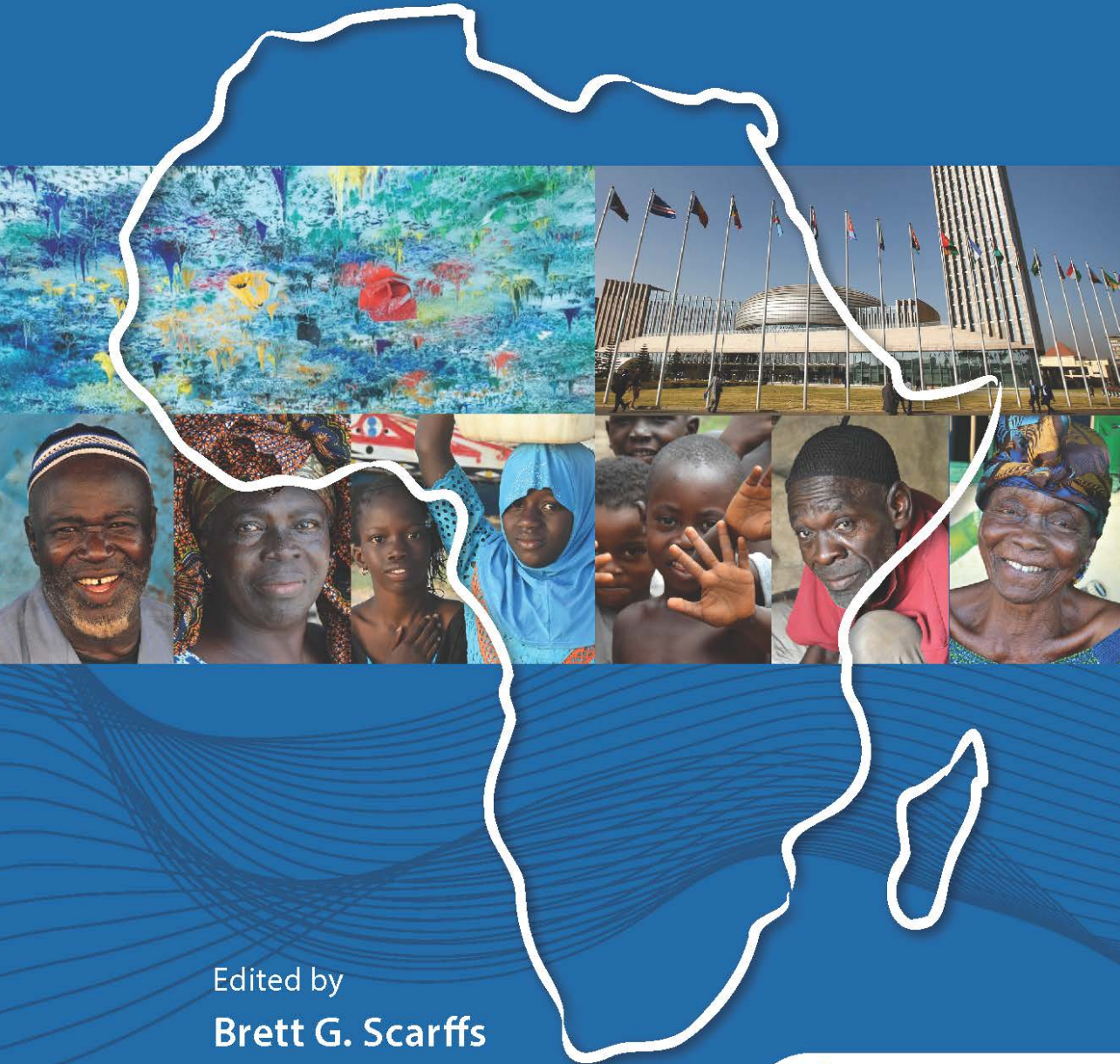


African Conceptions of Human Dignity



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1 AFRICAN CONCEPTIONS OF HUMAN DIGNITY

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INTRODUCTION

Human dignity is a concept that is often mentioned in core human rights treaties and national constitutions as the foundation of human rights. Human dignity demands respect for the life and integrity of the human person and recognition of the equal worth of human beings. For legal theorist Matthias Mahlmann, the essence of human dignity is the attribution of respect to a person and the recognition of their superior value compared to other creatures.² Whether the claim that Africans are alien to the ideals of human dignity is indeed valid or is something that is based on sheer misconception and ignorance about the African way of life, it is crucial to raise a concern with respect to how one should approach the genealogy of dignity in different cultural traditions. G.W.F. Hegel's condescending belief in the incapacitation of African people has contributed to the idea that human dignity is unknown and alien to the African continent and its inhabitants and has continued to push the general misconception about the continent for generations to come.³ Hegel described Africa as the "land of childhood" and emphasised the uncivilised status of the African people by noting that "the Negro exhibits the natural man in his completely wild and untamed state."⁴ It is such jaundiced views and approaches to African realities that have led to the increasing calls for decolonising knowledge in contemporary African Studies.

It does not take much effort to infer from these statements Hegel's equation of an African person with that of a child in thinking and behaviour and in not having any manner or rules for conducting his relationship with others. Hegel also emphasised the African people's "wildness" and "savagery". If Hegel's views are taken at face value, the implication is that human dignity is foreign to Africans to such an extent that they need to be rigorously taught its importance – and by extension its, goodness – because Africans by their nature are incapable of appreciating the very concept of human dignity. Religion scholar Nkem Emeghara argues that it was

- 1 Extraordinary Professor, Desmond Tutu Centre for Religion and Social Justice, University of the Western Cape, South Africa and Knowledge Management Advisor, Faith to Action Network.
- 2 Mahlmann M. 2012. "Human dignity and autonomy on modern constitutional orders", in Rosenfeld M and Sajó A (eds). *The Oxford Handbook of Comparative Constitutional Law*. Oxford: Oxford University Press, 370-396.
- 3 Mutua MW. 2001. "Savages, Victims and Saviors: The Metaphor of Human Rights, 42 *Harvard International Law School Journal* 42:201-245. Available at: https://digitalcommons.law.buffalo.edu/journal_articles/570
- 4 Hegel cited in Wiredu K. 2008. "Social philosophy in postcolonial Africa: some preliminaries concerning communalism and communitarianism", *South African Journal of Philosophy* 27:332-339.

assumed that Africans are incapable of entertaining any abstract thought and that their mental development did not allow them to think about how they should treat each other and treat their fellow beings with respect.⁵ For theorists like Hegel, the African person's ability to entertain ideas of God and religion is also limited.

Besides the account of European philosophers, Christian missionaries who sought to spread Christianity to Africa also contributed to characterising African tradition and culture as barbaric and devoid of any notion of human dignity.⁶ Hence, the dominant pre-colonial narrative about Africa and Africans in the past was that they are "brutes", "cannibalistic", "crude", "primitive", "dark", "savages", "pagan" and "ignorant" with no contribution to human history or civilisation.

At the level of logic, it is possible to posit that to subjugate Africans to control by the Europeans and their portrayal as beasts and savages was crucial, because it gave the impression that the colonisers were doing Africans a favour by controlling and guiding them because Africans lacked the intelligence to govern themselves. In contrast, if the African culture and its people were considered to be civilised and their value system acceptable, the colonisers would have lacked the ground for controlling them other than for the sheer selfish desire to loot resources. Besides the issue of resources, African indigenous religion scholars Fidelis Nkomazana and Senzokuhle Setume are of the view that painting African traditional religions and belief systems as savage, ridiculous and devoid of respect for human dignity was important in lending credence, for example, to the introduction of Christianity and Islam, to Africa.⁷ Adopting the strategy to make people abandon a certain value system by depicting it as evil and barbarous seems to be what the missionaries did to traditional African religions. They made people believe what they said was accurate, thereby winning them over.

A researcher may follow different methodologies to discover the presence or absence of human dignity in a certain community. The most common approach is to look for the word "human dignity" in written texts and laws of the community.⁸ Suppose one follows this narrow approach to finding human dignity. In that case, one may easily conclude that dignity is alien to society simply because the word is absent from written documents. Wiredu argues that this is particularly relevant for studying African history and value systems, since the colonisers destroyed most of the written pieces and the African people primarily relied on oral tradition.⁹ As

5 Emeghara N. 1992-1993. "The dignity of the human person in African belief", *Theology Annual* 14:126-137.

6 Emeghara, "The dignity of the human person in African belief".

7 Nkomazana F and Setume SD. 2016. "Missionary colonial mentality and the expansion of Christianity in Bechuanaland Protectorate, 1800 to 1900", *Journal for the Study of Religion* 29(2):29-55.

8 Mahlmann, "Human dignity and autonomy on modern constitutional orders".

9 Wiredu K. 2009. "An oral philosophy of personhood: comments on philosophy and orality", *Research in African Literatures* 40(1):8-18.

such, a person genuinely interested in discovering the notion of human dignity in Africa must be sensitive to this reality.

According to Matthias Mahlmann, this requires a more nuanced method of discovery that is not merely confined to searching for the word “dignity” in written form.¹⁰ Instead, it requires inquiring whether a given society has the ideal of treating humans as creatures of special worth or value and looking for manifestations of such ideas in the right places. These places include their oral traditions, songs, ways of life, conceptions of religion and its practice, manners of treating individuals and the duty and privileges of individuals in the community. To arrive at a sound conclusion, a holistic consideration of the community culture and value system must be considered. Adopting such an approach will affirm that human dignity is not an alien concept to Africa and its marks are found in different cultures of African pre-colonial communities.

With these concerns in mind, this chapter seeks to demonstrate how, contrary to Western perspectives, African societies recognise and respect human dignity. To say this is not to gloss over threats to human dignity in African societies. Further, while acknowledging the diversity found in Africa, this chapter employs a pan-African perspective and adopts a general outlook towards the continent’s peoples and cultures.

THE COMMUNAL NATURE OF TRADITIONAL AFRICAN SOCIETIES

In order to locate the content of this chapter into its proper perspective, it is important to provide an overview of the communal character of traditional African societies. Black traditional peoples are well known for sharing certain ways of life.¹¹ In the traditional African society setting, everyone would more or less know everyone else, unlike the anonymity associated with contemporary city life. Although undergoing change, many of these indigenous beliefs and practices continue to influence the lives of many Africans, particularly, but not exclusively, in the rural areas and this chapter employs the present tense to describe them.

Traditional societies uphold social order through rituals, initiation and tradition that have some moral importance of a sort unrecognised in modern societies. They hold land in common, parcelling it out to households based on need or clan membership, with the economy mainly based on agriculture, cattle or hunting and gathering. They maintain that there are weighty duties to aid that far transcend the nuclear family, centred on what Westerners would call “extended family”, such as uncles, cousins and many other members of a lineage. They also believe in a duty

¹⁰ Mahlmann, “Human dignity and autonomy on modern constitutional orders”.

¹¹ Fortes M and Evans-Pritchard E (eds). 1994. *African political systems*. [1940]. Reprint Edition. London: Kegan Paul; Mbiti JS. 1990. *African religions and philosophy*. Second Edition. Oxford: Heinemann; Wiredu K. 2008. “Social philosophy in postcolonial Africa: some preliminaries concerning communalism and communitarianism”, *South African Journal of Philosophy* 27:332-339.

to wed and to procreate, viewing solitariness as problematic. They have faith in the continued existence of and interaction with ancestors, people who were not merely forebears of a given people, but ones who both lived to a ripe old age and exhibited moral wisdom. They resolve conflicts affecting society by consensus, among popularly appointed elders, rather than rest content with either majority rule or the non-consultative will of a monarch. They respond to infraction not with retributive punishment after the fact, but with an eye toward reconciliation between the offender, his or her family, the immediate victim and the broader community. This is in sharp contrast to contemporary urbanised African societies which to a larger extent permit profit-maximising private ownership.

This should be enough to highlight what is routinely called traditional African society's "communal" nature. Such a way of life has been both the product and the producer of value systems that prize two distinct goods: vitality and community. Some African thinkers take no view on whether one or the other is fundamental, simply placing them side-by-side as salient elements of sub-Saharan moral thought whose basis is the respect for human dignity.¹² However, most philosophically inclined people take one value to be fundamental and the other to be derived from it. On the one hand, one readily sees how a communal way of life would not only be grounded in but also encourage a communitarian ethic taking ideas of harmony or cohesion to be of primary importance. From this viewpoint, religion scholar Christopher Ejizu argues that the fundamental value is community modelled on familial relationships and respect for or promotion of life.¹³ On the other hand, some African philosophers and theorists, like Godfrey Onah, maintain that vitality has ultimate worth, such that protecting communal relationships is instrumental for fostering life or is a way to discover how to promote it since if discord were to arise and the community were to break down, then people's lives and livelihoods would be threatened.¹⁴ This would have an impact on human dignity.

AFRICAN CULTURES AND RELIGION

A closer look at the manner of worship and way of life in the African community also displays respect for human life and the human person. Religion and ethics scholar Kehinde Emmanuel Obasola states that life is a primary value and highly esteemed among the Africans.¹⁵ The community manifests its concern for human

12 See, e.g., Kasenene P. 2000. "African ethical theory and the four principles", in Veatch RM (ed), *Cross-cultural perspectives in medical ethics*. Sudbury, MA: Jones and Bartlett, 347-357.

13 Ejizu CI. 2011. "African traditional religions and the promotion of community-living in Africa", African Traditions Online Encyclopedia Wiki. Available at: https://traditions-afripedia.fandom.com/wiki/AFRICAN_TRADITIONAL_RELIGIONS_AND_THE_PROMOTION_OF_COMMUNITY-LIVING_IN_AFRICA [Accessed 18 October 2023].

14 Onah G. 2011. "The meaning of peace in African traditional religion and culture". Available at: <http://beeshadireed.blogspot.com/2012/08/the-meaning-of-peace-in-african.html>

15 Obasola KE. 2014. "Ethical perspective of human life in relation to human rights in African indigenous societies", *International Review of Social Sciences and Humanities* 8(1):29-35.

life in the names it gives to children and how it seeks to protect human life. For example, several beliefs and rules of the Igbo community that are replicated in other African communities, such as the prohibition of suicide or euthanasia, clearly indicate their respect for human life as a society. The community shows its contempt and scorn for such practices by not burying and mourning for the person who committed suicide. While contemporary pastoral approaches challenge such approaches, there is a need to appreciate the cultural context in which life and human dignity receives priority.

Further, the community respects the value of human life even at its earliest stage of development. This can be seen, for example, from how the Igbo and other African communities have handled the death of pregnant women in the past. When such an incident happens, the Igbo conduct surgery on the women to extract the foetus and arrange a separate burial for both. This shows how the Igbo respect the human person in a foetal form by their attempt to value it through a separate burial. Moreover, respect for human life and its value is always present in Igbo prayers. The most visible manifestation of the Igbo respect for human dignity is expressed in their communal life, their manner of treating each other and their value system.¹⁶

In many African communities, the communal way of life and the individual's duty to further the community's common good is a cherished matter. More specifically, the central prescription of the Igbo community is the requirement that every individual to show respect for other members by displaying hospitality, supporting the weak and maintaining solidarity.¹⁷ Respect for the human person and recognition of the person's unique worth are at the core of these practices. To show hospitality and friendly treatment to another human being is nothing but an affirmation of their special value. It is also the complete opposite of hatred and unfriendly treatment that denies the value of certain human beings. Thus, one does not need to find a detailed philosophical account of dignity in a written form to appreciate the notion of human dignity in a certain community. The way that community treats fellow human beings confirms the extent to which human dignity exists. Likewise, support for the weak and the fortunate underscores the belief in the community according equal concern and appreciation of the value of human beings irrespective of their status or circumstances. Hence, Africans have always had a notion of human dignity.

Human dignity is also expressed in African solidarity. To identify with each other requires mainly that people think of themselves as members of the same group – that is that they conceive of themselves as a “we”, engage in joint projects and coordinate their behaviour to realise common goals. Identity is a matter of people sharing a way of life and recognising the inherent value of every member of the community. The opposite is instantiated by people defining themselves in opposition to one another and seeking to undermine one another's goals and refusing to acknowledge the other's rights and dignity. To exhibit solidarity with one another is for people to

16 Emeghara, “The dignity of the human person in African belief”.

17 Emeghara, “The dignity of the human person in African belief”.

care about each other's quality of life in two senses. First, it means that they engage in mutual aid, acting in ways expected to benefit each other and, ideally, repeatedly over time. Second, caring is a matter of people's attitudes, emotions and motives being positively oriented towards others in a way that leads to sympathising with others and helping them for their sake.

A number of statements from African scholars confirm the commitment towards upholding human dignity through communal solidarity. Thus, "Every member is expected to consider him/herself an integral part of the whole and to play an appropriate role towards achieving the good of all";¹⁸ "Harmony is achieved through close and sympathetic social relations within the group";¹⁹ "The fundamental meaning of community is the sharing of an overall way of life, inspired by the notion of the common good";²⁰ and "(T)he purpose of our life is community-service and community belongingness."²¹ These declarations bring out the emphasis on the community in Africa. Crucially, the community secures the dignity of the individual. The tension between the rights of the individual and those of the community can be regarded as a false dilemma: the individual's dignity is secured by the community, while the community's dignity is the sum total of the dignity of the individuals therein.

Another way of describing the Afro-communitarian conception of dignity is to say that we have dignity by virtue of our capacity for loving relationships. We are characteristically more capable of community in the sense of "love" or "friendship" than are rocks, plants and animals and that feature arguably makes us unique in a way they are not. In order to commune with others in the relevant sense, one must be autonomous or rational, as per Kantianism. However, in the African view, one has dignity only insofar as one can use one's intelligence in particular, another regarding way. According to human rights, deeming our dignity to inhere in our capacity for communal or friendly relationships means that, to treat this capacity of others with respect and it implies, correspondingly, that violating human rights is to degrade it severely. Prima facie, the innocent have rights not to be killed, enslaved or tortured, because such actions grossly disrespect both the perpetrator's and the victim's capacity for the community.

According to Sudanese human rights scholar and ambassador Francis Deng, the Dinka people have a moral ideal and vision of a society they want to create

18 Gbadegesin S. 1991. *African philosophy: traditional Yoruba philosophy and contemporary African realities*. New York: Peter Lang, 65.

19 Mokgoro Y. 1998. "Ubuntu and the law in South Africa", *Potchefstroom Electronic Law Journal* 1:3.

20 Gyekye K. 2004. *Beyond cultures*. Washington, DC. The Council for Research in Values and Philosophy, 16.

21 Iroegbu P and Echekwube A (eds). 2005. *Kpim of morality ethics*. Ibadan: Heinemann Educational Books, 446-449.

and maintain.²² These notions are embodied in the Dinka concept of *cieng*, which embodies values of dignity, respect, loyalty and care for the human person. The *cieng* is a moral code of conduct that every member of the Dinka community must adhere to and observe. As noted above, its ultimate aim is ensuring respect for human persons through the prescription of appropriate treatment. For the Dinka, an ideal society is one where every community member's dignity is valued. The *cieng* also imposes a duty on each member of the community to care for the well-being of others. These moral prescriptions preserve the essence of human dignity as we understand it today. Hence, the ideals of human dignity are not foreign to the Dinka and other sub-Saharan Africans and one could infer this from their moral code of conduct and its prescription.

The strength of the commitment to the *cieng* is demonstrated by the consequences attached to violating the moral law. Like the Igbo, the Dinka also believe their ancestors are the guardians of the Dinka moral order.²³ Thus, an individual who breaches the *cieng* will be punished by the ancestors. Besides their central moral code of conduct in the *cieng*, other traditions and practices of the Dinka also affirm the recognition of human dignity and human worth. For instance, in making a decision or taking a certain course of action that affects the community, the Dinka prioritise persuasion over the use of force or violence or coercion.²⁴ This practice could indicate the value the Dinka give to every person's opinion and the degrading nature of getting something done by forcing or compelling someone against their free will. Such an interpretation approximates the modern understanding of human dignity, which demands the treatment of every person as an end, not a means.

Further, one can also infer from the war ethics of the Dinka an attempt to ensure respect for a human being irrespective of the fact that they are an enemy. According to the Dinka culture, women must treat and care for a wounded enemy fighter. Such a gesture towards the enemy can be inferred as having its source in respect for humanity and the human person.

UBUNTU AND THE AFRICAN CONCEPTION OF HUMAN DIGNITY

In Western thinking, it has been common to hold that dignity co-varies with the presence of human DNA in a living organism. Such a view is noticeably held by many of those theorising in the Jewish and Christian religious tradition, who maintain that only human beings are children of God or made in God's image.²⁵

22 Twining W. 2009. "Francis M Deng," in Twining W (ed). *Human rights: Southern voices: Francis Deng, Abdullahi An-Na'im, Yash Ghai, Upendra Baxi*. Cambridge: Cambridge University Press, 42.

23 Twining, "Francis M Deng".

24 Deng F. 2008. *Identity, diversity and constitutionalism in Africa*. Washington, DC: United States Institute of Peace, 77-100.

25 Noonan J. 1984. "An almost absolute value in history" [1970], in Feinberg J (ed). *The problem of abortion*. Second Edition. Belmont, CA: Wadsworth, 9-14; Koop CE (1982) *The right to live, the right to die*. Living Books, Wheaton, IL; Jean Paul II. 1995. *The gospel of life (Evangelium*

What makes humans unique, from this standpoint, is that they have a soul, a spiritual substance that originated in God and will outlive their bodies' death. Where goes a living human being, there goes a soul and hence a being with dignity.

The African respect for human life force grows out of religious thinking. However, such a moral perspective need not be tied to a supernatural base to be plausible. Often, African thinkers make evaluative and normative judgements without appealing to spiritual ideas or at least not explicitly. For example, they say that a human being is unique in virtue of being able to exhibit a superlative degree of health, strength, growth, reproduction, creativity, vibrancy, activity, self-motion, courage and confidence, with a lack of life force being constituted by the presence of disease, weakness, decay, barrenness, destruction, lethargy, passivity, submission, insecurity and depression.²⁶ This recognition of the dignity of humans is also expressed through the concept of *Ubuntu*.

Ubuntu is a clear example of how a particular society does not have the exclusive right to ownership of human dignity and human rights. The two philosophers Fainos Mangena and Thaddeus Metz posit that the notion of human dignity is the *Ubuntu* tradition of African people of Bantu descent. These people mainly live in the Southern and Eastern parts of Africa.²⁷ *Ubuntu* is central to their societal organisation and day-to-day life, whose core is the idea "*Umuntu ngumuntu ngabantu*", which can be translated as "a person is a person because of or through others." Similarly, a person acquires personhood or humanity only through relationships with peers and the community. A corollary of this belief is that what makes a person a human is not their mental or bodily attributes or features. Instead, their friendly and cooperative

vita): on the value and inviolability of human life. Washington, DC: USCCB Publishing; Kass L. 2002. "Death with dignity and the sanctity of life", in Kass L (ed). *Life, liberty and the defense of dignity*. San Francisco: Encounter Books, 231-256; Novak D. 2007. *The sanctity of human life*. Washington, DC: Georgetown University Press; United States Catholic Church. 2003. *Catechism of the Catholic Church*. Second Edition. New York: Doubleday.

- 26 See Iroegbu and Echekwube, *Kpim of morality ethics*.

See, especially, Dzobo NK. 1992. "Values in a changing society: man, ancestors and God", in Wiredu K and Gyekye K (eds). *Person and community; Ghanaian philosophical studies 1*. Washington, DC: Council for Research in Values and Philosophy; Kasenene P. 1994. "Ethics in African theology", in: Villa-Vicencio C and de Gruchy J (eds). *Doing ethics in context: South African perspectives*. Cape Town: David Philip, 138-147; Magesa L. 1997. *African religion: the moral traditions of abundant life*. Maryknoll, NY: Orbis Books; Mkhize N. 2008. "Ubuntu and harmony: an African approach to morality and ethics", in Nicolson R (ed) *Persons in community: African ethics in a global culture*. Pietermaritzburg: University of KwaZulu-Natal Press, 35-44; Iroegbu P. 2005. "Do all persons have a right to life?", in Iroegbu P and Echekwube A (eds). *Kpim of morality ethics*. Ibadan: Heinemann Educational Books, 78-83; Iroegbu P. 2005. "What is life: body, mind and soul?", in: Iroegbu and Echekwube, *Kpim of morality ethics*, 435-439.

- 27 Mangena F. 2019. "Discussing inclusive development and governance in Zimbabwe: Pragmatizing Hunhu/Ubuntu philosophy. *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions* 8 (1):39-54; Metz T. 2012. "African Conceptions of Human Dignity: Vitality and Human Dignity as the Ground of Human Rights", *Human Rights Review* 13(1):19-37.

interaction with others leads to their transformation to the state of a human beings. Unless a person receives the assistance of others, they will not be able to develop into a full human being by their own effort and will.

The conception of dignity with a sub-Saharan lineage is the view that our communal nature makes us the most important beings in the world. *Ubuntu* is well known for characteristically prizing the community in some way. One traditional instance is that our dignity is constituted by our relationships with others, including spiritual persons such as our ancestors. For example, the South African theologian H. Russel Botman remarks, "The dignity of human beings emanates from the network of relationships, from being in the community; in an African view, it cannot be reduced to a unique, competitive and free personal ego."²⁸ The problem with this perspective is that it means that a person such as a hermit or a prisoner placed in solitary confinement, who is not in the relevant relationships, lacks a dignity, which is counterintuitive. Of course, these counterexamples are themselves countered by the view that everything in the universe is necessarily interconnected by spiritual forces, that is to say, that every person is already related to God.²⁹

Furthermore, depending on the degree of interaction and good relations with others, a person may become more or less of a person. As such, when they show respect and concern for others and strive for their well-being, they are regarded as having *Ubuntu*. In contrast, they will be considered lacking *Ubuntu* when they attempt to promote their well-being at the expense or in disregard of the interest of others. Hence, an individual is expected to flourish as a person by receiving the support of others and must do the same for others to flourish or develop. Thus, the person relies on others for their development and others can rely on them to achieve their destiny or well-being. Besides emphasising interdependence and community-centred personhood, *Ubuntu* sets certain standards and guidelines for how individuals should treat each other or relate. The core prescription in this regard is treating every person with respect, concern and friendliness. Only such treatment conforms to the *Ubuntu* philosophy, leading to personal and communal development. Unfriendly treatment of others and lack of concern for their well-being is contrary to the value of *Ubuntu*. *Ubuntu*, therefore, secures one's dignity.

Although the foregoing sections have sought to highlight the commitment to human dignity in African culture, one must concede, however, that the rights of marginalised individuals and groups have not always been upheld. To say this is not to write off Africa's human rights history, but to acknowledge that there have been challenges in ensuring that the dignity of all members of society receives

28 Botman HR. 2000. "The OIKOS in a global economic era: a South African comment", in Cochrane JR and Klein B (eds). *Sameness and difference: problems and potentials in South African civil society*. Washington, DC: The Council for Research in Values and Philosophy. See also Bujo B. 2001. *Foundations of an African ethic: beyond the universal claims of Western morality*. McNeil B (tr) New York: Crossroad, 88.

29 Cf. Bujo *Foundations of an African ethic*; Murove MF. 2004. "An African commitment to ecological conservation: the Shona concepts of Ukama and Ubuntu", *The Mankind Quarterly* 45:195-215; Mkhize, "Ubuntu and harmony".

prominence. In the following section, the chapter will summarise the theme of human dignity for the marginalised in Africa.

HUMAN DIGNITY FOR THE MARGINALISED IN AFRICA

It is important to acknowledge that the struggle for human dignity is facilitated by, but transcends, the adoption of progressive constitutions. For example, in 1996, South Africa adopted what is believed to be one of the world's most progressive constitutions. The Bill of Rights – Chapter 2 of the Constitution – protects the civil, political and socio-economic rights of all people in South Africa, including the rights to human dignity, equality, non-racialism and non-sexism, as well as the supremacy of the Constitution.³⁰ Despite this constitutional protection, the rights of vulnerable and marginalised groups in South Africa are still far from being realised and the structural violation of their rights persists. Migrants, refugees and asylum-seekers from other African countries inhabiting South Africa also suffer discrimination and physical violence. Migration to South Africa from other parts of the continent occurs for various reasons, such as pursuing economic prospects, fearing persecution in home countries and needing to escape war zones. The South African economy has benefitted from the scarce skills and economic activity generated by migrants.

However, foreign nationals are often blamed for social problems such as crime and unemployment. Since 2008, over 400 immigrants, refugees, asylum-seekers and those viewed as “others” have been killed in xenophobic attacks and more than 100,000 people have been displaced.³¹ This points to the government's and civil society's inability to deal decisively with xenophobia and address its root causes. The victimisation of these marginalised groups – women, girls, LGBTI people, migrants, refugees and asylum-seekers – derives mainly from South Africa's legacy of colonialism and apartheid, which destroyed social structures and created traumatised families. This oppressive legacy cannot be dismissed when analysing or addressing ongoing discrimination against vulnerable and marginalised groups. The most effective strategies to protect the human dignity of these groups go beyond addressing the immediate causes of present oppressions and taking account of the root sources of violence while still holding perpetrators accountable. Thus, the emphasis on community, vitality and *Ubuntu* referred to earlier in this chapter needs to be reframed and deepened in the light of colonialism, urbanisation, capitalism, globalisation and other factors.

Gender non-conforming and non-binary people are still legally, socially and economically excluded from participating fully in some African societies.³² Some

30 Constitution of Republic of South Africa, 1996, ch 2.

31 Hiropoulos A. 2017. “Migration and Detention in South Africa: A review of the applicability and impact of the legislative framework on foreign nationals”, Policy Brief 18, African Policing Civilian Oversight Forum (APCOF), November.

32 Chitando E and A. Van Klinken (eds), *Christianity and Controversies over Homosexuality in Contemporary Africa*. London: Routledge; Chitando E and Mateveke P. 2017.

activists reference the politics of domination in this regard: the dominant ideology about sexuality and gender identity expression is currently heterosexuality and cisnormativity. Activists maintain that these systems of domination are continuously reinforced through structures such as organised religion, medical and health discourses and the law. This means that individuals may perpetuate oppressive understandings without awareness. This view holds that the interface of colonialism and apartheid's legacy with identity politics and total disregard for human dignity is now visible in the oppression of gender non-conforming individuals. Thus, the clarion call by all who deem themselves advocates for human dignity that Africans are now at a crucial point to unlearn and reconceptualise what it means to live in communities that constitutionally promise to protect and respect diversity in all its senses and refuse to allow identity politics to undermine any demographic.

CONCLUSION

The dismissal of the relevance of cultural values in the discussion and understanding of human dignity is problematic, because it completely dismisses the relevance of cultural values in validating and shaping conceptions of human dignity.³³ The general presumption is reflected in the identification of Africa with suffering, conflict, hunger, disease and gross underdevelopment. However, as this chapter has demonstrated, Africans have invested in protecting human dignity. The quest to promote and defend the community, as well as the emphasis on vitality and *Ubuntu*, express this commitment.

Although diverse forces have threatened the African commitment to human dignity, including the threats to the well-being of marginalised individuals and groups, there are signs of hope. For example, the African Charter on Human and Peoples' Rights explicitly recognises human dignity.³⁴ Reference to dignity is made three times and the notion is also invoked in relation to the Organisation of African Union Charter, which states that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples."³⁵ The African Charter is, so far, the strongest statement of the African Commission on Human and People's Rights on human dignity. While it did not refer specifically to African religious and cultural value systems, the African Charter endorsed the centrality of human dignity to the corpus of the African Charter and reaffirmed the fact that human dignity is not alien to African societies, instead is something that African societies share with all civilised human societies. It also underscored the intrinsic

"Africanizing the discourse on homosexuality: challenges and prospects", *Critical African Studies* 9(1), 124-140

33 Donnelly J. 1984. "Cultural relativism and universal human rights", *Human Rights Quarterly* 6(4):400-419.

34 African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986.

35 Charter of the Organization of African Unity, 479 U.N.T.S. 39, *entered into force* Sept. 13, 1963.

character of human dignity and its direct relation to human nature. When a person's dignity is threatened, human nature is challenged. One of the core conclusions of this chapter is that human dignity is a concept that occupies a central place in the religious, philosophical and cultural worldviews of various African societies.