Isaias Ezequiel Chachine

Community, Justice, and Freedom

Liberalism, Communitarianism, and African Contributions to Political Ethics

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Abstract


This study deals with theories of community, justice, and freedom within liberalism, communitarianism, African philosophy and theology. The study maintains that there are different latitudes on how to formulate and articulate theories of community, justice and freedom informed by particular moral experiences with bearing on different views of human. People differ and their claims on moral matters are influenced by contexts in which they find themselves, which means that cultural diversity has bearing on different interpretations of what it means to be a human being. Given the importance of this diversity, of particular significance in this study is the relationship between various theories of justice and freedom and different understandings of the relationship between the individual and the community.

The study endorses that any contemporary discourse on community, justice, and freedom to be adequate should take notice on the political, economic, and cultural aspirations of the people it seeks to address itself. It argues that there might be alternative theories of community, justice, and freedom which may give a fuller appreciation to the fact that there are different understandings of what community implies as well as what justice and freedom means. One such alternative is the African view of human, that of "ubuntu", which maintains that "to be" is "to belong". In this view a person is because of others, and by inference one's humanity, including one's sense of personhood, is affirmed by affirming the humanity and personhood of others.

The first aim of the study is to examine how we should understand different theories of justice and freedom within Western political philosophy, and African political theory and theology. The second aim is to analyse how different theories of justice and freedom are related to different conceptions of the relationship between the individual and the community. The third and final aim is to propose an adequate theory of community, justice, and freedom from an African perspective.

*Keywords*: community, justice, freedom, ubuntu, liberalism, libertarianism, communitarianism, view of human, individualism, justification, liberation, oppression, relationship, belonging, universalism, contextualism

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Isaias Ezequiel Chachine
Introduction

The purpose of this thesis is threefold: firstly, to critically give a descriptive but conceptual analysis on different theories of justice and freedom within Western political philosophy, African political theory and theology. Secondly, to give a comparative but analytical account on how both liberalism and communitarianism formulate, define, and justify their understandings of freedom and justice in view of different theories of human. In the same way, to critically examine how concepts of justice and freedom are interpreted and justified by African philosophers and theologians in the light of their different views of community. The third purpose is constructive. Here one of my central aims is to formulate what an adequate theory of community, justice, and freedom may look like from an ‘ubuntu’ moral theory. Mainly this constructive discourse is set so as to firstly establish what would be the contribution of both liberalism and communitarianism within African philosophy and theology; and secondly as to ascertain how African philosophy and theology may respond in terms of their input to both liberalism and communitarianism. Further, as an African Anglican theologian influenced by William Temple’s social ethic, my humble interest is to critically elaborate my own constructive theory within ‘ubuntu’ ethical position, by relating William Temple’s three Christian social principles of freedom, fellowship, and service to different theories of freedom, justice, and justification as may be offered by different scholars in the present study.

While taking liberalism and communitarianism in the West as the subject of my study, one must also bear in mind the fact that there are numerous differences in the historical, social, cultural, linguistic, religious, geographical, and economic realms which cannot be overlooked in our

desire to understand even one aspect of Africa.\textsuperscript{3} Pluralism abounds in a
great continent such as Africa. It is on the basis of such limitations and by
the inability to embrace in one homogeneous epistemological framework
different issues affecting a vast and diverse continent such as Africa that I
have chosen to bring my reflections from the perspective of one view of
Africa, which is Africa Southern of Sahara, with particular reference to
Southern Africa. Even though, I cannot avoid the lapse of using some
examples which may seem trans-contextual as my reflections unfold.

**Purpose**

1. To examine different theories of justice and freedom in Western
   political philosophy and African theology and philosophy. Such
   an examination should take into account: (a) the meanings of the
   concepts of justice and freedom; (b) theories of justification of
   justice and freedom.

2. To examine how these theories on justice and freedom are related
to different conceptions of the relationship between the individual
and the community.

3. To propose an adequate (reasonable) theory on community,
   justice, and freedom from an African perspective.

**Issues of Enquiry**

In the present study three central themes are enquired. The first theme is
consistent with the subject of community and the individual. How could we
understand the relationship between the individual and the community? The
second theme has to do with the subject of justice. What is the meaning of
justice? How could we justify a principle of justice? And the third theme
concerns the subject of freedom. What is the meaning of freedom? How
could we justify freedom as an ethical ideal? To be able to sensibly deal
with these questions I should take into account the following:

Firstly, since the study falls within the context of Christian ethics, I hope
to gain clarity on how Christian ethical reflections can assist in handling
some pertinent within political philosophy. In doing this the aim is to see if

\textsuperscript{3} See Kasenene, Peter: “Ethics in African Theology” in Villa-Vincencio, Charles & De
Gruchy, John (eds): *Doing Ethics in Context: South African Perspectives*. David Philip,
an adequate African conception of justice, freedom, and justification may be articulated within the framework of the ongoing debate within communitarianism and liberalism in the West. Indeed, the thesis’ central aim is to compare African and Western ideas on justice, freedom, and justification, in the light of different positions regarding the understanding of human person so as to evaluate and discuss the possibility for a constructive argument.

Secondly, in the attempt to articulate the main purpose of the thesis as well as to address the present issues of enquiry, I will need to situate myself in the careful analysis of the content of the writings by different authors such as John Rawls, Robert Nozick, Alasdair MacIntyre, Charles Taylor, John Samuel Mbiti, Kwame Gyekye, Itumeleng J. Mosala, and John W. de Gruchy, so as to elaborate my own constructive view of community, justice, and freedom. Arguing from different theoretical positions and contexts, these scholars have formulated a comprehensive philosophical and theological framework which is of great significance regarding questions of meaning and justification of justice and freedom. Above all, I do engage with the present study with the intention of formulating my own position in view of an adequate ethical theory of community, justice, and freedom by reflecting on different theoretical positions as may be offered by those scholars I intend to discuss. As such, the issues under enquiry may be outlined as follows:

1. How could we understand the relationship between the individual and the community?
2. What is the meaning of justice? How could we justify a principle of justice?
3. What is the meaning of freedom? How could we justify freedom as an ethical ideal?

Methodological Survey

The methods to be applied in the present study should be able to give me some possibilities to structure and articulate my arguments within the framework of Western moral philosophy and politics as well as within the context of African philosophy and theology. As such, the methodological survey should take into cognisance not only the models employed in the framing and justification of justice and freedom within a philosophical and theological context but also within a social setting in which such claims are made. Therefore, an adequate method, to be relevant should be both
particularity and universality sensitive. By method, I mean the path I will follow in dealing with an ethical argument. It has to do with the process and means in which I expect to elaborate my theoretical position so as to address central questions in the study.

My central challenge is how do I construct and articulate a principle of justice, freedom, and justification which may be fitting for all in a pluralistic and diverse society? Both theologians and philosophers seem to endorse that one’s vision of justice, freedom, and justification is consistent with how one views human person in a specific context. By views of human I mean that understanding of human being as found in the realm of sociology, political philosophy, and theology, precluding any biological and anthropological contexts as fields of scientific enquiry. I mean by this an understanding of human person as a bearer of an unalienable dignity, rights, reason, autonomy, and preferences. As such, since the understanding of person in terms of dignity, rights, reason, and autonomy may be dependent on context or on a universally agreed standard of moral judgment, the position seems to raise questions of coherency with universal, contextual, and pluralistic counters which any methodological position cannot take for granted if it is to be realistic and authentic.

Therefore, the method to be applied should be able to be analytically descriptive, comparative, and constructive. To be constructive I should adopt a meta-ethical procedure which by taking its cue in the critical evaluation of previous theories will assist me in coherently articulating and justifying my constructive position. To this proposal two interpretative paradigms would be significant: deductive and inductive. By deductive I mean that method of approach which implies that we should begin from our established principles of enquiry so as to get into the bottom of an ethical problem. Applying this method, in order to understand what justice and freedom imply, we should look at justice and freedom as universal ideals thus conceiving their models of justification as superior over any given context or moral background. Inductive is that method of enquiry which suggests that facts which are particular, the setting in which are generated, should be the starting point of an adequate understanding of an ethical problem. On the other hand, a deductive approach is universally constrained and context insensitive, while an inductive approach is context and particular sensitive. In other words, within a deductive model we start from the general and the universal to the particular; while within an inductive approach we start from the particular to the general.

Since the inductive method considers the social, the religious and the political history of the people as its starting point, some scholars have considered the inductive approach as intuitive, a system of enquiry from
below, from the underside; while deductive method stands as a kind of enquiry from above. By method from below it is meant that method as may be informed by one’s moral experience and context, commonly used by many liberation theologians; such as the adoption of the epistemological privilege of the poor. In philosophy, this method may also be similarly understood in the light of Iris Marion Young’s view of justice, in which she suggests that for an adequate understanding of justice we should start from the experience of the poor and the oppressed. Methodology from above has to do with that approach which one uses by applying a more established epistemological framework. In this method, the understanding of justice, freedom, and justification seems to follow a more universalistic tendency, at times taken as a language of the strong and powerful, it is similar with adopting an established theological and philosophical discourse which is universally binding and rationally measured.

Theoretical Considerations

Having tried to cast the methodological platform, I should now try to frame a theoretical model in the attempt to deal with three central issues: firstly, a descriptive account of different theories of justice and freedom across philosophical, theological, and cultural lines in the light of different views of humans, both in the West and in Africa. Secondly, a comparative analysis of four Western theories and justification of moral beliefs which both liberalism and communitarianism employ as premises in their assertion and justification of freedom and justice. Thirdly, a critical constructive account of justice, freedom, and justification in the light of African system of beliefs and views of human within ubuntu moral tradition, so as to establish what may be the African contribution to the discourse.

The first theoretical problem, in the study, is an attempt to articulate different theories of freedom, justice, and justification within moral philosophy in the West, as well as within African theology and philosophy. I have no intention in engaging in an exhaustive study about justice and freedom in the juridical and legal domains. However, mine is a philosophical and theological reflection about justice and freedom as social and political ideals in the light of Christian social ethics and moral philosophy as may be understood in different contexts within the framework of people’s beliefs about what it means to be human. From a theological position, I adopt an analysis of justice and freedom within moral philosophy in the light of liberal and communitarian positions so as
to establish how an acceptable theory of justice and freedom may be adequately articulated and justified in different philosophical and theological contexts.

The second theoretical problem consists in a comparative analysis of four Western moral theories regarding the understanding and justification of freedom and justice as consistent with different views of human which both liberalism and communitarianism take as premise. Firstly, the study will look at the libertarian theory of freedom and justice in the light of a neo-Lockean view of human and its impact on the models of justification as formulated by Robert Nozick. Secondly, the study will examine the liberal theory of freedom and justice from the standpoint of a neo-Kantian view of human as articulated by John Rawls. Thirdly, the study will look at the communitarian view of freedom and justice from the standpoint of a neo-classical Aristotelian theory of human as affirmed by Alasdair MacIntyre. This study will be followed by a fourth analysis on a neo-Hegelian theory of freedom and justice in the light of its view of human as formulated by Charles Taylor. These four main theories of freedom, justice, justification within liberalism and communitarianism will, on the whole, be assessed against the background of four different theories of justice and freedom as may be offered by different philosophers and theologians in the African context; in view of their conceptions of person and community as immanent in the African social milieu. Particular emphasis will be paid on the works of John Samuel Mbiti, Kwame Gyekye, Itumeleng J. Mosala, and John de Gruchy.

The third theoretical problem stands within the need for a constructive discourse. My main task here is to critically evaluate different theories of justice, freedom, and justification as may be offered by different scholars; so as to systematically and coherently work towards a constructive argument in order to establish how an adequate view of justice, freedom, and justification may be articulated, in the African context, in the light of the African social heritage. I will do this by relating my position to ubuntu ethic in the light of William Temple’s three Christian social principles of freedom, fellowship, and service. Starting with Isaiah Berlin’s two concepts of liberty as analytical instruments in the study of freedom and justice; the work of William Temple will be of significance as an analytical tool in the assessment of different theoretical positions towards a constructive argument where I hope to offer my own position.
Sources

The selection of scholars and materials has been made in line with my interest in getting an adequate account of justice, freedom, and justification in the light of different theories of community, justice, and freedom within Western political philosophy, African philosophical discourse and theology. Therefore, I have applied certain criteria in selecting different ethicists under this thesis both in the West and in Africa. My first presupposition is that both philosophers and theologians should have well elaborated, coherent, consistent theories of social ethics in regard to community, justice, and freedom. More importantly, I think that the ethicists should possess clearly and methodologically articulated constructive social ethical theories and proposals on justice, freedom, and justification. My second presupposition is that they should together give a wider range of opinions in questions regarding social ethics and political theories concerning the meaning and justification of freedom and justice. My third presupposition is that they should have different opinions concerning the relationship between Christian ethics and political philosophy on the meaning, justification, and criteria for a right political act in line with more established views of human, community, justice, and freedom. Theologically, I also think that they should, on the one hand, be able to underline how to relate Christian ethical theories to humanely grounded premises for a right political act of justice, freedom, and justification; and, on the other, be able to relate philosophical arguments to theologically grounded presumptions for a right political act of justice, freedom, and justification. My forth presupposition is that they should also belong to different Christian traditions, social backgrounds, cultures, and worldviews. Also, they should, historically and geographically, belong to different social settings representing Southern Africa, West and Eastern Africa, Canada, United States of America and Europe.

On the basis of these four criteria, I have selected four contemporary Western philosophers; four contemporary African scholars, comprising two philosophers and two theologians. So, within the West, while Isaiah Berlin’s, William Temple’s, Will Kymlicka’s, and Seyla Benhabib’s seminal works deserve mention as important analytical tools, I have chosen to deal with the work of John Rawls, Robert Nozick, Alasdair MacIntyre, and Charles Taylor. Over and above, William Temple’s derivative Christian social principles of freedom, fellowship, and service⁴ may be taken into view towards the end. Though, Temple’s work should be

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vindicated with critical caution, as when Temple formulated his ethical ideals the British Empire was still the imperial power of the world, a condition which renders Temple’s ideas of natural to appear somewhat insensitive to other cultures and social traditions. However, influenced by the British Hegelianism of the late 19th century, Temple’s noble ideals have been able to transcend what might have been the cultural limitation of the former British Empire. Within Africa, while the work of Mercy Amba Uduyoye, a female theologian from Ghana, will stand as a critical analytic tool, I have selected the works of John Samuel Mbiti, Kwame Gyekye, Itumeleng J. Mosala, and John W. de Gruchy. Therefore, it is expected that the present scholars will, by necessity, be able to offer different philosophical and theological positions in the definition, understanding, and justification of freedom.

Within liberalism and communitarianism, in my attempt to deal with the notion of justice, freedom, and justification I will draw my arguments from the concepts of ‘negative’ and ‘positive’ freedom as proposed by Isaiah Berlin’s *Four Essays on Liberty.* This section is important not only in the analysis of John Rawls’ and Robert Nozick’s works but also of Alasdair MacIntyre and Charles Taylor.

Within contemporary libertarianism and liberalism, John Rawls and Robert Nozick stand as scholars of reference within Western moral philosophy. John Rawls is a well known prominent American philosopher who has candel a contemporary debate on justice since the publication of *A Theory of Justice* in 1971, in the light of his well articulated contractarian moral theory in the original position also known as the veil of ignorance and later reformulated in his *Political Liberalism.* Robert Nozick is also a well known American philosopher, his neo-liberal view of justice and liberty is well known, since the publication of his famous book *Anarchy, State, And Utopia*, 1974. His views on freedom and justice may be sketched, though with slight difficulties, in view of his contentious manuscript. Robert Nozick, elaborating his neo-liberal moral theory from John Locke radically devises a notion of liberty and justice grounded on the primacy of individual freedom, ‘entitlement,’ and ‘property-rights.’

Within communitarianism, Alasdair MacIntyre and Charles Taylor remain scholars of reference for their well grounded communitarian ideas within Western moral philosophy. Charles Taylor is a well known Canadian scholar, his well elaborated account on the individual and

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community, a critique to liberal perspective, in the light of his well known books *Sources of the Self*,9 *The Ethics of Authenticity*,10 and *Philosophy and the Human Sciences*,11 has received commendable claims in the academic arena. In his understanding of the moral subject as shaped by context and social circumstances, Charles Taylor offers a different argument against liberalism. He sees the self as part of social matrix, a view that makes it impossible for the self to become purely universalized, a view which leads him to conceive individual liberty as part of the historical, social, and the cultural milieu. Alasdair MacIntyre is a well known Scottish Philosopher and communitarian, but living in the USA. He is a pioneer of neo-Aristotelianism, a view which, amongst others of his writings, may be expressed in his well known books, *After Virtue* 1981,12 and *Whose Justice? Which Rationality?*13 In *After Virtue* he seems to defend the reinstatement of the Aristotelian ethic of virtue as an alternative to modern moral confusion; while in *Whose Justice Which Rationality?* MacIntyre challenges the adequacy and truthfulness of moral principles and justice in a fragmented contemporary society as ours. For him, justice and rationality, have been understood in a different form given different social contexts.

Within the African context, I will discuss the philosophical works of John Samuel Mbiti and Kwame Gyekye, followed by an analysis on the theological views of Itumeleng J. Mosala and John W. de Gruchy. Firstly, John Samuel Mbiti is a well known Kenyan Philosopher and Theologian, who in his theological and philosophical moral articulations, has claimed a place of prominence in the African academic heritage. He stands as one of those scholars who, by merit of their writings, are considered genesis and persons of reference in the study of African morality. His book, *African Traditional Religions and Philosophy*,14 is, among others of his writings, a book of an academically recommendable position and its topics emerge as classics in the world of religion and philosophy. Secondly, Kwame Gyekye is a well known Ghanaian Philosopher. In virtue of his philosophical writings, he seems to articulate his philosophical ideals in favour of African moderate communitarianism. His major book, *Tradition and Modernity*,

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Philosophical Reflections on the African Experience,\textsuperscript{15} stands as a key text that underlines philosophically the African dilemma in the event of her endeavour to build modern political systems and social moral structures, on the one hand, and her desire to keep pace with traditional political models and morality, on the other. Thirdly, Itumeleng J. Mosala is a well known South African theologian who has engaged theologically well in a vast theological reflection in the South African experience of suffering, struggle, and victory. His book, The Unquestionable Right to be Free,\textsuperscript{16} a collection of essays amongst South African Scholars in the context of the struggle against Apartheid, will together with others of his writings be a text of reference. Fourthly, and lastly, John de Gruchy is a well known South African Theologian, who has written extensively well on major theological themes. He has been behind the Truth and Reconciliation Commission in South Africa, his views on the reconciliation process in South Africa, expressed in the light of his latest book, Reconciliation,\textsuperscript{17} stand as a memoir record of reference on recent events in the history of South Africa’s transitional period and beyond.

As I have already stated, I will endeavour in accurately comparing and analyzing different theoretical positions, on community, justice, and freedom, offered by those authors I have selected so as to get material to constructively elaborate my own position and critique. Therefore, as I critically combine different opinions amongst Western scholars, the aim of the analysis is to assist me in finding a position to constructively articulate what an adequate theory of community, justice, and freedom may entail, in the light of liberalism and communitarianism. Within the African context, as I assess the works of different theologians and philosophers I hope to find a well elaborated, accurate, and coherent view on the meaning and justification of justice and freedom within African philosophy and theology in response to Western liberalism and communitarianism. As any constructive reflection should, at least, be contextual, I will try to relate myself to my own social experience and cultural context, with reference to ubuntu ethic. My interest in analyzing the works of different African authors, in the light of their different epistemological positions and social backgrounds, springs from the fact that there is a need not only to find a well elaborated, coherent, and systematic view of ubuntu ethic, but such a view should also be affirmed in the African theological and philosophical

pedigrees. My inference is based on the fact that there are some aspects within the African context which tend to relate justice and freedom in a different form as based on the African worldview which needs to be explored in relation to Western liberalism and communitarianism. The African discourse on justice and justification has not yet been entirely or seriously explored as part of the modern discourses. Therefore, John Mbiti’s, Kwame Gyekye’s, Itumeleng J. Mosala’s, and John de Gruchy’s positions, commitment, and pragmatism within the African moral experience seem to highlight the present African quest in articulating its own epistemology that is sound and authentic in responding to African problems, even if Mbiti has been somewhat criticized by a more recent line of African liberal scholars as somewhat conservative.

Previous Research in the Field

Both theologians and philosophers have reflected on the topic quite well. The works of John Rawls, Robert Nozick, MacIntyre, and Charles Taylor in the West as well as those of John Mbiti, Kwame Gyekye, Itumeleng Mosala, and John de Gruchy in Africa have been widely debated. For example Norman Daniels, in his book *Reflective Equilibrium*, makes a careful analysis of John Rawls’ theory of justice in the Reflective equilibrium. Again, in a work entitled ‘Democratic Equality: Rawls’ Complex Egalitarianism,’ in Freeman, Samuel, *The Cambridge Companion to Rawls*, Daniels also discusses Rawls’ two theories of justice. In his analysis of Rawls’s complex egalitarianism, Daniels concludes that the ‘commitments we have under democratic equality include a concern that people be able to pursue their diverse goals in life within the limits set by just institutions.’¹⁸

Will Kymlicka, in his books, *Contemporary Political Philosophy, An Introduction*, as well as in *Multiculturalism and the welfare State Recognition in Contemporary Democracies*, has made a considerable survey of both liberalism and communitarianism covering in depth, though not directly, John Rawls’, Robert Nozick’s, Alasdair MacIntyre’s, and Charles Taylor’s political thought. Kymlicka offers a frank and valuable understanding of the liberal and the communitarian views of justice and freedom.

In the African Benezer Bujo, Peter Kasenene and others have engaged with the topic in a theological context. Generally, their analytic and constructive studies were either to deal with the topic from an African philosophical perspective or from the perspective of Christian ethics in terms of its relationship with the African context. Compared to their views, I present a different alternative by relating the African understanding of community, justice, and freedom within the liberal and communitarian positions in the West from theological and philosophical perspectives.

There are also researches currently going on in Scandinavia, particularly at the University of Uppsala. One example is Algot Gölstam, who in his dissertation *Freedom, Equality and Democracy* 19 has dealt with the subject in the light of liberal and socialist traditions. In his conceptual analysis on the different views of freedom within certain liberal and socialist understandings about freedom, equality, and democracy, Gölstam came up with three conceptually different views of freedom, namely the concept of *freedom in the sense of having a protected square* which, according to him, embraces both personal freedom and freedom with regard to the ownership of property. He then moves on to stipulate a second understanding of freedom which, in his view, has to do with the concept of *participatory freedom*, as freedom in the sense of participating in the decision process. Lastly, Gölstam outlines the third understanding of freedom in the light of *freedom in the sense of having the capacity to achieve one’s own goals*. 20 I do find Gölstam’s careful description of three concepts of freedom highly significant within the scope, structure, and content of my present thesis. Though, he offers an understanding of freedom within mainstream liberal and socialist ideals, mine is broader in terms of its quest to relate the concepts of freedom and justice across liberal, communitarian, and the African standpoints.

Malin Löfstedt, in her dissertation *Human Being or Views of Human?*, has dealt with the conceptual analysis on the views of human within neoclassical economic theory and she has related her studies with the *ubuntu* ideal. 21 Her conceptual analysis has been significant, in the realm of ubuntu, as she tried to relate the view of human in *ubuntu* in the light of neoclassical economic theory. One of her conclusions was that neoclassical economic theory is individualistic and greatly mirrors the Western

approach to human being. And by its failure to take into account the Africa moral experience it cannot explain the African economic principles. As different from the West, because in Africa the individual is part of the surroundings and defined in terms of his or her sociality, economic assets are seen as socially significant as part of shared resources.

Structure and Outline

The initial aim of the enquiry is to analyse different theories of justice and freedom which may be found in the writings of contemporary philosophers and theologians both in the West and in Africa. This entails clarifying their ethical recommendations, their theories of the meaning and justification of freedom and justice as well as their social ethical theories. It also entails clarifying various arguments they present in their ethical positions. I am essentially interested in the way in which they interpret the relationship between theories of justice, freedom, and justification, in the light of different views of human, as well as other theoretical positions which form part of philosophical and Christian views of person. Therefore, my analysis on various theories of justice, freedom, and justification to be found in the writings of different philosophers and theologians should proceed in six different stages as follows:

In chapter one I deal with the understanding of community in the African context in order to get into a fuller account of the African views of human nature so as to establish the understanding of freedom and justice within the African context.

In chapter two, the views of human within liberalism and communitarianism are discussed so as to get a fuller understanding of four Western moral theories of the human being. Firstly, I engage particularly with Robert’s Nozick’s theories of person, so as to establish his views of freedom, justice, and justification in the light of his entitlement theory. Secondly, I analyse John Rawls’ theories of human over which he builds his contractarian theory of justice and freedom. Thirdly, I deal with the work of Alasdair MacIntyre in order to understand his view of the self as matched by social matrix so as to get his view of freedom, justice, and justification. Fourthly, the work of Charles Taylor is analysed in order to get a fuller understanding of his account of the self as self-actualising a situated in the historical and social contexts. This will help me in engaging with Charles Taylor’s notion of a situated and self-actualizing freedom as well as his notion of justice.
In Chapter three, the views of justice in the West are discussed in the light of both liberalism and communitarianism. While my analysis will occur within the frame of three Western theories of justice; namely justice as a ‘right’, justice as a ‘desert’, and justice as a ‘need’, this chapter will focus upon the liberal and the communitarian views of justice. I will try to look at how both Robert Nozick and John Rawls articulate and defend their theories of justice on liberal premises, on the one hand; and how Alasdair MacIntyre and Charles Taylor, on the other, present their views of justice and justification on a communitarian conceptual framework.

In chapter four, African views of justice are discussed. The structure and scope of this chapter will be similar to the previous one. The purpose is to critically discuss different theories of justice as offered by both African theologians and philosophers.

In chapter five, I will discuss the views of freedom in the Western political philosophy. Isaiah Berlin’s Four Essays On Liberty as an analytical tool, specifically from his understanding of both negative and positive freedom will assist me in dealing with both Robert Nozick’s view of liberty as well as with John Rawls’, Alasdair MacIntyre’s, and Charles Taylor’s. In the light of their understanding of freedom and different theories of justification of freedom will be found in their work.

In chapter six, African views on freedom will be discussed. The same analytical framework will be applied as in the analysis of justice. Different theories of person in the African context may also lead into different conceptions of freedom and justification. John Mbiti’s understanding of freedom as well as Kwame Gyekye’s, Itumeleng J. Mosala’s, and John W. de Gruchy’s will be discussed in the light of their respective views of human, philosophical position, and theology.

In chapter seven, as I construct my own position, I will try to critically examine the views of different theologians and philosophers. I will assess how their views of community, justice, and freedom, across wider theoretical and contextual spectrums, have been elaborated. From my own social context, as I gaze on ubuntu ethic, I will look at the relationship between Christian ethics and humanely grounded ethic. Here mine is to reflect on the question of whether Christian beliefs make some specific contributions to the theories of justice, freedom, and justification. Or whether the Christian ideals associated with justice, freedom, and justification may be identical in terms of scope, purpose, and content with the philosophical views of justice, freedom, and justification. Methodologically, the answer to these questions would be consistent with the answer given in regard to the kind of questions posed in the light of the criteria employed in the arguments towards a constructive social ethical
theory. In my attempt to address these questions, one possible view would be that since ethics is based upon common human experiences and considerations, Christian social ethics may be indistinguishably from a humanely grounded ethic. Also an alternative position may be that since ethics is based upon the Revelation in Christ, a Christian social ethics bears a character entirely different from philosophically grounded moral discourse. A third possible view would be that both common human experiences, considerations, and arguments from Revelation may be put forward on behalf of different parts of Christian social ethics, thus explaining the seemingly unbalanced stance between Christian and humane ethics. Here I will try to give my own account of what an adequate theory of justice, freedom, and justification in the light of ubuntu ethic may be. Combined to African moral experience, the central purpose of this chapter is to establish what would be ubuntu criteria for an adequate account of justice, freedom, and justification.

The Centrality of Community

The concept of community as a locus of individual existence seems to play an essential role within the whole scheme of my study, as the title *community, justice, and freedom* seems to highlight. To briefly spell out my intention in using the centrality of community within the boundaries of my conceptual analysis, I should simply indicate that I intend to use Kymlicka’s and Seyla Benhabib’s different strands of communitarianism as an analytical tool that will enlighten my entry into the analysis of different theories of justice and freedom within Western liberalism and communitarianism over which I hope to critically construct the African discourse. The purpose is to highlight how the concept of community, as central to one’s personal existence and social fabrics, may be perceived within the liberal and the communitarian moral trends.

Though, by their emphasis on the Western context, the concepts may not honestly articulate the African moral experience of communal beliefs. Benhabib’s different strands of communitarianism are central in the light of her critical analysis of both communitarianism and liberalism and they may be outlined as *integrationist* and *participatory*. On the other hand, Kymlicka’s three versions of communitarianism may be elaborated as

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follows: conservative communitarianism, liberal communitarianism, and left communitarianism. Traditionally, the concepts have their moral roots within the moral framework of the social constitution of the self.23 Yet, they depart ways only when it comes to their different conceptual understandings regarding the self. Both ideals hold the conception of human person as social subject albeit endowed with moral capacity that renders him or her moral yearning for moral agency, personal autonomy, dignity, rights, and freedom of choice. In their formulation and justification of freedom and justice, the point of contention resides within the centrality of the self as social and autonomous, yet bestowed with moral freedom and responsibilities. Thus, freedom and responsibility are important moral components in the understanding and conception of a person as a ‘respondent’ moral agent, on the one side, and in on the view of community as a locus of individual existence, a context shaping the person’s sociality, without which one’s personal identity may be impossible to frame, on the other.

By ‘respondent’ it is meant one’s capacity to rationally choose and respond to one’s surroundings as well as one’s capacity to stand and device one’s life-plans. The philosophical idea of a person as ‘respondent’ moral agent has been coined by Charles Taylor, in his study of human agency and language. The idea came from Taylor’s philosophical position that a person should be a being with his or her own point of view on things. For Taylor, to be moral agent is to have language, capacity, and freedom to choose and to plan one’s life. Therefore, for him, the point of origin of one’s life-plans, choices, even the very sense of the self, should be attributed to the person as a moral agent, in a sense, as their point of reference. So according to him, a ‘person is a being who can be addressed, and who can reply.’ In this way, Taylor concludes that we should call a being of this kind a ‘respondent.’ Therefore, in his view, any ‘philosophical theory of the person must address the question of what it is to be a respondent.’24

Further, since, for Taylor, to be ‘respondent’ is consistent with the shaping of our moral posture and distinct human agency, if we were to ask what distinguishes persons from other agents; ‘consciousness in some sense is unquestionably part of the answer.’ As such, in Taylor’s view, to make someone less capable of understanding himself or herself, evaluating and choosing is to deny totally the injunction that we should respect him or her.

as a person.\textsuperscript{25} As a result, within the three strands of community delineated above, as locus of individual existence and personal outlook, questions on how a human person is to be conceived are consistent with the philosophical moral arguments on whether a person as a moral agent needs the community or the absence of it in order to conceive of herself or himself as a human being within the sphere of human existence or in the shaping of one’s existence and destiny.

Therefore, Kymlicka defines the ethics of conservative or classical communitarianism as a moral ideal that, while upholding the social genesis of the self, elevates and endorses the view that the preserving of a single and inclusive community with a single vision of the common good stands supreme as precondition for social cohesion and concord amongst individuals and social groups. It sees the individual as part of a social matrix couched within a normative and common social moral scheme without which the individual may fail and lack the moral capability to become conscious of his or her existence:

The community’s way of life forms the basis for public ranking of conceptions of the good, and the weight given to an individual’s preferences depends on how much she conforms or contributes to this common good. It takes precedence over the claim of individuals to resources and liberties needed to pursue their own conceptions of the good.\textsuperscript{26}

Secondly, Kymlicka elaborates liberal communitarianism as a moderate moral ideal that epitomizes the creation and reinforcement of a pluralistic society that provides a possible and conducive environment for personal autonomy and choice, with no particular view of the good that stands morally supreme. While liberal communitarianism does not preclude the view of the good in its moral outlook, it would instead, affirm and support a thinner view of the good. Since, according to Kymlicka, it defends the view that ‘If we only have access only to resources that are useful for one plan of life, then we will be unable to act on our beliefs about value, should we come to believe that one preferred conception of the good life is misguided.’\textsuperscript{27} Third and lastly, Kymlicka sees the ethics of left communitarianism as a moral attempt that elevates the concept of an inclusive community where the greatest moral ideal is the achievement or

\textsuperscript{26} Kymlicka, Will: Contemporary Political Philosophy, 1990, p. 206.
\textsuperscript{27} Op. cit., p. 205.
fulfilment of social equality and efforts towards an equal citizenship; the
creation and enforcement of a political and social environment where
persons as citizens are engaged in a collective self-determination. ‘In a
Liberal society, the common good is the result of a process of combining
preferences, all of which are counted equally (if consistent with the
principle of justice).’

Kymlicka’s formulations, though they may differ from the African
conception of community, may still fit well within the context of different
notions of freedom and justice I intend to formulate in the context of my
analysis of different scholars in the realms of justice, freedom and
justification. It is, therefore, within the constructive framework of different
strands of freedom and justice that I intend to use Kymlicka’s formulations
in the analysis of the philosophical and theological contributions from both
African and Western scholars; as well as in the elaboration of their version
of freedom and justice as may be found in their epistemological standpoints
that I hope to apply the communitarian discourse.

Therefore, the conception of community entails holding common
practices, shared worldviews, and beliefs. As such, my main interest is to
use the communitarian conceptual framework as an analytical tool, so as to
see how the views of human are articulated and sustained across cultural,
philosophical, and theological lines as bearing on the understanding and
justification of justice and freedom. Since the individual is, by and large,
shaped by his or her surroundings, my hope is that a certain kind of a
communitarian social fabric will yield a specific view of human person as
related to a specific context; thereby postulating different views of freedom
and justice as inherent to a specific communitarian view of the moral
subject. For example, Normal Daniels, in his conceptual analysis of
Rawls’s theory of justice suggests that Rawls himself articulates the view
that the understanding of a theory of justice as fairness, in the light of wide
reflective equilibrium, rests on the acceptance of a particular ideal of the
person and on the function of justice in a heterogeneous nation-state in
which there may be disagreements about conceptions of the good.

According to him, Rawls believes that his theory should be politically
justifiable to persons operating within a broadly construed democratic
liberal tradition holding a pluralistic view of the good. In his defence of
Rawls’ justification of justice, in the light of reflective equilibrium, which
may extend across different cultural contexts, Daniels asserts that whether
or not justice as fairness would emerge in a wide reflective equilibrium
encompassing people from distinctively different moral and political

tradition is not something Rawls himself is prepared to comment upon, at least, until the ideals of the person and other background theories of the other tradition are made explicit.\textsuperscript{29}

Further, in view of the relativism which different social backgrounds may presuppose when it comes to the understanding and conceptions of human person, Daniels defends that Rawls’s wide \textit{reflective equilibrium} is somewhat open to the relative view of justice in the light of different understandings of human person which may differ from context to context. However, he is of the view that such a relative understanding cannot be morally and politically appealing or binding within a nation-state in which pluralism and diversity of conceptions concerning the ideal of the good may be found, and in which people hold fundamental interests in their freedom to pursue or revise those conceptions as they may see fit to claim.\textsuperscript{30} The notion of justice, freedom, and justification may indeed be solely dependent on the clear understanding of the idea of person and other background theories as inherently held within different cultural traditions. Therefore, the more equivocal and complex the idea of person may be, the more difficult and complex is the idea of justice, freedom, and justification.

Finally, since community as a locus of individual existence remains essentially central in the understanding of person, it would be of interest to register two central positions featuring the politics of communitarianism as articulated by Seyla Benhabib in her conceptual analysis of the communitarian discourse; namely the \textit{integrationist} and the \textit{participatory} views of community. The two positions appear prescriptive and seem to carry an epistemological propensity that influences the individual outlook within the community in terms of its assigned roles. At a closer look, the \textit{participatory} account seems to take into cognisance the need to reconcile the centrality of rights as defended by liberalism, and the priority of the good as epitomized by communitarianism. In this way, the \textit{participatory} understanding of community seems to take into priority the concept of individual autonomy, liberties, and freedom of choice which liberalism takes as its starting point in its critique against communitarianism. On the one hand, the \textit{integrationist} account of community seems to relegate the concept of individual autonomy and freedom of choice, on the grounds that the individual by virtue of its birth is already a member as is born into community by natural chance and not by choice. Because of this, it takes the primacy of the good over the right, and defends the view that the

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individual’s role cannot be optional, but rather assigned. As such, the two positions have been a point of contention within communitarianism itself as well as in its different critiques levelled against liberalism. At the same, they have rendered communitarianism vulnerable to criticism on the charge of violating the priority of liberty. However, according to Benhabib, communitarianism holds two theoretical arguments in its critique of liberalism; namely the epistemological and the political. Firstly, as Benhabib explains, the epistemological component focuses on the inconsistency of the Enlightenment project of justifying moral beliefs on the basis of reason alone as well as on its attempt to provide normative foundations for politics in the light of the device of voluntary contract between free and autonomous persons. Secondly, the political critique may be understood in two different ways: first, in the light of communitarian critique against the liberal notion of the ‘unencumbered self;’ and secondly, on its critique over the liberal attempt to elevate the priority of right over the good.31

According to Benhabib, communitarianism and contemporary social critical theory share some underlying epistemological principles and political views: first, the rejection of ahistorical and atomistic conceptions of the self and society; second, their common critique of the prevailing loss of public spirit and participatory politics in contemporary societies.32 As Benhabib explains, in its critic against liberalism in view of the ‘unencumbered’ or creative ‘self,’ communitarianism insists that the Enlightenment epistemological standpoint and the liberal political philosophies which proceeds from it has a tendency to presuppose an incoherent and impoverished view of the human self. Communitarianism argues that the liberal position is mistaken since what makes the self is its sociality, so to adopt a moral point of view from ‘nowhere’ as liberalism seems to presuppose in its theory of an ‘unencumbered self’ is misleading, as one cannot successfully define oneself apart from the social matrixes where one belongs. For communitarianism, the self only becomes self on the degree of its relationships or sociality. As communitarians claim, because the identity of the self is inter-subjective, the ‘I’ can only become an ‘I’ in the context of a ‘we.’ ‘Individuation does not precede association; rather it is the kind of associations which we inhabit that define the kinds of individuals we become,’ they say.33

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In her critical analysis of communitarianism, in outlining some of the weak points over which communitarianism falls vulnerable, Benhabib suggests that in their critique of the ‘unencumbered self,’ communitarians often fail to distinguish between the significance of constitutive communities for the formation of one’s personhood and self-identity, and conventionalist or role-conformist attitude which would consist in an uncritical recognition of one’s position and duties. According to Benhabib, communitarians often seem to take for granted the philosophical thesis concerning the significance of constitutive communities for the formation of one’s identity with a socially conventionalist and morally conformist attitude. For Benhabib, the specifically modern achievement in the individual’s capacity of being able to criticise, challenge, and question the content of these constitutive identities and the ‘prima facie’ duties and obligations they impose seems to be reduced by communitarianism. Benhabib concludes that ‘communitarians are hard put to distinguish their emphasis upon constitutive communities from an endorsement of social conformism, authoritarianism and, from the standpoint of women, of patriarchalism.’

Therefore, within the communitarian two main strands: integrationist and participatory, Benhabib seems to optimize the participatory one since, in her view, the participationist does not see social differentiation as an aspect of modern societies which needs to be abolished, rather it advocates the reduction of contradictions and irrationalities among various spheres, and the encouragement of non-exclusive principles of membership among the spheres. Benhabib maintains that communitarian thinkers have not been specifically clear as to which perspective they want to emphasize in face of the problems of modern societies; on this view, according to her, liberal critics have been right in focusing on the communitarian ambivalence.

However, when it comes to justice, Benhabib seems to agree with Taylor’s and Sandel’s positions that a strict deontological theory which views justice as the centre of morality unnecessarily restricts the domain of moral theory, and distorts the nature of our moral experiences. In her view, the controversy surrounding conceptions of the self and deontology may be distinguished into a moral and political aspect. For Benhabib, in moral theory, deontology seems to imply that conceptions of justice should precede those of the good life, both in the sense of restraining what may be legitimately optimized as the good life and in the sense that conceptions of justice may be justified independently of particular conceptions of the good life. In the political realm, Benhabib suggests that deontology seems to

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34 Op. cit., p. 73.
imply that the basic principles of a just social order should be morally neutral, both in the sense of allowing many different conceptions of the good life to be freely pursued and cherished by all citizens at will, and also in the sense that the basic liberties of citizens ought never to be curtailed for the sake of some specific conceptions of the social good or welfare. Benhabib, then, concludes that most communitarians seem to reject deontology in the realm of moral theory, and argue that apart from rights, conceptions of justice necessarily seem to imply certain conceptions of the good life as well. In this way, for Benhabib, political arguments for deontology usually weigh more heavily in the minds of liberal thinkers and, in her view, it is around this issue that communitarian thinkers seem to have been most severely criticized.35

The Centrality of Justice

While the philosophical assumption that justice is the ultimate social virtue of social institutions, above any other social ideal, rests highly noble and attractive; the analysis and justification of justice amid different contexts, circumstances, and model of approaches has remained, among scholars, a site of controversies characterized by stern disagreements leading into unsettled philosophical and theological differences. The key argument within the debate is consistent with how to justify and implement principles of justice that are fair, given different models and principles of justification. The question of justification – i.e. the attempt to back ones moral convictions by legitimate reasons on the meaning and purpose of justice – is at issue whenever matters of justice are raised. By and large, it may presuppose two distinctively justifying epistemological premises; namely the universal and the contextual. The universal premise has a tendency to be deductive, context transcendent, and presupposing a universal criterion in the justification and interpretation of moral values. That there can be only one single conception of justice based on a single principle of justification for every moral case. It endorses that the same criterion for justification should be applied, across different contexts, whenever the idea of justice is evoked.

The contextual premise has a tendency to be inductive, context and situation sensitive. It presupposes that there are several conceptions of justice, each embodying a different approach of distinguishing the just from an unjust state of events. Some theologians and philosophers suggest that

those who relay on the universalistic paradigm are most likely to miss the content and aim of justice. Their position is that, because universalism has the propensity to be context insensitive, it may imply that criteria of justification should have fixed content which may be binding in every context wherever a need for justification may arise. For instance; when, under given circumstances, a principle of just distribution may be proposed which, from a universalistic tendency, may appear to have a fixed content; it may entail that by using a universal criterion one could successfully differentiate between just and unjust states of events even when contexts seem to differ. As a result, the proponent, however sensitive to the variety of methods in which the concept of justice may arise, him or she may be obliged to extend the criterion so as to cover cases which might have fallen outside of its normal array of application. The example of such an extension may be found in John Rawls’ wide reflective equilibrium, where different conceptions of justice amidst variety of circumstances are brought to bear on another.\textsuperscript{36}

There are various theories of justification of justice which may be given under different circumstances. Here I should preclude other principles and focus only on three principles of justification which are crucially important in the meaning and interpretation of justice. These principles include the meaning and justification of justice from the perspective of one’s ‘rights;’ the meaning and justification of justice in the light of one’s ‘desert;’ and finally the meaning and justification of justice based on the premise of one’s ‘needs’. The principle of justice as a ‘right’ may imply that every claim for justice should be a claim for individual rights. Though justice and rights may well co-exist; this principle seems to be built on a false premise, since justice should be more than the claim of one’s rights. The best way to consider the claim of justice as a claim for one’s right would be to adduce this conception in the light of social justice. Since a socially just society would include mechanisms which specify and protect people’s rights; for instance, the right to work, the right of access to education, medical care, housing; the right to vote, and the right to a citizenship. In this way a right may be brought closer to its inception as a ‘desert.’ But how to determine a desert remains a difficult question, it proves hard to decide which of the possible bases of desert should be chosen for the allocation for any particular good. The claim of justice as a ‘desert’ is somewhat problematic, unless we are able to establish what a ‘desert’ may consist in. The notion of ‘desert’ may be interpreted in many different ways, depending upon the circumstances, disposition, and

personal qualities of the person to be deserving. At times, a person’s ‘desert’ may be assessed by his or her moral virtue, his or her industriousness or capacity. Therefore, philosophers and theologians are of the view that there is no one principle of justice as a desert. In their view, the principle of justice as a protection of rights, and justice as desert are conflicting and irreconcilable values.\(^{37}\)

One of the central debates in the arena of justice evolves around the principle of distributive justice in terms of its conflicting values. In the distributive paradigm, one view of justice entails the claim of justice as ‘equality,’ while the other endorses the view of justice as a ‘desert’. Therefore, crucial questions about justice arise when one attempts to settle what a person’s ‘due’ may really mean. Some philosophers and theologians agree that when it comes to a person’s ‘due,’ questions surrounding ‘desert’ implies different interpretations, hence different views of justice. Still, others maintain that since rights derive from publicly acknowledge rules, established practices, or past transactions, precluding their dependence upon current personal behaviour or other individual qualities, the questions related to ‘desert’ should be addressed from the principle of ‘conservative justice. Different theories of justice are consistent with different views of human as constrained by different contexts. As such theories, for instance, as neo-Aristotelianism, neo-Hegelianism, neo-Platonism, neo-Lockean neo-Kantianism will always give different positions regarding models and justification of justice as constrained by their views of human within the bounds of a specific context or epistemological ground.

The Centrality of Freedom

Depending on different theoretical positions, the notion of freedom has been a contested one. It has been in the field of both philosophical and theological discourses for quite sometimes. While the idea of freedom may be classically defined as both \textit{positive} and \textit{negative}, its propensity in leading into unsettled theoretical arguments in the realm of one’s view of the world has retained a contending conceptual framework that is both pluralistic and diverse. Given the plurality of contexts and historical traditions bearing on one’s understanding of reality, the point of contention regarding the prospects of freedom seem to rest, in part, on how freedom may be interpreted and justified amidst different views of human. Notwithstanding its theoretical ambiguities, in terms of interpretation and

justification; freedom as both political and moral has claimed a place of prominence in the philosophical and theological discourses over which one may interpret and vindicate human progress and justice. This truism articulates that anything which may prevent a human being from making full use of his or her best aptitudes and opportunities may constitute an impediment to the full development of that person’s nature. However, scholars maintain that there is no single correct concept of freedom, no unique unambiguous definition which may fit all the senses and presuppositions which freedom may carry under given circumstances. For example, Gibbs argues that all human beings ‘yearn to be free. Yet there is no general agreement about what, in its essence, freedom is.’ In his view, it is possible to be puzzled or mistaken; or even to deceive others, about what being set free may consist in. Gibbs maintains that freedom may mean different things in different contexts for it has a number of meanings which, though distinct, are somewhat related to each other in specifiable ways. There is no single correct concept of freedom. Freedom, like, good, is multiplex.

Within the theoretical framework regarding different presuppositions of the idea of freedom, at least two distinct philosophical concepts may be outlined, namely the notion of negative freedom and the ideal of positive freedom. These presuppositions, embracing the idea of freedom as both moral and political, include the idea of freedom as one’s capacity to have a protected square; the idea of freedom as one’s capacity to achieve one’s own goals in life; the idea of freedom as a relationship; the idea of freedom as one’s capacity for self-determination; the idea of freedom as one’s capacity for self-actualization; and finally the idea of freedom as liberty. Liberty may differ from freedom on the grounds that freedom may be conceived as a natural endowment. As such, freedom may bear the propensity to be understood as one’s capacity to express his or her full human potential. This presupposition may find expression and justification on the universal ideal of human dignity; an axiom emphasizing the idea that every human being is born free, hence, respecting one’s freedom is a foundational stone for justice. Further, protecting and respecting one’s freedom is equivalent to respecting oneself as human being.

Liberty, on the other hand, may be understood as political, as one’s capacity to realize one’s freedom in the expression of one’s humanity; by claiming or pursuing what one sees as worthy living. Provided doing so

may not violate or restrain the rights of others to freedom. Political freedom then may be conceived as a juridical currency intended to complement natural freedom. Therefore, every other kind of freedom seems to be a semblance of (or a means to) natural freedom. To furnish a person with natural freedom would mean, therefore, to liberate him or her completely from that which hinders his or her realization of his or her full human potential. Positive conception of freedom may stand as social and political, it has do with how justice may be affirmed and justified in society so as to effectively protect one’s rights as human being. Negative conception of freedom may have to do with the sphere of individual liberties and moral sovereignty. It protects the sovereignty of persons in living their humanity; it sets up the boundaries of individual’s right to privacy, autonomy, freedom of expression, or restrain. It takes into account the fact that each person has a distinctive life plan, or conception of the good, which he or she may regard as worthy of advancement. However, freedom in the sense of personal autonomy is completely different from freedom as being allowed to do what one desires. Moral freedom has the propensity to lead to conformance, not so much between what one is and wants to be, as between what one is and what one ought to be. Political freedom may stand as a kind of civil liberty, limited liberty, designed to safeguard specific areas of human welfare; it is a combination of a range of goods required for a properly conducive human existence. It may include freedom from arbitrary arrest and detention, freedom from liability without representation, freedom to vote, freedom of opinion and association.

One alternative of dealing with the question of freedom may be by situating two strands of thought: political and moral. The political notion of freedom, as highlighted above encompasses freedom in terms of its relation to society, while the moral aspects emphasizes the view of freedom in terms of individual morality and how individuals should respond to the moral practice of society. Put in another way, the articulation of freedom presupposes two levels of moral thinking: critical and intuitive, where freedom as a political notion seems to remain purely critical or rational; while freedom as a moral aspect remains intuitive. The practical level, which may be critical or rational, presupposes an idea of freedom held as worthy pursing by every individual after some practical or rational deliberations, it has to do with out to attain and use one’s freedom; while the intuitive level may focus on the notion of freedom as a result of our

human intuitions, social upbringing, or experience, which may not be held by every individual as rationally biding.

At times, the sphere of freedom may be maximized by constraining the good under the right, in the sense that what is good for one person ought to be weighed as equally good for every individual concerned. This axiom affirms that everyone’s good matters and matters equally; so the exercise of one’s freedom may only be restrained by maximizing the good of others. This idea of freedom may be expressed in the golden rule that if one values one’s freedom; one should first value the freedom of others. Within the spheres of negative and positive ideas of freedom; since liberalism seems to advocate a thinner conception of the good appears to stand in the middle of both negative and positive conceptions freedom where, for liberalism, both ideas should be given equal weigh. Communitarianism, because of its emphasis on the primacy of the good over the right, seems to lean towards the positive ideal of freedom; while libertarianism, on account of its championing of individual rights, autonomy, and liberties, may be equated with the negative idea of freedom.

Some may wonder why I have not said anything, so far, on what might be the relationship between freedom and liberation. It may turn up to be a different issue, as what liberation may seek to address may take us into another context different from what the present study envisions. Questions concerning liberation as a component of freedom remain as paradoxical and complex as defining freedom from liberty. Liberation may be understood as a process whereby people may be liberated so as to be able to live their freedom. However, at times, such a road to freedom may not come as a blessing. It may take different forms, once in a while; it may require even the courage to place one’s life at a higher cost. It is because of this that, in some circumstances, without liberation the prospects of freedom and liberty may be impossible to realize. So in the context of liberation, freedom may be spelled out by drawing a distinction between what Gibbs calls (i) the ‘potentiality for human action’, ‘free will’, or ‘optative freedom’ which, according to him, may prevail even when one’s scope for acting may be restricted to worthless or sordid alternatives; and (ii) ‘conative freedom’, which in Gibbs’ view may imply being able to act in a way that commends itself to one’s desires and inclinations.43 So, for liberation theory of freedom, since human beings are born free, slavery and oppression may be intolerable not only because they may be incompatible with liberty to do what one desires, but because they may be incompatible with autonomy.

and natural freedom. The slave is not in command of his or her own person, as human beings should be.\textsuperscript{44}

The argument on freedom, liberty, and liberation is as old as Rousseau’s maxim in \textit{The Social Contract}: ‘Man is born free, and everywhere he is in chains.’\textsuperscript{45} While freedom may be regarded as an end in itself the argument in favour of liberation as a means to an end, may take one to assert that the regarding of freedom and liberty as valuable in themselves should not entail regarding them as the only thing worthy of valuing for their own sake. Liberty and freedom may not mean all good things or the absence of pain, barriers, or constrains. At times, to be free may mean making costly choices including fatal mistakes. So, regarding more than one thing as desirable end may result in having to solve conflicts. If one values freedom highly, one will ensure that if, in any resolution, freedom is to be sacrificed, it should not be sacrificed in vain.\textsuperscript{46}

On another note, Gibbs emphasizes that freedom, liberty, and liberation may mean different things in different contexts. However, in his view, ‘true freedom,’ would mean ‘perfect freedom,’ freedom unmixed with servitude, ‘freedom from worst human evils and commands of the greatest human goods.’ It is ‘natural freedom,’ the liberation and fulfilment of our truly human potentials and inclinations.\textsuperscript{47} For Gibbs, natural freedom is alone complete and unqualified and in that way ‘true freedom.’\textsuperscript{48} In his view, people ‘cannot be said to have liberty when their most cherished desires and ambitions are thwarted. A free society is not simply one that makes its people do what is right and good. It is a society that respects the human nature of its members that makes them do what is right and good by making them \textit{desire} to do it \textit{understanding} that it is right and good. Freedom consists not merely in having one’s conduct directed rightly, as the conduct of marionette might be, but in having one’s inclinations and thence one’s conduct, directed rightly.’\textsuperscript{49} Here lies the meaning of liberation as empowering people to realize their full human potential so is to live in freedom. In philosophical and theological hermeneutics liberation presupposes a normative emphasis on the empowerment of the oppressed people.\textsuperscript{50}

\textsuperscript{44} \textit{Op. cit.}, 1983, p. 69.
\textsuperscript{46} Gardner, Pete: ‘\textit{Liberty and Compulsory Education}’, 1983, p. 118.
Chapter I: Ideas of Community within African Political Theory

With no attempt to engage with a comprehensive analysis of community in its sociological terms, the purpose of this chapter is to critically present the idea of community in the African context. Given the fact that the present thesis seeks to deal more specifically with theories of justice, freedom, and justification not only within the context of Western political theory, from the perspective of liberalism and communitarianism, but also from the prospect of African political theory and theology; there is need to articulate how community as a sphere of social existence, the locus of individual existence and self identity, where moral values, beliefs, and the very source for moral agency, including one’s understanding of justice and freedom are formed and nurtured, is understood and conceptualized in the African thought systems. On the whole, studies of African religious beliefs, social system, and practices show that community as a source of moral agency has a bearing on how one may articulate his or her theories about human beings and views of the world, in this case, including views about justice, freedom, and justification. In the African social system ‘to be’ is to belong, an individual exists because of others. Therefore, the idea of community occupies centre stage in the African understanding of person; the very notion of person’s identity is defined in terms of person’s relationship to the community.

Therefore, the concept of community is central and strategic for an adequate account of freedom, justice, and justification, particularly in the African context. Since my main interest, in the present study, with particular reference to the African context, is to analyze different theories of justice and freedom as may be offered by different scholars in the light of their own understanding of community; in the present chapter I will only try to formulate ideas of community as may be found in the theoretical framework of different ethicists, so that I may be able to formulate an adequate account of justice, freedom, and justification, in the African political framework, by squarely situating my approach within the thrust of ubuntu moral theory bearing on the African moral experience. Therefore, I
will firstly present John Mbiti’s concept of community so as to discern his view of human in order to be able to formulate his understanding of justice, freedom, and justification. Secondly, while following the same analytical procedure, I will present Kwame Gyekye’s, Itumeleng J. Mosala’s, and John W. de Gruchy’s concepts of community with a similar purpose of deriving their views of human in order to develop their theories of justice, freedom, and justification in the African context.

However, it is worthy mentioning that the term community is used with a certain degree of caution amongst African scholars. In this way, it may be considered interchangeably to imply nation, peoples or people, and at the last extent ‘tribe.’ However, the word ‘tribe,’ by being unfounded within the context of African political theory, seems to carry with itself a somewhat belittling meaning and it seems to have no equivalents in the African family of languages. On the basis of such an ambiguity, many African scholars seem to have adopted the common choice of not applying the term directly in any field of study concerning Africa. Historically, on the other hand, as Mugambi explains, in a post-colonial Africa, the word nation has the propensity to imply the territorial and socio-political arrangements which African people seemed to have no ‘role’ in establishing. According to him, such arrangements were made during the European ‘scramble’ and ‘partition’ of Africa in the years that followed the Berlin Conference of 1885 and the aftermath of World War II in 1945.\textsuperscript{51}

Following the World War II, the process of decolonization in Africa became more prominent. Although African leaders seemed to have had great role in the process; the negotiated process and settlement were designed to ensure that the interests of the colonial powers were maintained in the post-colonial African states. Driven by an imposed economic whim the former colonies acquired the status of ‘developing countries,’ urged to pull alongside ‘developed countries’ without, however, any chance of coming to terms with their own social realities and political difficulties. In addition to this, when the Organization of African Unity was created in 1963, though painful it might have been, endorsed in its African Chart that all member states should respect the colonial borders irrespective of whether they have been realistically delineated or otherwise. As a consequence, there are currently in Africa today many traditional African nations stepping beyond the boarders of one or more former-colonial states. So, paradoxically, post-colonial Africa is made up of former colonial states, with no publicly recognized nation status in African terms. ‘It is a continent

of states without nations.’ For this reason, and by implication, scholars are of the view that the word ‘tribe’ is applied owing to the vagueness and post-colonial ambiguities in coming to terms with the understanding of word nation and its social meaning. Hence, in most of their writings, most African academics, in a postcolonial discourse, would adopt the words community and people which seem to be less emotionally engrained and which appear to offer a more descriptive stance of the African social universe.52

Having all the above in mind, my selection of sources was never gender based but it was made on the realm of a given epistemological criterion, in the light of what I intended to achieve in the study. And one of the requirements was that the scholars should have well developed, systematic, and coherent social ethical theories on the dominion of community, justice, and freedom. Apparently, as the list of scholars is mainly male oriented, to counteract the epistemological imbalance I should present a theological critique on some of the African theories of community, from the perspective of the well known Ghanaian female theologian Mercy Amba Uduyoye. Finally, as my central interest in the present study stands as an analytical process towards a construction of an adequate theory of community, justice, and freedom, in the light of ubuntu moral theory, I should offer an idea of community in the light of ubuntu ethic. Towards the end of my study, using ubuntu moral theory as an ethical criteria, while trying to offer my own position, a constructive approach will be made from of a critical review of different theories of freedom, justice, and justification as may be offered by different scholars.

John S. Mbiti’s Concept of Community

Mbiti begins his discourse on community by stating that ‘Africa has all the main races of the world and each group can rightly claim to be African.’53 Mbiti’s sociological blend represents the starting point of African morality, the African view of person, and personal identity where one is because of others. Any attempt to articulate the African view of person and the theory community should start from this context. According to Mbiti, ethnologically and anthropologically classified groups such as the Bushmanoid, the Caucasoid, the Mongoloid, the Negroid, and the Pygmoid are all at home in the African continent. In Mbiti’s view, though there has

been and continue to be ethnic mixing both biologically and culturally, to lay great stress on distinctions which may only have academic value may be misleading and counterproductive. For Mbiti, what is central, for an adequate account of the African idea of community, is to see these people as part of a single and vibrant community, as part of a broader African social spectrum in diversity.⁵⁴ Such an understanding articulates the view that Africa is a diverse continent with diverse cultures, languages, religions, and social traditions. Any account of Africa which may disregard such social and cultural mosaics can only lead to failure.

Therefore, to respect such differences implies that we treat the idea of community not as it may be blended in the entire continent; instead it should be treated by laying our focus only within a context we intend to study. In this regard, apart from other considerations, the idea of community which seems to run in Mbiti’s mind is influenced by social milieus and practices of Africa south of Sahara. In his commitment to come to terms with a picture of community which is uniquely African in embracing the ideal of social, cultural, and religious diversities, Mbiti builds his theory of community guided by four conceptual principles: firstly language, in terms of major linguistic groups throughout Africa; secondly the concept of tribe, nations or people of Africa; thirdly concept of kinship system; fourthly the family, the household and the individual. However, in his analysis, Mbiti is sceptical in using the term ‘tribe’, in part, because of its derogatory tendencies, opting instead in employing the concept of ‘people’ or ‘peoples’ of Africa. According to him, tribes are numeric and varied; therefore, it is difficult for one to estimate the number and size of tribe’s existent in Africa.⁵⁵

Starting with the concept of language as a hermeneutical concept characterizing one people from another, Mbiti is able to distinguish different social contexts under major linguistic groups making up the entire African continent. Taking language as a constructive model, Mbiti succeeds in putting across a comprehensive approach which allows him to come to terms with the idea of African social diversity, by looking at it from the perspective of language as a vehicle of cultural expressions. In Mbiti’s linguistic catalogue the main linguistic groups making up the broader

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⁵⁵ In Mbiti’s view a ‘fairly comprehensive list’ of tribes and a summary of their cultural features, are contained in G. P. Murdock’s book, Africa 1959. Mbiti argues that in recent years, however, the ‘English use of the word ‘tribe’ has increasingly acquired semi/bad connotations.’ Therefore, for this reason, and the fact large groups of half million members and more, are like nations, he has avoided the use of the word ‘tribe’ in his book and elsewhere, preferring to employ the word ‘people’ or ‘peoples.’ Mbiti, John, S.: African Traditional Religions and Philosophy, 1971, p. 101.
African community are: Bantu family of languages found in Eastern, Central, and Southern Africa, and extending westwards to the Cameroon; Hamitio/Semitic, found in the Southern and Northern Africa; Khoisan, found in Southern Africa; Malayo/Polynesian, on the Island of Madagascar; Nigritic, in Western Africa; and Sudanic, in the Sudan region stretching westwards.\textsuperscript{56}

In Mbiti’s conceptual framework, in addition to typically African languages there are European languages – English, French, Portuguese, Afrikaans and Spanish – being spoken with local modifications, mainly in areas of former colonial rules. Mbiti considers French and English as main international languages in the African continent; for him these languages are in Africa to stay as part of the African heritage. In his view, they may well be considered ‘African’ languages, since they constitute the greatest legacy Africans have inherited from colonial powers. According to him, this inheritance is something no one may claim away from Africans. On the other hand, Mbiti sees Arabic as the most widely spoken language in Africa, and in his view, wherever one may find it one may also find Islam. In Mbiti’s analysis, there were attempts here and there to encourage native languages like Swahili and Hausa, but he doubts whether such an attempt would have more than a limited impact even on a national level, let alone the international level. However, Mbiti’s claims were based on his own view of Africa in the sixties and seventies. So far, it is difficult to estimate in the present Africa how realistic such conclusions were. This is because, in his impression, ‘the majority of African youth are more interested in learning and mastering a Euro/African language like English or French than in spending their energies on national or tribal languages.’\textsuperscript{57}

Apart from globalization and the age of internet, one may say that Mbiti’s conclusions have survived the test of time. In South Africa, the decline of apartheid which severely also unleashed the linguistic barriers across ethnical and racial lines, and the introduction of a new constitution which considered all languages as nationally officials seem to make Mbiti’s conclusions sound. In countries like Mozambique, after independence, in the quest for nationhood, Portuguese has been declared a language of national unity. On the other hand, Mozambique, though a Portuguese speaking country, driven by contemporary challenges, which at time express themselves on economic progress, has joined the British Commonwealth which previously one could only qualify as a member and part of former British empire. Again, in order to be more effective in a

\begin{footnotesize}
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\item \textsuperscript{56} Op. cit., 1971, p. 100.
\item \textsuperscript{57} Op. cit., 1971, p. 100.
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global world, youth in Mozambique has a tendency to master Portuguese rather than any local language, something some people see as a cultural loss, since one’s language may also be viewed as one of the vehicles of cultural expression.

In Mbiti’s position, whatever feelings and arguments one may have concerning the language problem in Africa, facts and reality should be faced. According to him, some of the traditional languages are fading away partly because the peoples who might have spoken them may have also faded out. But apart from natural causes, Mbiti sees modern type of education and the drift of population from rural to urban environment as chief factors fostering modern Africa, fostering the birth of a new concept of identity and nation beyond tribal lines. For Mbiti, ‘[t]here are as many African languages as there are peoples, so that the curse of Babel seems to have descended mightily upon our continent.’ However, Mbiti laments the phenomenon of great diversity in languages as being quite often one of the sources of difficulties hampering the African quest for modern nationhood and robust democracies. Politically, for Mbiti, space is also an important social component in building up communities, where one’s identity, personhood, and the very moral convictions may be sustained. One cannot have democratic ideals or even the ideals of justice without moral communities to instil or live by such ideals. In this, Mbiti recalls that ‘[w]hen Europe divided up the continent of Africa at the Berlin Conference of 1885; many African peoples were split by the new and often arbitrary boundaries drawn by colonial powers. This resulted in tragic situations where some members of the same tribal group came under one colonial system while other members came under a different colonial system.’ Therefore, Mbiti saw the previous division of Berlin itself as ‘ironical, if not tragic, epitomy of the divisions she once imposed on African peoples.’ Therefore, he concludes the theoretical understanding of community in terms of language by asserting that in the African continent, rather than attempting to do the ‘impossible and extremely explosive job of reversing and revising the colonial boundaries, modern African states have agreed to retain and respect these colonial boundaries however painful they may continue to be. It would be more positive step forward if the states would unite and thus swallow up or forever abolish these colonial divisions.’

Within the theories of ‘language’, ‘nation’, ‘people’ or ‘peoples’ Mbiti considers the concept of a ‘common culture’ as a central characteristic defining each people. In his view, members of one people may share a

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common history, which is often traced at least mythologically to either the first man [sic] created by God, or to national leaders responsible for establishing a particular structure of the society concerned. In his analysis, the line of ancestry that goes back to the first ancestor and other national figures remains a social and historical memory to be kept abreast; failure to do so, the idea of community or nationhood that holds people together may gradually wane away. Therefore, according to Mbiti, such a memory adds to a sense of common origin, unity, oneness, and togetherness, and stands for national consciousness. In his belief, the idea ‘common culture’ may also express itself in the form of common habits, morals, ethics, social behaviour, and material objects like musical instruments, household utensils, foods and domestic animals. For Mbiti, each people maintain its own distinct social and political organization. ‘The family, age groups, special persons in society, marriage customs, traditional forms of government, political personages are points of distinction, with both similarities and differences from one to another.’

Religion is another social aspect enhancing the centrality of community in the African worldview. However, according to Mbiti, religious beliefs and practices in the African continent are somewhat difficult to define; since in African societies religion infuses the entire life. Daily existence, one’s understanding of reality, and the very cosmic drama, are conceived in religious terms. Still, Mbiti assumes that there are perhaps more similarities than difference, in terms of religious beliefs. In his view, each people hold its own religious system, and ‘a person cannot be converted from one ‘tribal’ religion to another;’ he or she has to be ‘born in the particular society in order to participate in the entire religious life of the people.’ So, for Mbiti, ‘as with material culture, religious ideas and activities may be exchanged when people come into contact with one another, even though there is no organized missionary work of one group trying to proselytize another.’ However, in Mbiti’s view, the exchange of ideas is to some extent spontaneous and presumably more obvious in practical matters when people seek to interpret or respond to cosmic dramas, natural occurrences, human adversities, or misfortunes, such as drought or illness. For this reason, in Mbiti’s conceptual framework, fundamental concepts like the belief in God and that of continuity of human life after death have been retained across social lines in situations whereby one people might have split or branched off in the course of centuries.

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Mbiti presumes, therefore, that this phenomenon possibly explains the reality of communalities in fundamental moral consciousnesses, such as views of human life, and other beliefs being found over wide sections of Africa. In my view, this may also explain, for instance, the detail of the ideal of ubuntu, practiced within the context of the Xhosa society, in Southern Africa, being similar to the Igbo and Yoruba notions of social solidarity in West Africa. Therefore, for Mbiti, these are then the main features of an African ‘tribe’, people, society, or nation. The conceptual aspect, in such practices, leads Mbiti to emphasize that in the African theoretical thought of community, a person has to be born a member of society, and he or she cannot change social or tribal membership. However, for Mbiti, ‘[o]n rare occasions he [sic] can be adopted ritually into another tribal group, but this is seldom done and applies to both Africans and none/Africans.’ Therefore, in Mbiti’s own account, tribal ‘identity is still a powerful force even in modern African statehood, although that feeling of tribal identity varies like temperature, from time to time, depending on prevailing circumstances.’

In terms of kinship theoretical framework, Mbiti suggests that the deep sense of kinship, with all which it may imply has been one of the strongest forces in traditional African life. As a core of affinity and empathy among social members, kinship system had remained the deepest seed that sustained communal commitments and solidarity. In Mbiti’s view, kinship is manifested ‘through blood and betrothal (engagement and marriage).’ For Mbiti, it is kinship which sustains, controls, and regulates social relationships between people in a given community: ‘it governs marital customs and regulations, it determine the behaviour of one individual towards another.’ In his view, the sense of kinship, as it seems to regulate one’s moral obligations towards one’s kindred, holistically binds together the entire life of the ‘tribe’, and is even extended to include the surrounding environment, covering animals, plants and non-living objects. Therefore, given the importance of kinship in social relationships, Mbiti argues that, more or less, all the concepts related to human relationships may be understood and interpreted in terms of kinship system. So, kinship system is an important factor for an adequate understanding of the African ideal of community.

According to Mbiti, kinship system is what, for the most part, regulates the behaviour, thinking, attitudes, and whole life of the individual in the

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society of which he or she is a member. In his analysis, the kinship system is like an infinite social network extending across (horizontally) in every direction, to embrace every person in any local group. To my view, kinship system seems to articulate the African ideal of mutual belonging, for Mbiti argues that in the system each individual is related to someone, ‘is a brother or sister, father or mother, grand\mother or grandfather, or cousin, or brother/in/law, uncle or aunt, or something else, to everybody else.’ For Mbiti, this social network is symbiotic and implies that ‘everybody is related to everybody else, and there are many kinship terms to express the precise kind of relationship pertaining between two individuals.’ Mbiti even points out that when two meet one of the first requirements in terms of their social praxis is to decide how they may relate to each other, at times, having realized how the kinship system may apply to them, they interact to one another other according to the accepted precepts set down by society. Therefore, for Mbiti, taking the concept of kinship as an infinite reality, ‘a person has literally hundreds of ‘fathers’, hundreds of ‘mothers’, hundreds of ‘uncles’, hundreds of ‘wives’, hundreds of ‘sons and daughters.’65

On the other hand, Mbiti suggests that, the kinship system also extends vertically to take account of the ‘departed and those yet to be born.’ Therefore, given the significance of one’s social history and ancestry in the kinship system, Mbiti suggests ‘that it is part of traditional education for children in many African societies, to learn the genealogies of their descent.’ As Mbiti puts it, ‘genealogy gives a sense of depth, historical belongingness, a feeling of deep rootedness and sense of sacred obligations to extend the geological line.’66

In Mbiti’s view, genealogical bonds also serve social purposes, particularly in establishing and enhancing relationships between persons. For Mbiti, by ‘citing one’s geological line, it is possible to see how that person is linked to other individuals in a given group. It is also on a genealogical basis that organizational divisions have evolved among different peoples.’ However, Mbiti asserts that clan configurations are by no means uniform in Africa. For him, there ‘are patriarchal clans where descent is traced through the father; but there are also matriarchal clans, especially in parts of central, western and northern Africa, in which descent is traced through the mother.’ In Mbiti’s understanding, clans ‘are normally totemic, the totem is the visible symbol of unity, for kinship, of belongingness, of togetherness, and common affinity.’ Mbiti goes on to suggest that the extent of one’s genealogy ‘may be cited as far back as the

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original founder of the clan, if he or she has not been forgotten or if the
genealogical line has not been broken through loss of memory.\textsuperscript{67}

More importantly, Mbiti is right in striking the gender imbalance on the
African understanding of ancestry for some African theologians and
philosophers driven by their critical judgement of the patriarchal system in
Africa seem to have failed to see the role played by many women in the
African societies in the course of history. Therefore, Mbiti argues rightly so
that some of the clans ‘were founded by men and others by women, while
others seem to have evolved in response to particular historical
circumstances.’ According to him, the relationship between the individual
and the clan is not optional, an individual has to be born in a clan, and he or
she cannot change his or her clan, though, in Mbiti’s view, it is possible
that, in some societies, marriage may lead to a change or weakening of
one’s original clan membership.\textsuperscript{68} Therefore, the clan may define one’s
identity; Mbiti asserts that in some societies it is possible to trace one’s clan
by the tail of one’s name and locality. In Mbiti’s view, apart from
localizing the sense of kinship, clan system play an important role in
providing closer human cooperation, especially in times of need. Mbiti
explains that if a person may find himself or herself in difficulties, it may
not be unusual for him or her to call for help from his or her clan members
and other relatives.\textsuperscript{69}

The concept of family, the household, and the individual has a central
role in the African understanding of community. In Mbiti’s view, for
African peoples the family embraces a wider sphere of members than the
concept may suggest in the West. According to him, in traditional society,
the notion of family consists ‘of children, parents, grandparents, uncles,
aunts, brothers, and sisters who may have their own children, and other
immediate relatives.’ Mbiti asserts that under normal circumstances, the
family also includes the departed relatives, known as the living/dead. The
living/dead constitute a very important social component in the African
understanding of community. According to Mbiti, ‘[t]hese are, as their
name implies, ‘alive’ in the memories of their surviving families, and are
thought to be still interested in the affairs of the family to which they once
belonged in their physical life.’ In the light of this belief, as Mbiti recalls,
‘Surviving members must not forget the departed; otherwise misfortune is
feared to strike them or their relatives.’ In Mbiti’s view, the older a person
was before dying, the greater was the span of his or her existence and the

longer he or she is remembered and regarded as an integral part of the human family. So for Mbiti, the living/dead solidify and mystically bind together the whole family.  

As Mbiti observes, apart from the living and the departed, the African theory of family ‘includes the unborn members who still in the loins of the living.’ They are, according to Mbiti, the spring of hope and expectation, so that family existence is not overshadowed or cut short. As Mbiti suggests, the family, therefore, by rearing of offspring is intended to provide for the continuation of this existence and waits for the arrival of those to be born. In Mbiti’s view, for that reason, ‘African parents are anxious to see that their children find husbands and wives, otherwise failure to do so means in effect the death of the unborn and a diminishing of the family as a whole.’

Another important aspect in Mbiti’s ethic is the conceptual description he makes in regard to family in terms of the household and the family in the light of the entire group. According to him, in the African understanding of family, the household is the smallest unit of the family, consisting of children, parents, and sometimes grandparents. Elaborating constructively, this unit represents for Mbiti, ‘what one might call ‘the family at night’, for, in his view, ‘it is generally at night that the household is really itself.’ Therefore, in this context, the household in Africa resembles, according to Mbiti, what in Western societies would be called ‘family’. This is one of the most splendid philosophical conceptions in Mbiti’s understanding of community, in which the individual seems to be hooked in between the larger family and the household. His description of the household as a ‘family at night,’ seems to suggest that the family in terms of the entire group seems to take precedence over the household and its individual members.

Mbiti articulates his conceptual position on the relationship between the individual and the community by outlining three essential aspects defining the sphere of person in the African contexts as follow: the concept of personhood, its place, and roles in the community. Then he elaborates his conceptual analysis depicting the relationship between the individual and the community this way: ‘We have so far spoken about the life and existence of the community. What then is the individual and where is his place in the community?’ Mbiti answers these questions by seeing the

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individual in terms of his or her relationship to community. For Mbiti, the individual exists only in terms of his or her membership to the group, he or she cannot define himself or herself for he or she cannot exist as an individual. Mbiti, therefore, remarks: ‘In traditional life, the individual does not and cannot exist alone except corporately. He owes his existence to other people, including those of past generations and his contemporaries. He is simply part of the whole.’\textsuperscript{74} Such a view, leads Mbiti then to conclude that the ‘community must therefore make, create or produce the individual; for the individual depends on the corporate group.’ This implies then that the individual, in Mbiti’s view, is not only of natural birth but a product of society. ‘Physical birth is not enough: the child must go through rites of incorporation so that it becomes fully integrated into the entire society.’ And the process of incorporation is, according to Mbiti, an endless social drama that may ring its echo even beyond the grave. ‘These rites continue throughout the physical life of the person, during which the individual passes from one stage of corporate existence to another. ‘The final stage is reached when he dies and even then he is ritually incorporated into the wider family of both the dead and the living.’\textsuperscript{75}

Mbiti’s social ethical theory, based on the African moral experience, articulates a holistic ethic in which ‘to be is to belong’; one’s corporate existence, daily experience, and the very cosmic order, are conceived in religious terms. Yet, his views of the individual and the community, perhaps, influenced by both his social context and Christian system of beliefs are resonant to creation stories and the natural law tradition. Hence, Mbiti situates his view of humankind within the order of creation: ‘Just as God made the first man [sic], as God’s man [sic], so now man [sic] himself makes the individual who becomes the corporate or social man [sic]. It is a deeply religious transaction. Only in terms of other people does the individual become conscious of his [sic] own being, his own duties, his privileges and responsibilities towards himself and towards other people. When he [sic] suffers, he does not suffer alone but with the corporate group; when he rejoices, he rejoices not alone but with his kinsmen, his neighbours and his relatives whether dead or living. When he gets married, he is not alone, neither does the wife ‘belongs’ to him alone [sic]. So also the children belong to the corporate body of kinsmen, even if they bear only their father’s name. Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: I am, because we are; and since we

"are, therefore I am": This is a cardinal point in the understanding of the African view of man [sic]. Mbiti’s social ethical theory is inconsistent with the classical ethical theory of social contract where one is by virtue of nature. In Mbiti’s social theory, the individual is not only naturally conceived, community should produce the individual.

In his theoretical framework of community, based on the centrality of language, people, kinship, the family, the household, and the individual, Mbiti has successfully articulated a humanely grounded ethic based on the African moral experience. However, Mbiti’s commitment to community has made it impossible for him to clearly come out with view of the individual in terms of his autonomy, freedom, and dignity. Individual rights, duties, and privileges are defined in terms of the common good. The intricate and symbiotic sense in which the individual is immersed in Mbiti’s social discourse leads to conclusion that the individual can only be conceived in terms of his or her corporate existence. The community is primary, individual’s self understanding, and the very notion of rights, justice, and freedom can only be understood in communal terms. Hence, the community is a crucible context in which the individual is moulded and shaped, without which the individual cannot exist. To define the individual in terms of his or her autonomy, space, and duties remains a philosophical problem in Mbiti’s social ethic. Moral boundaries between the individual and the community are eclipsed by the idea of the common good, thereby making the individual’s ability for moral choice equivocal. Therefore, community for Mbiti entails enhancing the common good over individual autonomy and freedom of choice. Or more expressively, given the intricate relationship between the individual and its social surroundings, and since to be is to belong, community is then mutual belonging.

Kwame Gyekye’s Idea of Community

As different from Mbiti’s social ethical theory based on the centrality of community over the individual; with Gyekye we have a different philosophical problem. Gyekye argues in favour of a moderate view of community. He elaborates his communitarian social ethical theory on the values of individual autonomy, freedom, and dignity. While, like Mbiti, he takes similar position on the importance of society for the fulfilment of individual potential, Gyekye departs ways with Mbiti by asserting that individual freedom, rights, autonomy, and dignity are values essentials.

which society should respect and enhance for social wellbeing and individual progress. However, Gyekye laments that the articulation of an adequate social principle which may regulate an appropriate relationship between the individual and society has been a source of controversy within political philosophy. In his attempt to endorse the centrality of society as a thrust where the individual’s moral consciousness may take its root and as ideal for an adequate understanding of community; Gyekye argues that the image of society reflects the level of social arrays made available not only to shape certain conceptions of human nature but also to provide a context for both the fulfilment of the goals, desires, and potential of the individual members of society and the continuous existence and survival of the society. Yet, in his view, it seems though that the spectrum of social structures or arrays developed by a specific society reflects in turn, and is influenced by, the public conception of personhood held in the society.\textsuperscript{77} Gyekye seems to imply here that a society which may take its moral standing on the principle that human beings seem to pursue different ends or aims in life will strive in making sure that its social arrangements are designed so as to make the realization of different ends and aspirations in possible. While a society whose public conception of personhood may be framed on the primacy of common good may provide a social arrangement whose aim is to guarantee the fulfilment or achievement of the common good.

Society then, according to Gyekye, should be arranged in such a way that is to both shape and enhance the human potential of its individual members. Articulating his social ethical theory of community Gyekye uses the principle of both an ontological and a cultural understanding of community as analytical criteria. He claims that the ontological derivativeness of the community cannot be sustained because the view of the priority of the individual implied in the ontological community has the propensity of making the individual’s choice of membership in the community merely a matter of rational and optional. Therefore, for Gyekye, the view of community as good in a range of arrays to be chosen is inconsistent with the notion of human sociality that is held as fundamental feature of human being. On the other hand community as a bargain makes the understanding of community a contingent matter to be decided upon amongst alternatives, in the sense that where membership of the community is optional and dependent on the choice of the individuals, individuals with no interest to form a community may opt otherwise.

For Gyekye, community defined in a cultural context not only is the starting point for identifying and articulating the values and goals shared by different individuals but also constitutes the matrix, the social and cultural space, in which the actualization of individual’s potential and sense of identity may be materialized, rendering the individual the opportunity to express his or her individuality, to acquire and develop his or her personality, and to fully become the kind of person he or she aims to be. Therefore, Gyekye remarks that: ‘The system of values that the individual inherits as she enters the cultural community and the range of goals in life from which she can choose – these are of course not anterior to a cultural structure but the function of the structure itself: they are therefore posterior to – indeed the products of the cultural community.’\(^78\) In this way, Gyekye concludes that the cultural community as a complex matrix where social relationships are formed and developed constitutes the context in which the individual decides and chooses her goals and plans in life, and by apply his or her human potential and capacity to realize and affirm such goals and life plans the individual then comes to be what he or she wants to be and achieve inline. In this way, the cultural community has the propensity to be prior to the individual.\(^79\)

Further, Gyekye argues that while community as a cultural context is crucial for the individual’s wellbeing there is need to recognize the claims of both communality and the individuality of the human person by integrating individual desires, social ideals and demands. In his view, the claims of individuality and that of community seem to imply that no human society may be absolutely communal or absolutely individualistic, the two discourses seem to stand, according to Gyekye, ‘as a matter of emphasis or of priority or of basic concern or perhaps of obsession with one or the other.’ For Gyekye, even if society may opt for either view, communitarian, individualistic, or otherwise, it rests impossible for the individual to develop outside the bounds of community or the community welfare in its entirety to dispense the individual’s welfare, talents, and initiatives. Therefore Gyekye suggests that the only way to cast the balance between the individual and the community is to ascribe to them the status of an equal moral standing.\(^80\)

Gyekye then argues that the ‘notion of shared life – shared purposes, interests, and understandings of the good – is crucial to an adequate conception of community. What distinguishes a community from a mere

association of individuals is the sharing of an overall way of life. In the social context of the community, each member acknowledges the existence of common values, obligations, and understandings and feels a commitment to the community that is expressed through the desire and willingness to advance its interests. Members of a community society are expected to show concern for the wellbeing of one another, to do what they can the common good, and generally to participate in the community life.81

Finally, Gyekye asserts that ‘notion of community then is a notion of particular social settings and networks characterized by such social and normative features.’ For Gyekye, such social settings and networks in their different sizes, forms, and shapes are important for different reasons and purposes. They may include the family, both nuclear and extended, clan, village, tribe, city, neighbourhood and nation-state. All these arrangements express different kinds of community, including the international community. Community implies a set of social relationships; therefore, Gyekye argues that given the fact that since a person may participate in a variety of communities, such as a member of an extended family, village, town, or a nation – state, it would follow that he or she would take part in a variety of social relationships. Thus a person’s essential social relationships are by no means co-existence with only one community. Persons are members of different communities, different in size and operating at different levels, and are likely to develop different aspects of their sociality in the various communities.82

A head of state may be both a member of his or her own country but at the same time being a member of his or her own family or village; in the same way that a believer may be a member of his or her own church but also of his or her own country. In fact it was William Temple who once remarked that when individual Christians speak in the world they should do so in their own voices but not in the voice of the church. Therefore, what we need is to hold inclusivity in mind so as to be able to function accordingly in every community we belong without diminishing our own identity or of that particular community. Therefore, community for Gyekye means equality, as equivalent to taking seriously the importance of individual autonomy, freedom, and dignity by providing both the community and the individual with equal moral standing. Put more simply, for Gyekye, community is a relationship amongst equals, principled on the ideal of individual autonomy, freedom, and dignity. Taking these values as essentials has a merit, for both the community and the individual, in the

sense that they may give capacity to oneself to be secure enough in one’s personal and communal identity so as to be able to reach out towards his or her fellow men and women without feeling excessively threatened by the presence of the other, since loosing differences may be puzzling and frustrating in an harmonious community.

Gyekye also argues that there is more than community; community should be made up of people who are able to respect their given difference without allowing such difference to be a cause for division, humiliation, and subjugation. Gyekye is of the view that sharing an overall way of life seems to be the most essential and basic to any ideal of community. For, according to him, sharing a way of life may imply the existence and acknowledgement of common roles, values, and obligations, meanings, or understandings. In Gyekye’s view, the view of community as defined in a social universe, each member seems to acknowledge his or her moral obligations and commitment to the community and may express such commitment and obligations in the desire to pursue the interests of the community in a way that one cannot be fully expected in a social context in which individuals are concerned mainly with the elevation of their own self-interests, purposes, and wellbeing; while paying attention to the common good of society only occasionally or in the face of adversity. For Gyekye, in a context whereby the spirit of community may lack emphasis, neither the achievement of common good nor the expression of concern for the wellbeing of others may be perceived as a normative moral criterion and demand. In his view, what can be understood as community also constitutes the context in which the criterion and development of a person’s identity are formed and nurtured. For a person comes to understand his or her personhood in terms of interpersonal relationships with others. Therefore, a context whereby the individual may come to terms with his or her own personhood can only be a cultural context springing from collective practices, activities, and habits already ingrained in the institution as a way of life. For Gyekye, a person’s identity and the very sense for moral agency are blended, at least, in part, from given cultural contexts which sociologically and philosophically may be understood as communities. Therefore, in the folding and expression of a rooted sense of personhood as well as that of individuality, community has a central and indispensable role to play.

As we have already seen, it is obvious that Gyekye seems to follow Mbiti in his understanding of community in terms of its centrality on the understanding and affirmation of individual’s identity and one’s sense of

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personhood. However, Gyekye seems to differ with Mbiti only when it comes to questions regarding the view of community as primary over the individual. Gyekye neither supports the primacy of the community thesis nor defends that of individual autonomy. However, he seems to justify his views in emphasizing the view that the notion of community as cultural context cannot be held as optional, it cannot be put to individual choice and discretion; since the individual is already born within; whereas in non-community social matrix the individual may opt to branch in or leave. For Gyekye, since both the individual and the community cannot exist apart from their mutual embodiment, individual autonomy may only be adequately articulated within the bounds of community; in the same way that the interests of the community cannot be defined apart from individual’s welfare. In this way, Gyekye’s social ethical theory may be understood as moderate egalitarianism. He endorses the view of community in terms of equality, mutual embodiment and respect.

**Itumeleng J. Mosala’s Notion of Community**

In both Mbiti and Gyekye we had a philosophical account of community in the light of African moral experience based on the understanding of the individual as part of social matrix; with Mosala we have a theological problem. Mosala articulates his theological ethical theory on the view of community in the light of African traditional religious experience. Reflecting in the context of his theological discourse of protest against Apartheid, Mosala sees African traditional religion as a religious protest against alienating forces. He argues that the most prominent underlining African traditional religions consist in ‘their subject matter, their content.’ According to him such matter and content give self relevance to African religiosity. In his view, the central purpose of African religions is ‘the historical and social struggles of the African people in the process of their evolution.’ Therefore, for Mosala African religious experience bears its roots in the history of the African people and it becomes the medium through which aspirations, fulfilments, failures, joys, and pains of Africans are expressed.  

Therefore, Mosala argues that in order to apprehend the centrality of African traditional religion one should grasp the importance of culture. Culture as a social context where the individual moral experience, history, and the view of the world are develop and sustained culture then is the core meaning giving character to the ideal of community. This implies that to understand the African religious experience one should understand the African view of community. Mosala then remarks that to evoke people religion is to evoke their history, and to evoke their history is to evoke their culture. Therefore, religion, history, and culture are intertwined. Therefore, for Mosala, African traditional religion epitomizes the moment at which the historical development, social progress, and aspirations were violated. Therefore, he argues that given the fact that the subjugation of a people entails the trampling and concealment of their cultural heritage as an instrument of progress, ‘an attempt to liberate a people requires the negation of the oppressors culture as an important starting point.’ In this way, for Mosala ‘culture is not only the outcome of a people’s history. It is a determinant of that history. To want to liberate a people is to desire to restore them to the centre of the historical process. Commitment to people’s liberation is reflected by commitment to their culture.’ Mosala sees this context as a vital point whereby African traditional religious experience may instil its enduring contribution.85 Further, Mosala argues that while committing himself to avoid creating an impression that whatever may be part of the African traditional culture and religion should be deemed progressive and relevant to contemporary society, the point at issue in his social ethical hermeneutic is that without a creative reclaiming of traditional African religions and societies both African and Black Theologies may only build their social structures on or theological premises on sand. A Black theology must arm itself with the political hermeneutics that arise from the contemporary social struggles of Black people.86

There are lessons to be derived from Mosala’s approach. While the idea of community seems to be hidden behind his emphasis on culture and religion as essential ingredient for an adequate account of community, if we read between the lines we may appreciate the fact that Mosala seems to imply that without community there is no freedom, liberation entails then reclaiming one’s authentic community. To be oppressed is to be denied one’s sense of community; therefore, under such circumstances, the oppressed cannot live but survive. The oppressed live in exile even in his or her own home and country. Under the conditions of injustice, to have

community means to reserve all that which makes life unbearable, therefore, liberation as the only precondition for freedom entails giving the oppressed his or her community back, in terms of its own sense of being human. Community as part of one’s culture constitutes the context for the creation and development of person’s identity. Person’s identity derives, at least in part, from a cultural context, that is, a community.

The oppressed, because he or she lives under the culture of his or her oppressor, lives in a spiritual and material enslavement, he or she cannot decide but is being decided since he or she lacks his or her own space of orientation. The lack of cultural space leads to both moral and personal confusions; one cannot function as a full human being outside his or her own environment. Therefore, in the articulation of a deep sense of personhood as well as of individuality, the community plays an important and indispensable role. It is therefore easy to understand why Mosala sees African religious experience and culture as crucial for an adequate ideal of freedom. To be disposed from one’s land is equivalent to being uprooted from one’s community, from one’s sphere of existence. Therefore community for Mosala means liberation from oppression, since to be oppressed is equivalent to being denied one’s culture, one’s sense of human, one’s space, thereby one’s community. In his analysis of Cabral, Mosala then remarks:

The experience of colonial domination shows that, in an attempt to perpetuate exploitation, the colonizer not only creates a whole system of repression of the cultural life of the colonized people, but also provokes and develops the cultural alienation of a part of the population, either by supposed assimilation of indigenous persons, or by the creation of a social gulf between the aboriginal elites and the mass of the people. As a result of the process of division or of deepening the divisions within the society, it follows that a considerable part of the population, notably the urban or peasant ‘petty bourgeoisie,’ assimilate the colonizer’s mentality, and regards itself as culturally superior to the people to which it belongs and whose cultural values it ignores or despises… A spiritual reconversion – of mentality – is thus seen to be vital for their true integration in the liberation movement. Such reconversion – re-Africanization is our case – may take place before the struggle, but is completed only during the course of the struggle, through daily contact with the mass of the people and the communion of sacrifices which the struggle demands.  

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In fact, compared to Northern Africa, where the situation might have been somewhat different due to the influence of Islamic religion, African cultural values and politics in the South were not well considered worthy to be taught as academic disciplines in the African educational institutions, thus alienating the African people from their own social experiences in politics. What was encouraged then was to instil the spirit of ethnicity and tribalism, as was the case of Apartheid in South Africa, so as to weaken the African continuing effort for nation building and self-determination. In short, the rising of Negritude, by Leopold Senghor of Senegal, as a cultural movement; the creation of the African National Congress of South Africa in 1912; The Liberal Party, by Helen Suzman of South Africa, in her quest for an alternative vision of society based on respect of human rights and dignity; and the Black Consciousness Movement's revival as a political slogan, by Steve Biko also of South Africa; and the continental bodies such as the Organization for African Unity, were clear reactions in response to such colonial manoeuvres on human cost in Africa.

Therefore, Mosala writing within the context of Black theology of liberation seems to share the same theological starting point as upheld by many theologians of liberation, the exodus metaphor as theological hermeneutic for liberation. The people of Israel are portrayed as having been delivered from slavery and dehumanization in Egypt by a vulnerable yet compassionate God who had heard and taken their suffering, pain, despair, and agony as his or her own. Therefore, the metaphor profoundly appeals to people who have suffered or continue to suffer oppression of any sort as well as to those who, like God identify themselves with the oppressed and afflicted. As victims of oppression, they identify themselves with those who had been in bondage in Egypt. Since liberation from slavery in Egypt meant not only a simple return to the land of origin, but a return into a new and just land with all the necessary supplements for a life that is most worthwhile. So for Mosala community also implies being self-critical, even to one's own culture. It means having the capacity to challenge the prevailing oppressive structures, cultural, political, social or religious. In this way, liberation means freedom, creativity, reconstruction, self-actualization, and resistance against oppression by critically reclaiming and challenging all that makes one's life unbearable. We cannot have community when women, for example, remain oppressed by men, or when

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people are dying of HIV/AIDS. The social system as a product of culture is a theological problem in Mosala’s social ethical theory because it is the starting point for an adequate account of community. For Mosala an adequate community should be grounded not only in the feeling of justice, love, or compassion but also in their critical practice as well; since feeling love and compassion and practicing them are totally different questions though intertwining. God did not only feel the pain of the afflicted in Egypt but had to endure the cost to liberate them as well. So practice for Mosala is an important theological hermeneutic for a just, loving, fulfilling, compassionate, and empowering community. It should include both the redress and redistribution of power in all its social, political, economic, and religious dimensions. At the core, it should entail the capacity for oneself to think of oneself in the other fellow’s boots, and see how the situation would look like if roles were reserved.90

John W. de Gruchy’s View of Community

We have seen that Mosala articulates his theological social ethical theory of community on the basis of African traditional religious experience and culture as an important theological hermeneutics and starting point for an adequate understanding of community. With John W. de Gruchy we have a different theological ethical social theory, stating a different problem in a different theological context. De Gruchy articulates his view of community within the thrust of a theology of reconciliation influenced by his theology of the covenant as expressed in his favourite metaphor: ‘the grand narrative of redemption.’91 This narrative allows De Gruchy to elaborate his concept of community quite differently. For De Gruchy, community is justice and reconciliation, the sorting of wrongs without breaking our embodied humanity. It starts with the restoration of justice through restoring the broken hearted, thereby restoring broken communities so as to become the instruments of redemption. Put theologically so, it implies in the theological semantic of Atherton, ‘that we can no longer use the cross to impose our beliefs on others, but can use it to promote partnership and reconciliation.’ It challenges us to bear the courage ‘to confront and reconstruct the symbolism by which we have been wounded in order to be healed and become capable of healing others.’92

92 Atherton, John: Public Theology for Changing Times, p.16.
In the attempt to redress past symbolism of division and social anguish, care should be taken as one tries to reflect on the reconstruction of the idea of covenant. As it were, taken from the religious sentiments of apartheid, in De Gruchy’s view, the vow of covenant was theologically hijacked to foster ‘a cornerstone of the ideology of apartheid, the heartbeat of Afrikaner civil religion as celebrated in the Voortrekker monument in Pretoria. It provided divine justification for maintaining a separate Afrikaner nation, for the policy of apartheid and the entrenchment of white power.’ According to De Gruchy, given the background in which the idea of covenant has been overshadowed by nationalistic sentiments in South Africa; any attempt to revive the notion of covenant in the interest of national reconciliation may be reckoned as risky. Surely, in De Gruchy’s view, the notion of covenant may be used for nationalistic purposes as it has often been. However, according to him, what should be of interest should not be the notion of covenant, or national reconciliation per se, ‘but the values, ethical concerns, and theological and anthropological insights that give it form and structure.’ As he proposes, if the notion of covenant may be critically retrieved from the narrow and exclusive ways in which it has been used, and its inclusive significance and its moral pledge which it demands restored, then it may have substantial strength for the reconstruction of a new society in South Africa. ‘For the idea of covenant truly understood both theologically and politically, may provide the framework within which we can think and act together to overcome and heal the past, restructure power relations, restore justice, and develop a common vision for the future.’

Therefore, in the aftermath of apartheid, De Gruchy, too, in his reflection on reconciliation evokes, in a candid theological clarity, many symbols of pain and agony across South Africa as if representing diving communities, a country torn apart within itself. In his view, there remain memorials symbolizing divisions: the one intended as a ‘Voortrekker laager’, on the one side, and the other representing ‘Zulu impies’, on the other, contesting different spaces and histories, separated by Blood River, which at a closer look only ‘nurture sectarian interpretations and keeping past enmities alive.’ Yet, reflecting ‘opposing powers and civilizations confronting one another across an unbridgeable chasm,’ De Gruchy vividly articulates a bitter reality echoing beyond the gates of South Africa, which all African theologians, in the entire continent, should try to face within their postcolonial discourse if Africa as a whole is to be reconciled within

itself. And according to him ‘In so many respects South Africa remains as divided as ever, giving substance to President Mbeki’s notion of two nations.’ 95 However, while De Gruchy laments the facts that certain symbols remain as ever difficult for one to come to terms with, he also expresses optimism in places where effort is being made ‘to remember the past in ways that heal:’ ‘Indeed, there many such developments that gender hope. These symbols and signs of reconciliation need highlighting. But the challenging Blood River, symbolic of other contested spaces and arenas in which division is so evident, remains the ultimate test, for it reflects the fundamental conflict of group interests and power that has dogged South Africa’s history for so long.’96 De Gruchy reflects theologically:

Reconciliation is about building bridges, about allowing conflicting stories to interact in ways that evoke respect, building relationships and help restructure power relations. This means that we have to go beyond an agreement to co-exist across those rivers that divide and find ways to engender common endeavour. That is the only way to make the covenant of national reconciliation a reality. Building bridges requires effort on both sides of the river. If victims are called upon to forgive…what is then the response of oppressors and beneficiaries?97

For De Gruchy, acknowledging one’s guilt in ways that heal and restore one’s dignity and find ways to move beyond the past in covenant with the rest of South Africa should be the first step in responding to the proposal of an ‘offered forgiveness and thus crossing those rivers that still divide.’ In his view, without such a step national reconciliation remains beyond realization. In reality, while the quest for reconciliation should remain one of South Africa’s central agendas, De Gruchy also infers that South Africa’s past history seems too complex to be naively reduced to a simplistic socio-political scheme. Yet, in his view, there is no way in which South Africans may overcome the alienation resulting from the past unless they do try to come to terms with the reality of events underlining its moral fibre ‘as struggle between settlers for control and dominance, and of indigenous people for liberation and justice.’ For De Gruchy, this means that, in South Africa’s social and political realities ‘there are two dominant pasts that need to be overcome and brought together in a way that makes healing and reconciliation possible.’98

Therefore, recalling reconciliation in the light of the ‘grand narrative’ as the only possible way to assist South Africa in dealing with its difficult past, De Gruchy points out that, in theological terms, ‘the doctrine of reconciliation is located within the context of God’s covenant with creation, a covenant made new in Christ. This covenant implies, according to him, God’s gracious commitment to heal and restore Divine relationship with the world so that it may be brought to perfection. As such, its fulfilment may still require the faith and commitment of all South Africans of good will, as creation, in De Gruchy’s view, remains an ongoing task requiring divine intervention in acts of recreation and renewal. Yet, in his view, this covenantal conception may not be applied directly in the political arena as those involved are not God and humanity, but human beings seeking to live together in the same time and space. In this case, the persisting challenges for a constructive dialogue, as De Gruchy seems to highlight, consist in the fact that those involved are by no means parties that share a common world-view. In his view, though people may differ in terms of their opinions concerning the purpose and end of reconciliation, there is an corresponding relationship between our human intents and aspirations and God’s project of redemption. For covenant implies a new commitment to one another that transcends simply agreeing co-existence, while hostility may continue to simmer beneath the surface of a somewhat tenuous and fragile harmony.99

In De Gruchy’s theological judgment, reconciliation calls for moral realism, since forging relations entails taking differences very seriously, yet without allowing differences to foster conflicts, sectarianism, and divisions. It means coming to terms with the way in which power has been misused in serving self-interested motives, in developing and protecting structures of inequality and injustice. Therefore, reconciliation means seeking ways to redress the past, to achieve justice and equity instead of protection of vested interests. Put differently, in De Gruchy’s theological position, a covenantal relationship may go further than a simple ‘social contract’ theory because its concern is about reconciliation rather than ‘mere co-existence.’ In his view, whatever may be the case in terms of its setbacks, ‘a covenant relationship is qualitatively different from that of a social contract.’ For, as he points out, while in the idea of ‘social contract’ theory ‘everyone in society is equal by virtue of nature, in covenant theory everyone is equal by virtue of both being in the image of God and being sinful.’ Therefore, in covenant theory, ‘ancient distinctions of rank and privilege are theoretically undermined.’ Politically, a ‘covenant relationship thus goes beyond the

individualism of liberal democracy to affirm human solidarity and sociality, and therefore a commitment that transcends self-interest and serves the common good.”

In this way, De Gruchy concludes that covenant is, above all, theologically articulated, ‘a framework within which reconciliation is to be understood and within which it becomes a reality. It is God’s gracious covenant with Abraham that sets in motion the ‘grand narrative’ of redemption, and for Christians it is the new covenant in Christ that makes it possible for Gentiles to participate in God’s saving purpose.’ Put in another way, in De Gruchy’s dialectical framework, ‘God’s reconciliation is contingent on the covenant. The covenant makes reconciliation possible; reconciliation makes the promise of the covenant a reality. Therefore, De Gruchy suggests that giving credit to this theological dialect is important, ‘for it is not only necessary that the covenant be negotiated on truly moral and inclusive basis, but that we recognize the extent to which human beings break faith in keeping their covenant obligations.’ So, in his view, the covenant is a static relationship but one which requires constant renewal and affirmation.

Theologically, as De Gruchy observes, just as there were requirements made upon ancient Israel by the covenant, in particular the demand to pursue social justice; so the renewal and affirmation of the covenant carries with itself the demand to do justice and seek peace. Accordingly, ‘the covenant is not only one of God relating to humanity, but of God drawing humanity into the task of caring for and transforming the social order and environment as a whole.’ In this way, De Gruchy concludes that God’s covenant has, therefore, both direct social, political, and ecological implications. He cautions that failure to see the covenant in this realm, may only inevitably lead to the utopian and theocratic fallacy of trying to create the kingdom of God on earth as was the case with the Social Gospel Movement in America. In his position, what we should rather emphasize is to think moderately about the covenant in order to discern its strength for justice within the political and social contexts of our time, while recognizing that there may be no symmetry between God’s covenant with humanity, and our covenant with one another.
One may conclude that De Gruchy’s theological thrust features the idea of community as a covenant of justice, mutual adjustment, and renewal. It expresses the idea of community as a context of forgiveness, mutual acceptance, restoration, and redress; a community where justice should be felt and perceived as the starting point in the endeavour to build a renewed society. Therefore, this renewal, in De Gruchy’s view, if it is to have both political, social, economic, and ecological consequences, it would imply, among other things, that the question of past injustices, land, economic inequalities, illiteracy, including the very plight of the poor are adequately addressed within South, if South Africa in its wholeness aspires in indeed in becoming a renewed and transformed community. A renewed and affirmed community should also be one in which basic human needs are met; where people are able to work, live, raise their families, and educate their children in harmony. Above all, a covenant community should be one in which people are able to live in freedom and justice. This means that the challenges of cultural, social, political, and economic diversity need to be creatively and adequately addressed. However, one of the major challenges facing South Africa coming of age is her attempt to hold together social and economic integration and diversity, trying to reconcile itself within with the challenges of continental change. Because of apartheid, South Africa has been alienated for so long not only within itself but also with the rest of the African continent and the world beyond. Now that the walls of division and sectarianism are falling across a wider range of both social and economic spectrums within, the walls of alienation between South Africa and the rest of the continent and the world at large are also falling, and this is a challenge which South itself should also tackle. South Africa’s constructive involvement with the rest of the continent both religiously and politically articulates the fact that South Africa not only seeks to reconcile itself from within but also with the rest of the world. The programme of reconciliation is a heavy going intertwined with multiple claims for justice, forgiveness, deliverance, and redress. The challenges of diversity, fragmentation, and the quest for community are immense in a new nation; and South Africa faces the question of the meaning and possibility of community in the midst of a fragmented and diverse society. Therefore, combining an appropriate integration of local, national, and international challenges in a receptive and participatory form seems a necessary step for the practice of reconciliation as enshrined in the ideal of the covenant with social, political, economic, and ecological consequences.
Mercy Amba Oduyoye’s Theological Critique

The present critique takes its particular counters over John S. Mbiti’s work on marriage and family life in Africa. Even though Oduyoye may seem to level her theological critique towards Mbiti in the context of his view on marriage and family life in Africa; her critique should be seen as a voice from an African woman theologian representing different voices from women in African within the context of the whole theological, sociological, and philosophical gamut regarding the sphere and understanding of human person in Africa. It is misleadingly assumed that to be a person means to be a male and procreative in Africa, and Oduyoye seems to unravel such misinterpretation theologically. Nevertheless, the fact that, in her critique, Oduyoye seems to situate herself in the context of a spouse who is not a mother may imply that her critique seems to have moved beyond the traditional bounds of community and family life in Africa to include even those who may feel to have fallen outside this traditional pattern of family life in Africa, so as to have their voices included and heard. Still, in this way her voice may be even an instrument of empowerment and empathy on those who may still aim at being (or are) parents even without the natural possibility of begetting their own biological offspring. It is seems good and inspiring that Oduyoye’s critique is being addressed to Mbiti. With no attempt to betray the effort of many African scholars who might not have had the possibility to witness the credence of their own work, Mbiti has been considered a genesis of African traditional thinking; as someone, who more than anyone else, has been able to philosophically frame, articulate, and integrate the African value system, beliefs, and practices.103 So regarding Mbiti as a genesis of African morality, the critique seems to suggest that it is only Mbiti who may have the capacity to disentangle the present moral maze regarding the social perception of the feminine and the male in Africa. It is within this perspective that, Kwame Bediako, in his reflection on Mbiti’s contribution to African theology, argue that ‘Yet, to

103 ‘Although the Iliad and Odyssey were rightly regarded as essential sources of the history of ancient Greece, African oral tradition, the collective memory of peoples which holds the thread of many events marking their lives, were rejected as worthless. In writing the history of a large part of Africa, the only sources used were from outside the continent, and the final product gave a picture not so much of the paths actually taken by the African peoples as of those that the authors thought they must have taken. Since the European Middle Ages were often used as yardstick, modes of production, social relations and political institutions were visualized only by reference to the European past.’ – Mokhtar, G. (ed.): General History of Africa. James Curry, California 1990, p. vii.
date, Mbiti has not written a major study of Christology in relation to ‘the dilemmas and challenges of modern Africa.’

Reflecting on Mbiti’s theological silence on current challenges in Africa and the importance of his theological and philosophical voice as index in the African context, Oduyoye states that her reflections represent the perspective of an African woman’s reading of Mbiti by one who ‘is a lay Christian, born into a doubly matrilineal and monogamous home, a spouse but not a mother.’ Then she continues to point out that her ‘essay arises out of the concern that Christian theologians might study to aid the church to play a more dynamic and salvific role in the upheavals taking place in African family life today.’ One of her major critiques against Mbiti is Mbiti’s understanding of marriage in terms of its procreative role with the sole purpose of preserving the continuity of human seed and memory which Mbiti takes as of supreme cultural importance in the African context. Against this view Oduyoye has the following to say:

‘...Christian immortality, as identity with and in Christ, and African immortality, as part of the Living-Dead, do not need individual physical reproduction to become a viable concept. It is harsh imagery of the ‘snuffed out candle’ that leads to Africa’s cruelty to childless and to the technical manipulation of the human foetus by scientists who are given access to human uterus. Such an attitude of stressing our right to reproduction/immortality by living in our children is frustrated for some by lack of prosperity and is threatened for all by the possibility of a nuclear holocaust.’

Oduyoye fails to find any justifiable philosophical or theological premises sustaining the belief on immortality on account of one’s offspring’s sovereignty. She challenges such a social construction as misleadingly unfounded; for in her view, what might happen to one’s belief on immortality if a threat posed by the possibility of a nuclear disaster or otherwise is not precluded? Put differently, if the idea of having children is the only way to ensure one’s immortality, what might happen in a context whereby one may not be able to see the survival of one’s offspring? To these

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questions, Mbiti may say that it is an unfortunate accident and misery which needs to be averted or avoided at all human cost. And accidents do happen beyond human control, and humanity should do all it can for deterrence and control.

But what Oduyoye seems to express in her theological argument seems more profound than the possibility or any predicament of a nuclear mistake, famine, disease, human catastrophe or otherwise. Her theological point seems to touch to the very nerve of African understanding of human existence. Oduyoye laments the fact that the African belief on procreation seems to unleash a heavy strain on those unable to beget their own biological children by choice or by any adverse circumstances. She critically articulates on Mbiti’s emphasis that: ‘To remain unmarried is suicidal to the individual and to the nation’ (...) ‘The concept of immortality should help us to understand the religious significance of marriage in African societies’ (...) ‘unless a person has a close relative to remember him when he has physically died, then he is a nobody and simply vanishes out of human existence. Therefore it is a duty, religious and ontological, for everyone to get married.’ (...) ‘It is in marriage that the individual performs the duty of contributing the seed of life toward man’s struggle against the loss of original immortality.’ (...) ‘Without pregnancy, a marriage is not consummated, hence polygyny and divorce.’ (...) ‘Without procreation marriage is incomplete.’ (...) This is a ‘religious obligation and a more fundamental concern than demographic discussions that focus on the work-force, pensions, and cost of health care and even military needs.’ (...) one must not quench the fire of life.’

In her view, Oduyoye argues that Mbiti may be right in stressing that the concept of procreation may assist us in understanding the religious significance of marriage in Africa. However, her theological critique concerns Mbiti’s view on procreation as the absolute way of insuring that a person is not cut off from personal immortality. For Oduyoye, if this position may be sustained; how far, in her view, can one pushes the African belief that ‘...unless a person has a close relative to remember him when he has physically died, then he is a nobody and simply vanishes out of existence. Therefore it is a duty, religious and ontological, for everyone to get married.’

On a different note, in the very subject, Oduyoye argues that Mbiti holds a different position when it comes to the impossibility of marriage

fulfilment due to man’s incapacity in begetting children. On this point Oduyoye recalls a scenery where Mbiti expresses that: ‘In our traditional society, where procreation is at the centre of marriage, a childless marriage can become a most painful and embarrassing situation... traditional attitudes and philosophy of marriage make it extremely hard for a childless man to be successful and happy.’ Against this background which seems to favour and protect man’s condition, Oduyoye decries the extremely grotesque harsh language and disdain inflicted against women who may not be able to bear children. And the extent to which parents suffer and would strive to seek assistance for daughters caught up within the vicious judgment of the purpose of woman-being. In her view, Mbiti remarks quite sternly: ‘...whatever other qualities she might possess, her failure to bear children is worse than genocide... When she dies she will be forgotten.’ (…) ‘The childless wife’ ... ‘bears a scar which nothing can erase. It is an irreparable humiliation for which there is no source of comfort in traditional life.’

Oduyoye questions the integrity of the traditional understanding of immortality in terms of one’s offspring which seems to render no justice, sympathy, and empathy towards those unable to beget children specially women who have always been put at the margins of society whenever such circumstances prevail. For Oduyoye if ‘immortality has anything to do with remembering, then obviously there is a fundamental weakness in the prevailing insistence that it be linked with biological survival in one’s children.’ The belief seems to run counter the traditional understanding of community in terms of the ideal of mutual belonging, which in Mbiti’s view when the individual suffers the community suffers as a whole, and when the community suffers the individual suffers as well. So why when it comes to procreation the concern should be pushed with contempt towards individual’s selfish desire for immortality? It would be prudent to say that in the same way that Mbiti suggests, in his social ethical theory of community and the individual, that the individual belongs to the community not by choice but by virtue of his or her own birth; as such in the traditional understanding of being one’s life is a ‘shared life.’ In my opinion, ‘shared life’ seems to mean upholding in common whatever such a life may offer or bring, which would imply that even if one may fail to beget his or her own biological offspring he or she may still be remembered by the community at large. So Mbiti’s view of procreation as an absolute way of ensuring one’s immortality seems to contradict his own theological and philosophical positions, since one’s existent should be tied up within

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the community’s moral and social consciousness, alleviating the social burden over one’s concern for immortality in the event of one’s misfortune or choice of not having children. In Oduyoye’s view having children is more of a genetic and Godly phenomenon than can be through one’s desire to have children for memory sake. In her theological argument, if immortality is to prevail as a theological concept, Africa’s contribution to the discussion ‘on the link between this future-oriented meaning of life and the connectedness of human race which we seek here and now must be made known,’ failure to do so may only crush the whole theological substance sustaining such a position. Therefore, Oduyoye concludes that the ‘[h]omophobia, like the phobia of childlessness, is understandable in Africa for it cuts at the roots of Africa’s main reason for sustaining the heterosexual marriage institution.’

Oduyoye frames her theological reflections and the pressured presented by the African traditional institution of marriage within the current problems facing modern societies as well as within the context of different voices raising from bellow crying out for justice and understanding. She also level her argument on the basis of different voices in some parts of the world putting pressure on the recognition of homosexual couples, a calls for a shift from the traditional emphasis on marriage in terms of gender to relationship. Therefore, it implies that relationship rather than marriage should be the starting point. In Oduyoye’s view, the somewhat misleading perception held by some Africans that such issues may not concern contemporary Africa is counterproductive; since we cannot avoid being involved, as we all share this common planet with other human beings. In her view, in contemporary feminism, the belief in immortality intertwined with ‘patriarchal concerns for the perpetuation of the name and the passing on of property’ is deemed oppressive and unjust violating, as it seems, one’s right to autonomy, freedom, choice, and dignity.

Mbiti claims, in his view of person in the African context, that natural birth is not sufficient and that society should produce the individual seems to imply that the individual is the product of society. That the individual in order to become a fully human being should pass through an endless process of initiation, seems to go counter his own understanding of marriage for procreative purposes, since the individual through birth is like a sort of a row material to supplement the social machinery. Why can’t such a society produce more individuals as to maintain the immortality of those who might have failed to beget their own offspring on natural cause

or otherwise? Again the fact that the individual does not own himself or herself may imply that the very individual may not own his or her own offspring. Therefore, there is no need to succumb in the quest for immortality since one can just pick up a child in the community marked and make of this or that child his or her own memory. But such an conclusion may be theologically and philosophically problematic; children are human beings with rights and dignity; and the fact that children can only imply that they have nothing to pay in the event of their birth; therefore it is the parents’ prerogative and of all the associates to raise and care for their children in love with no expectation of anything in return.

For Oduoye, in African culture, as well as within Christianity, marriage still maintains its religious value and function. In Christianity it offers to believers an experience of God’s love. The experience of being lost in ‘the other’ while maintaining one’s sense of personhood in something akin to one’s understanding of the relationships of the Person of the Trinity. One experiences a sense of love that binds the three overflowing into creation as enfolding one’s humanity. Further, in Oduoye’s view, in the same way that such a relationship remains a mystery by transcending the bounds of our human limitation, one may struggle to absorb its central meaning and purpose, so one should see the experience in the relationship between each couple as uniquely mysterious. However, Oduoye concurs with Mbiti’s somewhat modified view of marriage; when, in some of his emphasis, Mbiti stresses that; ‘In marriage you are crating your own unique style of life and this should not be just a blind copying of anybody else’s marriage.’ And then saying ‘your marriage is not an archaeological museum’ on the grounds that ideas do change; then moving on to remark that ‘It is in happy marriage life that one finds the fulfilment of oneself, the wholeness of the individual and in the healthy experience which transcends the physical realm and soars toward the spiritual and the divine.’

Therefore, if marriage may be assumed as a mystery, a uniquely human experience which each individual as created by God should tackle in his or her own way; such an understanding would imply that confining marriage within the context of procreating may be equivalent to missing the very divine intention underlying the very principle of marriage which each human being may find himself or herself immersed within the prospect of his or her given humanity and conditioning. Mbiti seems to imply that our capacity as human beings, in changing circumstances, may allow one of us stepping aside and critically evaluating or revising the very concept of

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marriage we take as worthy pursuing. For Oduyoye, our view of community as bearing consequence on individual life should be critically understood so as to make room and concession to different understandings of what it means to be human in the light of what our contemporary societies seem to present. To this Mbiti has to say:

Marriage is a complex affair with both economic, social and religious aspects which often overlap so firmly that cannot be separated from one another. (…) For African people, marriage is the focus of existence. It is the point where all the members of given community meet: the departed, the living, and those yet to be born. All the dimension of time meet here, and the whole drama of history is repeated, renewed and revitalized. Marriage is a drama in which everyone becomes an actor or actress and not just a spectator. Therefore, marriage is a duty, a requirement from the corporate society, and a rhythm of life in which everyone must participate. Otherwise, he who does not participate in it is a curse to the community, he is a rebel and law/breaker, he is not only abnormal but ‘under/human’. Failure to get married under normal circumstances means that the person concerned has rejected society and society rejects him return. 112

Mbiti sees his a idea of marriage as a ‘requirement from the corporate society’ which may also mean precluding other kind of societies; and he takes ‘[f]ailure to get married under normal circumstances’ as his normative approach which may also imply precluding other kind of circumstances. Therefore, one way of reading Mbiti adequately is to see his view on marriage in the light of some specific circumstances he prescribes, ‘normal circumstances,’ and to understanding the context of such an idea of marriage in the light of the specific society he appeals to, a ‘corporate society.’ However, Mbiti’s theological and philosophical concepts regarding marriage and family life in Africa are a heavy going, sensitive, and fascinating exercise, but somewhat utterly challenging in the context of modern societies; hence the feminist theological critique. Indeed, one may find Mbiti’s theological arguments highly problematic and controversial even if they were intended solely to be appropriated within the context of African society. The concepts constitute too much complicated and sensitive philosophical formulations; to be transposed or uprooted from the context where they bear expression can only suppress their religious and philosophical meaning. Though painful, by and large, such formulations ought to be understood from that particular context and point of view only.

112 For more details see Mbiti’s own discussion on ‘Marriage and Procreation’ in African Traditional Religions and Philosophy, 1971, p. 13.
Reading Mbiti’s work from a different context may seem to render justice neither to Mbiti himself nor to the reader trying to convey its meaning. 

Oduyoye’s theological critique on Mbiti’s view on marriage and family life is crucial in the sense that the family should be seen, as it were, as the unit, community, in which the individual learns the praxis to live with others in a conventional society. The family as a community is social context in which people are respected purely by virtue of being humans not because of their usefulness. Therefore, the family should be understood as a locus of love, care, and compassion. Any attempt to value children in terms of their potential utility to family prosperity should be seen as counter the genuine principle of marriage and family life. Again the desire to assess the importance marriage in terms of its procreative purpose coupled with the duty to have children seems to injure the very precept of marriage and family life. Theologically, the need for marriage and the desire to have children should be seen as vocations than prescription.

The Centrality of Ubuntu

The present topic brings home the centrality of ubuntu ethics as enshrined in the Xhosa proverb ‘umuntu ngamuntu ngabantu’ meaning that a person is through other persons or that a person becomes a person because of his or her sociality.113 So as it stands, the title denotes the ideal of human dignity as found in the African cultural expressions. This saying apart from its cultural setting in the Xhosa context of South Africa may well be found in different cultural traditions of the people of Africa. Though in every social context may remain the same ideal across Africa it is always interpreted differently and brought to bear in the light of a specific context. Again, despite the fact that it may be expressed differently as something of folkloric in every different cultural context in Africa, it is well known that in every African community a person is defined by his or her sociality, by his or her ability to respond or contribute towards the common good without suspending his or her individuality; since it is through one’s individuality that one comes to conceive the marks of his or her own personhood. As I pointed out, the title also has to do with how to confer an extended degree of individual liberties, autonomy, and freedom of choice while at the same moment the needs for corporate existence and mutual responsibility which are part of social matrix are not relegated to the realm of insignificance. So, community, justice, and freedom as a theme

epitomizes the challenges faced by the modern moral maze in its attempt to reconcile individual freedom with communal responsibilities.

Further, as stated, tracing the ideal of *ubuntu* from its philosophical and theological backgrounds as articulated in the Xhosa cultural context it springs from the belief that to ‘be’ is to ‘belong’. A person is because of others and that without others a person can hardly exist. Nevertheless, the view of the self, even though, may be expressed within the bounds of one’s cultural and historical contexts; one’s humanity has the propensity to transcend its cultural limits and to be embracing or welcome the other. So, *ubuntu* articulates a view of oneself in the realm of social interdependence, which may even fall outside one’s sphere of existence. It carries with itself a religious and philosophical conception of being human in the African context and beyond, where the individual is because of others. Whenever one comes across another human being one always finds oneself, one’s humanity is squarely expressed in the presence of the other. ‘Only in terms of other people does the individual become conscious of his own being, his own duties, his privileges and responsibilities towards himself and towards other people. Mbiti makes it clearly that ‘[w]henever the African is there is his [sic] religion. To be human is to belong to the whole community, and to do so involve participating in the beliefs, ceremonies, rituals, and festivals of the community. A person cannot detach himself from the religion of his group, for to do so is to be severed from his roots, his foundations, his context of security, his kinships and the entire group of those who make him aware of his own existence. To be without one of these corporate elements of life is to be out of the whole picture.’

Therefore, for Mbiti, the individual can only say ‘I am, because we are; and since we are, therefore I am.’ This maxim which may be captured across great continent, amongst different cultural and social traditions, constitutes the African view of reality, the African conception of existence.

Hence, in the *ubuntu* conceptual scheme, the community is defined as central to the African understanding of person, where the individual is conceived as attaining the idea of himself or herself in terms of his or her continuing engagement within the web of social relationships. This view is also shared by Kasenene when he says that community is the key to understand the African view of a person. ‘A person’s identity, worth and, indeed, the very life are valued through membership of a group. An individual who disregards the family or the community and pursues personal interests is viewed as anti-social, and excessive individualism is

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regarded as being a denial of one’s corporate existence.” 116 Therefore, the notion of the individual in the African context can only be articulated in communal terms, without the community the individual cannot exist.

In the preceding analysis of African ideas of community across different philosophical and theological perspectives, different sphere of ubuntu ethic may be identified in the light of each scholar’s particular understanding of community. For instance, in view of Mbiti’s social ethical theory, community is conceived as primary over the individual yet matched with a strong sense of social solidarity and interdependence between the individual and the entire group. Therefore, in Mbiti we have a form of a strict ubuntu social ethic. In this context, stands at work the philosophical consciousness over the individual that ‘I am because we are; since we are therefore I am.’ In Mbiti’s view, ‘the existence of the individual is the existence of the corporate; and where the individual may physically die, this does not relinquish his social/legal existence since the ‘we’ continues to exist for the ‘I’.” 117 As Mbiti puts it, this ‘continuity is of great psychological value: it gives deep sense of security in an otherwise insecure world in which African peoples live.’ Mbiti concludes that ‘[v]iewed in this light, the elaborate kinship system acts like an insurance policy covering both the physical and metaphysical dimensions of human life.’ 118 In Mbiti’s theory, society should ‘produce’ the individual. In line with his theory of community and the individual, since to ‘be’ is to ‘belong’ to the community which shapes the individual, we have a relational notion of ubuntu ethic strictly conceived in terms of the individual’s relationality and communal solidarity.

With Kwame Gyekye, we may discern a sense of moderate ubuntu ethic. While, following Mbiti and seemingly agreeing with Mbiti’s conceptual analysis on the primacy of community over the individual, Gyekye argues in favour of equal moral status between the individual and the community. Gyekye suggests that the ‘capacity for self-assertion that the individual can exercise presupposes, and in fact derives from, the autonomous nature of the person. However, for Gyekye, the idea of autonomy presupposed in his theory should be coupled by moderation, by soft conception of autonomy. Therefore, he argues in favour of the individual’s capacity to have a will, to have a rational will of one’s own, that enables one to determine at least some of one’s own goals and to pursue them, and to control one’s destiny.’ Gyekye’s concept of autonomy

is enhanced by his belief that the creation and the historical development of
human culture are a consequence of the exercise of the capacity for self-
assertion by individuals in the group. Therefore, in his view, the idea of
autonomy can only be adequately understood within the bounds of an
accepted social framework; as such it requires the availability of morally
accepted options where the individual may choose coupled with the
individual’s capacity in exercising such a choice. It is consistent with
cultural structures that make available a variety of valuable option.
Therefore, autonomous individuals can only derive their significance in the
light of their capacity to function within or adequately utilize the available
in those communal structures. Put this way, autonomy is one capacity to
pursue the good; yet one’s capacity to choose between ‘good’ and ‘evil’ is
not sufficient, a range of options should be made available.119 Taken from
here, with Gyekye we can discern the idea of an egalitarian view of
ubuntu; ubuntu as moderately define in the premise of moral standing
between equals.

Itumeleng Mosala emphasizes the idea of community as freedom from
alienation, freedom from colonial symbols; by squarely bringing the
individual to the centre of his or her own social context, religion, and
spirituality. Therefore, his theory emphasizes liberation from oppression
and redress as the starting point for an adequate understanding of
community. With such a notion in view, within Mosala’s social ethical
theory, we may consider a sense of a strict egalitarian conception of
ubuntu; where community is understood as liberation, freedom, capacity,
and redress. Articulating his position in the context of South Africa’s
struggle for liberation and freedom, Mosala argues that though no directly
available sources or record which may be adduced in view of the
communal steps taken in the process of African development and struggle
in South Africa. Part of what may be known may be deduced, in part, from
cultural and historical evidences which persisted into later modes of
production. It is a fact that rapid changes have taken their course in Africa,
especially in South Africa, so traditional ideas have been or are being
abandoned, adjusted, or adapted by the changing circumstances. At the
same time it would be erroneous to suppose that everything that is
traditional is being or has been changed or forgotten to that extent that no
traces of it are to be found. Indeed, traditional concepts still form the
significant background for many African peoples, though obviously such
may vary from person to person and from context to context.120 Therefore,

Mosala argues that, even in the midst of uncertainty, regarding African communal stages of development in Africa, for a reasonable reconstruction, sufficient examples about the fundamental features of modes of production may be, in part, historically derived from different contexts in other parts of the world. So, Mosala firmly argues that like any other communal modes of production elsewhere in the world, ‘the African communal stage is distinguishable by the fact that property is communally owned and the products of labor are communally appropriated.’

Nonetheless, Mosala suggests that we should bear in mind that the feature of social and economic relationships regulating the communal ownership of property and products of labor was a principle of the initial level of the development of the forces of production. According to him, ‘[e]galitarian control over the means of production ensured egalitarian appropriation of the product of social labor. Production in this society was production strictly of use-value; that is, production was based fundamentally on human needs.’

Still, Mosala hints out that any nostalgic appropriation of any historical or cultural heritage from the past in the present should be seized with critical caution, since while the past might have been both hostile and naïve, the present is somewhat complex intertwined with the lack of common morality and social solidarity. Human societies have grown too complex in civilization while remaining simple, hostile, and amenable in the past. The attempt to embrace the traditional heritage should take the simplicity of the past and the complexity of events which modern societies always present: ‘When we reappropriate the economic system of black history, we must show the intellectual integrity that Friedrich Engels did his assessment of primitive communism.’

Mosala draws his critical analysis from Engels’s stand that primitive communism was better than civilization only in one way, its morality. Engels notes that ‘this stage was inferior to civilization: war between tribes, the cruelty of warfare, the stunted productive forces, the religious superstition, and the power of nature over

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122 ‘Life in the primeval forest was hard and dangerous, so people formed groups and stayed together. Food was scare. When men and women found it they must have shared, for that was the way to survive. Hunting was cooperatively organized. Everyone had to work and to work for the group. There was no surplus and no hoarding: the struggle for life drove primitives into communism.’ Op. cit., 1989, p. 70. (Mosala quoting D. Ross Gandy: Marx and History. London. University of Texas Press 1979).
people.' But Mosala cues, arguing that *morality* is the fundamental strength of this mode of production, or economic system. And this morality is not abstract, not tacked on from outside. The ethics of the communal mode of economic production is for meeting perceived human needs. The starting point and the goal of production is human beings and their well-being. People are the basis and the content of the morality of this economic system.\(^{126}\)

Mosala concludes that it is through upholding the communal principle of production that relationships amongst people remained harmonious in their entirety. Therefore, in his view, when Black theological reflection takes its stand and speaks of being critically and firmly based within the black history of struggle, it has in view the reality of conflicts and harmonies between people and nature and between people and people surrounding ‘the morality of production from human needs – the production of use-values.’ Economic input in the communal model of production ‘took the well-being of people as a point of departure and structured the goals of economic production and development around that issue.’ Therefore, for Mosala, if Black theology seeks to base itself on this economic morality in its attempt to become a liberating weapon of struggle, its biblical hermeneutic should draw especially from the value of a culture that came out of this stage. \(^{127}\)

Therefore, taken from this perspective, Mosala argues in favour of an *egalitarian* form of ubuntu ethic basing itself on the principle of community as liberation from oppression and redress.

John W. de Gruchy offers a slightly different position. Considering his theological point, in the light of his concept of covenant, we may have a view of community as *reconciliation*. In the prospect of such a theological position, we may then postulate a *moderate* view of ubuntu as a thrust of De Gruchy’s social ethical theory. Elaborating further, we may have a concept of ubuntu as *reconciliation* and *fellowship*. In his theological analysis on the political landscape of Africa, in the light of Africa’s attempt to integrate tradition and modernity, De Gruchy states that ‘[w]hat was necessary in the struggle against colonialism is no longer helpful in building a democratic society where the separation of church and state is of fundamental importance if the church is to fulfill its political responsibility.’\(^{128}\)

However, De Gruchy maintains that ‘[d]emocracy has to grow from within in ways appropriate to Africa and each nation’s particular history and political tradition.’ Thus, in his view, ‘while attempts by western nations to prescribe democratic solutions for Africa have to be considered seriously, they also need to be treated with critical caution.’ In his analysis of Africa’s political mayhem, De Gruchy states that the sorry stories of political orders in much of sub-Saharan Africa since independence seem to indicate that systems of governance whether liberal democratic, socialist, or Marxist-Leninist, ‘foisted on the people of Africa, cannot be expected to work.’ His contention joins the claim of other thinkers on African issues, such as Kwame Appiah and Basil Davidson, in defending that ‘Africa will only solve its problems if they are seen as human problems arising out of an African context.’ In their views, ‘[d]emocracy in Africa requires a synthesis rooted in its past yet able to deal with challenges of the present.’

Within Africa’s challenges posed by the attempt to keep pace with traditional institutions and the need to embrace the demands of a pluralistic society, De Gruchy argues that ‘one of the problems facing organic societies, and especially those with a sacralized notion state, is that they find it difficult to handle dissent and plurality.’ Recalling Africa’s communal history, De Gruchy asserts that traditionally, African communalism was never ethnically based; in his view, ‘people from different communities could pass from one another and be accepted without much difficulty.’ None the less, he defends that ‘African communalism assumed homogeneity, which is very different to the pluralism of modern nation-states. This may account in part for the ethnic conflict which has been such a feature of post-colonial Africa.’

Therefore, De Gruchy suggests that, ‘in order for African societies to become democratic within a modern pluralist context, they have to retrieve communal participation within a nation-state context.’ He thinks that ‘Christianity could play a critical and formative role in this process, challenging hierarchical domination, affirming community, stressing the importance of interpersonal relations rather than possessive individualism, and promoting an integrative spirituality.’ Elaborating further on ubuntu ethic, De Gruchy goes on to propose that the moral aphorism of ubuntu ‘that a person is a person through other persons provided the foundation for legal code and customs which governed the Xhosa society, and determined

the way in which they were exercised.’ Therefore, in his account, ubuntu’s ‘contemporary reaffirmation is essential for the renewal of democracy in Africa and more universally.’ De Gruchy claims further that the reaffirmation of ubuntu ‘does not imply the denial of individuals or individual political rights. On the contrary, a respect for each person as an individual is fundamental. But it is very different from possessive individualism.’ Central to ubuntu, which De Gruchy takes as a political thrust for an adequate African ideal of democracy, is its ‘emphasis on human sociality, on inter-personal relations, on the need which each person has for others in order to be herself or himself. This rather than liberalism or Marxism, is the root of African humanism, and relates well to biblical anthropology, Trinitarian theology, and to the idea of Christian community.’ Therefore, De Gruchy is right in saying that the ‘demise of apartheid has opened up fresh possibilities for an urgently needed dialogue between prophetic and culturally focused theologies.’ For him, ‘without the prophetic, there is no critical insight; without the cultural, there is no creative engagement. In both cases the dialectic between Christian faith and the creation of an African democratic culture breaks down. For the sake of democratic transformation, that dialectic needs to be sustained.’

Though from a feminist theological perspective, Mercy Amba Oduyoye makes a very constructive theological critique, against patriarchalism and any oppressive social structures in Africa. Her account on the persistence of feminist ethical and political defense on care, emotions, and relationships, makes it clear that women in Africa argue in favour of a reformed and restructured version of community and family. Considering her critique, we may hypothesize a vision of ubuntu as a battle field for justice, freedom, equality, and redress. Oduyoye’s theological stance seems to suggest that an adequate ideal of community requires that patriarchal domination and its subjugation of women are entirely challenged, reversed, or even completely dismantled. Therefore, her claim suggests that any attempt to reformulate any adequate account of ubuntu should also include the understanding of justice and equality in the home. However, the challenge then is how to relate the need for justice, equality, and freedom with the institution of the family. It is well known that the family is among the most essential spheres in which people may pursue their own conceptions of the good and may pass them as they wish to the next generations. This view may suggest that any attempt to reformulate any adequate notion of community should give people considerable autonomy to form families as they may see fit. On the other hand, the family seems to be one of the most non-optionally and

invasively influential of social institutions; yet one of the most wretched homes of sex hierarchy, denial of equal opportunities, as well as of sex-based violence and humiliation. The present facts seem to suggest that a community committed to equal justice and right relationships for all its members; affirmed on the promise of protecting for all members the social bases of freedom, justice, and self respect should restrain the family in the name of justice, freedom and equality. However, many pioneers of justice, freedom, and equality seem to have quite often neglected such an appeal; preferring to treat the family domain as private sphere within which political justice should not meddle or interfere. Their slogan seems to have always been, justice in the public, but love in the private. Therefore, Oduyoye presents a notion of ubuntu as *justice*, *equality*, and *right relationships* in which equal regarding of persons should be the foundational moral premise for an adequate ubuntu moral theory.

Finally, we have seen how ubuntu may be interpreted differently without exhausting its central meaning. Different conceptions of community may lead to different views of the human, hence of ubuntu ethic. On the whole, the analysis on the different in terms of their philosophical and theological backgrounds helps to see that, by and large, African society puts high stress on interdependence and on individual’s obligations towards the wellbeing of the community. An individual is expected to do all he or she can for the promotion of the community’s welfare by doing good and avoiding evil.133 Further, we have seen that philosophically, the African understanding of community involves more than mere collectivism but a high degree of sharing and mutual responsibility. Again, on theological terms, we have seen that the great value attached to community in the African worldview illuminates in practical terms the meaning of the solidarity of the people of God in the Old Testament, the church as the Body of Christ and an ethic of corporate existence.134 Therefore, analogically, the African view of community is holistic in the sense that it struck no dichotomy between the sacred and the profane, the physical and the spiritual, the religious and the moral. This is to say, the African worldview blends the sacred and mundane. The religious and the moral intermingle with the physical, material, political and social concerns of the people. African moral prospect emphasizes the whole of life. ‘In all they do, Africans strive to promote the wellbeing of the members of society, and this is attained when there is personal integration, environmental equilibrium, social harmony, and harmony

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between the individual and both the environment and the community.'\textsuperscript{135} Taken this way, ethics in the African context should be holistic, humanely grounded, aimed at liberating the whole of person and the whole community and freeing humanity from political, social, economic, religious, mental, psychological and physical deprivation.\textsuperscript{136}

### Conclusion

Given their different sociological backgrounds, African scholars, though unanimous in the treatment of community as central for personal moral development, have approached the subject differently. John Samuel Mbiti sees community as a \textit{relationship} built on strict \textit{social solidarity}. Therefore for him community is an indispensable social structure where the individual is formed and nurtured, this rather than individual autonomy, freedom of choice and dignity renders to Mbiti’s a strict communitarian notion and a view of ubuntu as a relationship. Kwame Gyekye, though agreeing with some of Mbiti’s conclusions, particularly in his understanding of the primacy of the community over the individual, argues in favour of a moderate view of community where the individual and the community should be afforded equal moral status. Gyekye’s conclusions helps us to see his view in terms of an egalitarian notion of ubuntu, community should be a context between equal where the issue of individual autonomy, freedom, and dignity are respected. However, for Gyekye one’s autonomy should be attuned with the capacity to choose between alternative goods, provided the society makes such alternatives possible. Therefore, in Gyekye’s account, ubuntu may be seen a context between \textit{equals}, affiliation of individuals with capacity to choose within the bounds of community.

Mosala sees community in terms of liberation from oppression. For him, an adequate account of community is only possible when the individual is liberated from colonial symbols, alienation, and subjugation. Therefore, for Mosala, community should be seen as a platform whereby the individual is brought back to the centre of his or her own social context, religion, and spirituality so as to be able to function as a human being. According to Mosala, community may be seen as liberation, capacity, and redress. With this in view, Mosala argues in favour of a strict egalitarian notion of

\textsuperscript{136} \textit{Op. cit.}, p. 142.
community, where ubuntu may be seen as liberation, capacity, and redress. John de Gruchy stands in a slightly different position; he holds a view of community as reconciliation. He critically reaffirms the ethic of ubuntu in a pluralistic context whereby without completely abandoning the past the modern may be brought to bear within the context of Africa’s values system. Therefore, De Gruchy’s concept of ubuntu may be understood as reconciliation and fellowship. Finally, with Mercy Amba Oduyoye, we have a view of community as a context of justice where women’s wellbeing should be respected, valued, and affirmed. Therefore, her suggestions postulate a notion of ubuntu as justice, right relationships, equality, and redress.
Chapter II: Views of Human within Liberalism and Communitarianism

The preceding chapter outlined the philosophical and the theological moral prospects on the African understanding of the individual and his or her relationship within the community. It defined the community within the frame of *ubuntu* logical concept of relational solidarity as a fellowship of people who are socially interdependent, sharing common practice, and whose lives are mutually shaped, as the individual attains his or her full personhood in and through other people. In the course of the analysis, though the individual and the community were seen as interdependent, the essence of community inspired by the African principle of mutual belonging as a locus of individual existence, a source of moral authority, without which the conception and understanding of the self may rest morally impossible, appeared to feature as prior to the ideal of individual autonomy and freedom of choice. Contrary to the African notion of society and that of the individual, within the cultural horizons of Western moral tradition, the conception of society is embedded within the inheritance of the seventeenth – nineteenth centuries Enlightenment rationalism project which pioneered the view of humankind above the social; elevating the ideal of the individual and that of the right to the realm of universality as sources of morality and the starting point for an adequate understanding of society, where the individual conceives of his or her full personhood by his or her degree of independence from other people.

In this realm, the most celebrated social achievement within the Enlightenment rationalistic pioneer was liberalism, as a political theory, with its universalistic and atomistic moral slogans on the centrality of reason and the view of the self as a rational agent transcending any particular choices or allegiances. The human self was, thus, conferred with moral autonomy and freedom of choice beyond any social, material, or religious constrains. As a consequence, the philosophical attempt to define and affirm the human sphere within the natural world against the moral background of the conception of the self in terms of its social affinities, on the one side, and its view in the light of its rationality, on the other, have
epitomized the intellectual debate within the ontological question concerning the constitution of the self and its existence. Related to this, as an appendage of Enlightenment, liberalism became the enlightenment’s driving political force, for quite sometimes, that we now speak of classical liberalism or liberal tradition, though some scholars reject this view; but then Communitarianism emerged, quite recently, as a contour response to liberal ideals, standing as a political theory contending the liberal case in the conception and understanding of the human self and its place in society. The emergence of Communitarianism also brought along the candling of a contentious debate: Liberalism, on the one side, emphasizing the view of human person as an autonomous rational subject inherently endowed with inner capacity to master his or her own history and self-identity, defended the centrality of individual freedom and choice as prior to any pre-given commitments. Communitarianism, on the other hand, which saw the human person in terms of his or her inter-subjectivity and social attachments, stressed the need for community, the celebration of tradition, and the centrality of social solidarity as primary over the quest for individual choice and autonomy. The proponents of the communitarian doctrine argue that the liberal view of the self is empty, since the self is already shaped by its social attachments and circumstances prior to any choice that it might sanction. Accordingly, the two different positions within political theory, bearing the justification of their moral principles on the view of the self, as socially grounded, on the one side, and, as rationally based, on the other, became morally divisive on how an ideal society may be conceived taking into account their diverging understandings of the human person.

Therefore, the purpose of this chapter is to critically articulate the liberal and the communitarian moral positions on the relationship between the individual and the community. It hopes that the outcomes of the analysis will assist in the interpretation of the liberal and the communitarian conceptions of justice and liberty, since their inherited views on the sphere of human person may have a bearing on the understanding of the ideals of the right, the good, and that of desert, so much emphasized within the political philosophical debates whenever issues of justice and freedom are raised. Notwithstanding the liberal and communitarian moral sensibilities on the centrality and understanding of the self and the community, their philosophical arguments remain at variance when it comes to the conceptions of justice, the ideal of the right, and that of the good. In the sphere of justice, while the liberals may seem to consider the centrality of the self and the ideal of the right as primary over the ideal of the common good; the communitarians, on the other hand, seem to hold a different approach, by taking the primacy of community and the ideal of the good as
the starting points for any justifiable understanding and interpretation of justice. To meet the centrality of the philosophical debate and the questions raised by these two contending political theories, I will attempt to explore the present topic within the context of neo-Lockean, neo-Kantian, neo-Aristotelian, and neo-Hegelian ethical latitudes as reformulated by four prominent liberal and communitarian scholars in the field of Political philosophy, namely: Robert Nozick, John Rawls, Charles Taylor, and Alasdair MacIntyre. The views of these scholars have been of major contribution and reference in the modern world, especially in the West, whenever decisions on policy making touching on issues of social justice, or otherwise, are devised.

The Ownership of the Self in Robert Nozick’s Entitlement Theory

Libertarians though they may differ in their philosophical arguments, seem to share common formula on the views of human from the perspective of individual liberties, rights, and the centrality of personal choice. While they may allow the state’s minimal restraint on individual liberties for the sake of protecting the very liberties, individual rights, and the centrality of justice; theirs is the quest to promote, whenever possible, an unrestricted sphere of freedom for the exercise of individual choices. In the present study, my central interest is not to take a comprehensive analysis of libertarianism but, instead, to critically outline Robert Nozick’s views of human in the light of his understanding of the relationship between the individual and the community so as to assist me in the elaboration of his theory of justice.

Nozick’s position regarding the affinities framing the individual morality and that of the community may be articulated, in part, from his understanding of justice and the priority of individual rights as expressed in his book, *Anarchy, State, And Utopia*, 137 an outline of his contractarian theory, in which the concept of individual freedom, the primacy of rights, and that of property, are highly epitomized. He opens his first paragraph, in the analysis, by intensely expressing that ‘[i]ndividuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do.’ 138 This

rather sharp and contentious remark may only express how high the significance of the ideal of rights and that of property is in Robert Nozick’s social ethic which is further elaborated within the frame of his entitlement theory of justice. In the theory of entitlement, Nozick tries to justify the centrality of individual rights, freedom, and the ideal of human dignity as underlying principles in his self-ownership theory. In the lines that follow I will briefly outline the underlying principle of Robert Nozick’s self-ownership theory regarding the relationship between the individual and the community. The principle is central in any attempt understand the libertarian defense of the supremacy of individual rights and freedom of choice over the ideal of the common good. Libertarians are of the view that in so far as the individual may possess an inalienable right to his or her own property, the same version of rights should be extended to include one’s right over oneself. Nozick makes the following claim:

May all entitlements be relegated to relatively superficial levels? For example, people’s entitlements to the parts of their own bodies? An application of the principle of maximizing the position of those worst off might well involve forcible redistribution of bodily parts (“You’ve been sighted for all these years; now one – or even both – of your eyes is to be transplanted to others”), or killing some people early to use their bodies in order to provide material necessary to save the lives of those who otherwise would die young. To bring up such cases is to sound slightly hysterical.139

The present quotation anticipates the highlight of self-ownership in Robert Nozick’s entitlement theory. Nozick’s ideal of self-ownership bears its propensity on the ‘principle of respect for individual autonomy’ if seen from the realm of a Kantian ideal of human dignity. Though Robert Nozick may seem to inspire himself from Kant’s endorsement of the ideal of human dignity, that ‘human beings are ends in themselves, therefore are never to be used as means to an end; John Locke remains an influential social theorists in Robert Nozick’s formulations.’ Kant believed that human beings as ‘rational agents who have the capacity to determine their lives by applying rational considerations.’140 In this sense, according to Kant, individuals possess an intrinsic dignity which no other person may override, without undermining their full humanity. Therefore, Nozick seems to stand within the context of this moral background as he defends the view that because people have absolute rights to the holding they possess and to discharge them as they please, any institutional intervention

against one’s property is equivalent to violation of one’s dignity, a curtailment of one’s rights to freedom and property. This is further illustrated within Robert Nozick’s questioning over the integrity of institutional structures of society in the realm of redistributive justice:

On what grounds can it be claimed that the fundamental principles of justice need apply only to fundamental institutional structure of society? (And couldn’t we build such redistributive practices concerning bodily parts or the ending of people’s lives into the fundamental structure of a society?)

Though Robert Nozick may be aware of the sensibility which the implication of his self-ownership theory seems to create, by submitting to the view that to justify the notion of self-ownership in terms of one’s physical sovereignty ‘is to sound hysterical,’ seems determined to defend his position against the liberal notion of redistributive justice which, as he thinks, fails to take into account people’s dignities, in its mission to sacrifice some people’s properties for the benefit of others. He questions the moral standing of distributive justice which, as he argues, is recipient oriented while ignoring the rights and entitlements of producers, givers, and transferors. Contrary to libertarian claim, liberals believe that people’s holdings may be sacrificed so as to redress the plight of those worst off in society, a case which libertarians disagree as being inconsistent with the ideal of human dignity. For Libertarians, ‘human beings are ends in themselves’, therefore ‘are never to be treated as means to an end.’ Then, Nozick seems to think that to sacrifice people’s holdings in order to appease or befit those who have been adversely endowed is equivalent to treating people and their holdings as ‘means to an end’, therefore a misrepresentation of Kantianism. The self-ownership ideal also seems to express how determined Robert Nozick is, in including more than the realm of things, in his claim for justice in order to make his case supreme over the ‘liberal redistributive scheme.’ In this case, Robert Nozick insists that an extreme case of justice, such as redistributive justice, in order to rest fairly, it should also have the merit to include not only one’s capacity to own oneself, but also one’s ability to own the components of one’s personhood and its related talents.

According to Nozick, the liberal claim, that the toil of the talented should be made to recompense the misery of the least fortunate in society is

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141 Nozick, Robert: *Anarchy, State, and Utopia*, 1974, p. 168
inconsistent with the Kantian ideal of human dignity framed within ‘the principle of respect for individual autonomy,’ thereby inconsistent with the principle of self-ownership. As Nozick defends, the principle of respect for individual autonomy stipulates that, by and large, we should enable people to act autonomously, by not interfering with their personal affairs as they carry out their plans in life.145 Therefore, for Nozick, because persons are legitimate to their autonomies, if someone owns himself or herself, virtually he or she becomes the sole master of his or her own talents, and the owning of one’s talents is equivalent to owning the fruits of one’s talents. Therefore, for Nozick, the fruits of one’s talents become one’s property just as in the case of owning a business; in which one becomes the owner of that business by virtue of control on what the business creates.147 In Robert Nozick’s concept of human dignity, the principle of self-ownership reflects his own idea of self-determination and legislation within the premises of one’s property and talents mingled with the concept of individual identity. In Nozick’s view, since the individual and his or her property are one, the individual can only express himself or herself in terms of his or her property. Therefore, if the individual may be asked to express his or her identity, the individual is likely to say ‘I am because I am entitled.’ Therefore, Nozick’s view of the self seems inconsistent with the ideal of community which emphasizes the understanding of one’s personhood and its derivatives within the context of the politics of common good. But to understand the origin of Nozick’s social drama, we should, first of all, look at how he fairly treats John Locke’s theory of the state of nature. He sees John Locke’s social contract theory as a portrayal of a rebellious human struggle and revolt for survival against the state of nature’s ruthlessness and harsh conditions in which the first family of humans were subjected. Unable to deal with every contingency brought about by the cruelty of nature and the cost in ordering mutual accountability in the context of their relationships to one another. As well as in their inability to counteract such predicaments, by solely applying the law of nature, they voluntarily decided to relinquish their natural freedoms and powers upon the civil government in exchange for freedom and protection of their rights. Recalling on the episode, Robert Nozick laments:

Individuals in Locke’s state of nature are in “a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or

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dependency upon the will of any other man” (sect. 4). The bounds of the law of nature require that “no one ought to harm another life, health, or possessions” (sect. 6). Some persons transgress these bounds, invading other’s rights and … doing hurt to one another,” and in response people may defend themselves or others against such invaders of rights (cha.3). The injured party and his agents may recover from the offender “so much as may make satisfaction for the harm he has suffered” (sect. 10); everyone has a right to punish the transgressors of that law to such a degree as may hinder its violation” (sect. 7) each person may, and may only “retribute to [a criminal] so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint(sect.. 8).”

As Nozick explains, though the law in the state of nature defended that no member should harm another, in terms of his or her life, health, liberty, or property, some people overlooked this and interfered into other people’s rights, violating their property and liberties which proved that to use the law of nature in guaranteeing people’s sovereignty was somewhat inconsistent with the dilemmas of history and human finitude; and it only offered a feeble solution in the quelling of human conflicts. As a result, such difficulties force Nozick to conclude that in the state of nature an unwritten law only exacerbated the conflicts between the culprits and those offended. And as he sees it, with no specific legal code that could assist the members in dealing with personal disputes the wronged would at times underestimate or overestimate the intensity of the harmed done to them or otherwise. Or by relying on unfounded legal assumptions would give themselves the benefit of the uncertainty of justice and believing that they were in the right. Nozick also thinks that at times, individual or groups, by taking justice into their own hands, passions would lead the wronged to attempt to punish others beyond proportions or to sporadically extricate excessive compensations, thereby quelling injustice by committing another injustice. And the cycle of human conflicts would continue with no proper justice being enforced to deal with it or to settle the argument in a proper way between the offenders and the offended. Thus he concludes that ‘the private and personal enforcement of one’s rights (including the rights that are violated when one is excessively punished) leads to feuds, to an endless series of acts of retaliation and exactions of compensation.” According to him, a feudal system cannot guarantee any principle of fair justice and protection of one’s rights and property; instead it would only lead to a pariah state ruled by anarchy. Therefore, for Nozick, in the state of nature

the opportunity to settle conflicts, to end them ‘and to have both parties know it is ended’ was quite slim ‘when the facts or the rights are to some extent unclear.’ He also defends the fact that in the state of nature a person may lack the capacity or the power to enforce his or her rights; he or she ‘may be unable to punish or exact compensation from the stronger adversary who has violated them.’ So, he suggests that a feasible but tenuous solution would be that different private legal agencies be formed as a sort of paternalistic ‘protective associations’, as multiple avenues for enforcing the law and the settling of legal disputes, where people by consent may choose which one to belong to. However, for Nozick, this remains a rather tenuous and short time solution, since any dominant protective agency in a given territory, by virtue of being private may lack the prerogatives to use force in the prevention of public unrest and conflicts or the ability to cover the protection of all persons in the territory.

In this way, for these reasons alone, Nozick concludes that such an agency may fall short of being a state as it cannot have the civil prerogatives and powers for ultimate enforcement. Therefore he regards the state as a lasting solution in settling rivalries amongst conflicting parties; since, as he correctly points out: ‘Only the state can enforce a judgment against the will of one of the parties. For the state does not allow anyone else to enforce another system’s judgment.’ For him, “What presumably drives people to use the state’s system of justice is the issue of ultimate enforcement.” Subsequently, Nozick’s reckoning of Locke’s notion of the state was that the harsh and brutish relationships that the powerful members inflicted upon the weaker members in the state of nature forced the vulnerable members to surrender their powers and liberties to the civil government for a lasting and just warrant of their liberties. This argument represents Robert Nozick’s claim against the state, that the state has the obligation to protect people’s freedoms and rights to their property, since people have surrendered their powers to it only for the sake of securing and protecting their properties, lives, rights, and liberties. The state may, over and again, tax its citizens only for the sake of this protection. Nozick justifies his argument by using Locke’s moral retreat from the state of nature: ‘There are “inconveniences of the state of nature” for which, says Locke, “I easily grant that civil government is the proper remedy”’ (sect. 13).

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Taking the drama endured in the state of nature as a theoretical background, Robert Nozick reformulates his *entitlement* theory as a modern version of classical contractarianism regulating the principles of property ownership as found in John Locke. Locke asserted that we could make of natural resources or of any un-held thing our own by our ability in ‘mixing our labour’ with the resources or things.\(^{155}\) In Robert Nozick’s own confession, ‘Locke views property rights in unowned object as originating through someone’s mixing his labour with it.’\(^{156}\) Influenced by Thomas Hobbes, John Locke remains a philosopher of reference, in the realm of political philosophy, who has established a principle of justice guiding the relationship between the state, the individual, and property. By his contractual basis of the state and the role of law, Locke laid the foundations for the modern version of society. His major philosophical inquiry was in the sphere of personal liberties in relation to property and the ideal of state as founded on popular consensus, a notion which paved the way for the modern ideal of democracy.\(^{157}\) However, the rationale behind John Locke’s theory of ‘mixing our labour’ with an *unowned object* in order for it to, virtually, become one’s own has been at the centre of philosophical debate and intellectual controversy. It is hard to settle, in part, the centrality of the theory because of the historical contingencies that the theory itself seems to overlook, but also because of its ethical implausibility, and the imperialistic overtones which the principle seems to entail. But Robert Nozick without paying any sensible regard to issues it leaves unattended seems prepared to defend Locke’s ideal at all costs. I do not think that such a refined philosopher, as Robert Nozick, would have relegated the claims the theory seems to shun away without any plausible purpose. His thought may hold more logic than my feeble claim for inquiry. All the more, the centrality of Robert Nozick’s philosophical realism makes it much easier for me to misunderstand the point he attempts to express. Robert Nozick sees in John Locke’s social contract theory a real foundation for an adequate libertarian ideal of justice and society. The theory defends that human beings out of state of nature, in which each one stands by himself or herself without any enduring protection, find refuge in the civil government or political institutions vested with authority and prerogatives to protect their powers and command their obedience with responsibility for protecting their interests, rights, and possessions.\(^{158}\) Robert Nozick concludes:


Protection and enforcement of people’s rights is treated as an economic good. And indeed the most minimal state seriously discussed by the mainstream of political theorists, the night-watchman state of classical liberal theory, appears to be redistributive in this fashion.\footnote{Op. cit., 1974, p. 25.}

Therefore, in contrary to the liberal cause, in the sphere of redistributive justice, for libertarians, particularly Nozick, a just distribution of resources should be principled on the spirit of sensitivity over one’s ambitions in life rather than on one’s natural endowment or otherwise. While both liberals and libertarians, specifically Rawls and Nozick, agree that peoples’ rights should be respected, that people should not be sacrificed entirely without limits as means to others; they disagree, however, on which rights are primary.\footnote{Op. cit., pp. 228–229.} Nozick sees one’s rights over oneself as worthy pursing, whereas Rawls takes the centrality of one’s rights to have a share over the society’s resources so that he or she may be able to fulfill his or her plans in life as a noble ideal for an adequate understanding of the view of human and that of justice.\footnote{Kymlicka, Will: Contemporary Political Philosophy. An Introduction, 1990, pp. 104ff.}

For example, Jean-Jacques Rousseau, in his social contract theory, formulated a critical view of society, seeing a state of nature as a brutish condition without law or morality, ruled by human competition and greed. Though, he agreed that good persons come as a result of society’s presence but he also decried the social progress achieved by humankind saying that technological progress has created more harm to humanity, since material progress not only had undermined the possibility of sincere sympathy and mutual concern but had also elevated fear and suspicion, as well as it had made the governments more powerful and ruthless in the crashing of individual liberties. As a result, for him, good people are made unhappy and corrupt by their experiences in society. He concluded that society was ‘artificial’ and ‘corrupt’ and that it’s furthering will only result in the perpetuating of human harm, anxiety, and suffering.

On a different note, elaborating from John Locke’s theory of acquisition,\footnote{Nozick, Robert: Anarchy, State, and Utopia, 1974, pp. 174f.} Robert Nozick outlines his ideal of justice in the context of ‘fundamental rights’ springing from three major principles as foundational to his \textit{entitlement} theory, namely: ‘justice in acquisition,’ ‘justice in transfer,’ and ‘justice in rectification.’\footnote{See Beauchamp, Tom L: Philosophical Ethics, 1991, p. 351.} The first principle stipulates the conditions governing the nature of initial acquisition, in the sense that
whoever acquired a holding in accordance with a just initial acquisition is entitled to that holding; the second principle underlines the kind of agreement, in the sense that whoever engages in any transfer in the spirit of mutual consent such a transfer is just and morally justified; and the third principle specifies the process of redress in the case of unjust acquisition, in the sense that whoever acquired any holding not in accordance with the procedures implied in the first and second principle is illegitimate to such a holding. This principle also offers casuistic mechanisms in dealing with cases in which holdings might have been unjustly acquired or transferred. Nozick assumes that these are principles which in his own terms should govern the ideal society thereby instilling an adequate moral glimpse on how the individual should be treated in a just human society. Since in the state of nature individuals are free, this society should be founded on the principles of liberty as its central prerequisite, in which society is regarded as a contract which guarantees individual holdings and their liberties, it should be seen as a locus of individual welfare, where the reverse of the procedure may only mean the violation of individual rights, therefore the curtailing of individual freedom. He articulates his central ideal in the entitlement theory on the following grounds:

If the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holding.

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2.  

If we read between the lines we can now begin to understand the moral details behind Nozick’s conception of justice presupposing a libertarian notion of community framed on an unrestricted idea of freedom regulating the existence of a free exchange among free individuals hovering and floating around without community, communal commitments, and mutual accountability. Such procedure is beyond any attempt in yielding emphatic bonds amongst individuals as may be the case within a community process whose aim is of mutual wellbeing and equal concern. Here, human relationships are procedural, thereby regulated in terms of property; what binds the individuals to one another are the holdings they may possess. So,

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a fair and just community, in this case, the state, is one in which a creation of a favourable climate so that individuals may be able to exercise their procedural and free exchanges as fairly as possible is epitomized against any other kind of social affinities. Individuals only relate in terms of what they have in exchange, apart from that no other kind of relationship may be feasible which may not incur into some disadvantages, resulting in exploitation from the powerful over the powerless or in using one of the parties as a means to an end, as might have been the case in Locke’s state of nature. So the communitarian ethic of libertarian theory seems absent, if there is one, it is so opaque to be seen. The libertarian defence on the opacity of community over the transparency of individual freedom is that individuals have rights which no one may override without violating the Kantian principle of human dignity.

From this assumption, it seems easier now to understand Nozick’s hard line in favour of the integrity of individual rights and freedom in which the state can only be allowed a minimal role as a ‘night watchman state’, a principle according to which the government’s prerogative over the individual may only be justified as long as it incurs in enhancing and protecting the essential rights or entitlements\textsuperscript{166} of its individual citizens. Nozick’s underlying moral ideal seems to suggest that if we hold the moral idea that individuals are justly legitimate to the holdings they possess, then a just distribution should be the procedure from the point of view of people’s consent in effecting the exchange. Any related distribution that may spring from the spirit of people’s agreement in emulating such a distribution is itself morally justified and the reserve may only mean injustice. If this should be the ideal society, the government should only have a minimal role to ply in the process, functioning only as a political, institutional, or legal watchdog in maintaining a peaceful environment for the process to take place with a less or none degree of harm. A more ‘extensive state’ or any government interference or restriction in people’s holdings or in the process of such an exchange, let alone, it be in the way of taxation in order to redress the plight of the naturally or socially handicaps in society may be deemed morally unjust as it may seem to violate the principles of individual right to property and transfer.\textsuperscript{167} In this case, a taxation that may seem morally sound is one in which the government may implement in order to restrain or quell public insecurity as a result of crime

\begin{footnotesize}
\item[166] Beauchamp, Tom: Philosophical Ethics 1991, p. 352.
\item[167] Nozick, Robert: Anarchy, State, and Utopia, 1974, p. 179.
\end{footnotesize}
or violence so is to create and maintain a free, just, and safe environment for the exercise of public exchanges.\textsuperscript{168}

Our main conclusions about the state are that a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on is justified; that any more extensive state will violate persons’ rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right. Two noteworthy implications are that the state may not use its coercive apparatus for the purpose of getting some citizens to aid others, or in order to prohibit activities to people for their own good or protection.\textsuperscript{169}

Bearing in mind Nozick’s libertarian principles on the understanding of the individual; the ideal of the right, of the good, and that of community can only clash. Hence, the question of the primacy of community over the individual seems to be ruled out in Nozick’s social political ethic. Liberals share with the libertarians that the individual by virtue of his or her rights stands morally supreme as an autonomous moral subject bestowed with moral freedom to rationally choose between alternatives. Nozick defends that ‘[a] filtering process of specifying a society which might come to mind is one in which the people planning out their ideal society consider many different kinds of societies and criticize some, eliminate some, modify the description of others, until they come to the one they consider best.’\textsuperscript{170} But how can it be within the spectrum of community, since a community is not something that someone opts for or select, rather it is something in which someone, before he or she may choose, is born within. Sociologically a person cannot stand outside his or her community and choose which community to belong to; since community is part of what a person is, shaping one’s identity and personal outlook. To this Nozick suggests that: ‘If the ideas must actually be tried out, there must be many communities trying out different patterns: people try out living in various communities, and they leave or slightly modify the ones they don’t like (find defective). Some communities will be abandoned, others will struggle along, others will flourish, gain members, and be duplicated. Each community must win and hold the voluntary adherence of its members. No pattern is imposed on everyone, and the result will be one pattern if and only if everyone voluntarily chooses to live in accordance with that pattern of community.’\textsuperscript{171}

\textsuperscript{169} Nozick, Robert: \textit{Anarchy, State, and Utopia}, 1974, p. ix.
Nozick’s social ethic seems to conclude that within the libertarian world, the individual should stand completely immune from any social, political, or legal constraints in the planning and pursuit of his or her way of life, be it moral, political, or material. Political, legal, or social institutions have a bearing on the individual morality and identity as long as they create a safe, free, and conducive environment in which free citizens may be able to exercise their moral choices on the kind of life they find worthy pursuing. So, individual or group coercion such as compulsory military conscriptions for national service, as well as state tax for social welfare or compensation on the less fortunate of society, unless done on mutual consent are deemed morally questionable as they seem to violate or curtail the very individual rights to justice, freedom, personal integrity, which any liberal society should uphold as moral. Brought squarely within the premise of community, the conception of community which may be derived from Nozick’s theory of entitlement seems dysfunctional, therefore curtailed by the primacy of individual rights and liberties over the ideal of the common good. It can only bear merit on the individual moral conduct provided it creates a safe environment for the individuals to exercise their freedom. Individuals by merit of their human nature are different; therefore difference should be taken as a supreme ideal guiding the individual morality. Persons’ differences and heterogeneity should be epitomized over the communal.\textsuperscript{172} Nozick defends:

The moral side constraints upon what we may do, I claim, reflect the fact of our separate existences. They reflect the fact that no moral balancing act can take place among us; there is no moral outweighing of one of our lives by others so as to lead to greater overall social good. There is no justified sacrifice of some of us for others. This root idea, namely, that there are different individuals with separate lives and so no one may be sacrificed for others, underlies the existence of moral side constraints, but it also, I believe, leads to a Libertarian side constraint that prohibits aggression against another.\textsuperscript{173}

Robert Nozick’s principle of self-ownership as criterion for equality and justice cannot be entirely convincing when it comes to property ownership, for he believes that by virtue of owning myself I may automatically own the property I hold by mixing my talents with it. But the transaction of goods in the civil society demands more than our just owned natural powers, legal procedures and the laws governing the marked are complicated, built on principles other than on the basis of self-ownership.

So the principle of self-ownership may be inconsistent with the principle of transfer, therefore it may turn out to be a fake in the modern version of justice regulating market freedom and transaction. I cannot automatically own a holding just by discharging my labour or talents over it. The principle of transfer in the original acquisition stipulates that I happen to own a holding which was previously entitled to someone else, that by virtue of legal procedures I become the owner of that holding without being an initial owner. By virtue of my birth I cannot claim to own myself, even if I had not chosen to be born, I still have to answer towards my parents or towards those who have been responsible for my upbringing till I reached full maturity and acquired the freedom and responsibility in shaping my individual life beyond parental cycles. The example may seem bizarre, but it seems as if one’s 18th or 21st anniversaries of birth, and some rites of passage in some African cultures, more particularly in the context of the Xhosa culture, where a son by virtue of his initiation rite may pass from childhood to adulthood and a daughter by virtue of her 18th or 21st is considered emancipated, may symbolize the principle of transfer, though not on juridical terms, but on family and cultural realms, where parents, without relegating their parental responsibilities, accept and recognize that their child has now grown to full maturity and he or she may now begin to fend by himself or herself in the web of human existence. But even then, I cannot claim to own myself entirely, for those who had shaped my upbringing or afforded their talents upon me may also claim to own my personhood.

Of course Robert Nozick’s theory represents a particular view of human which may differ from that held in the African context, but the fact that the theory may bear merit with trans-contextual implications invites us to appreciate what its moral force may bring in a context so different from which it should bear witness. Again Nozick epitomizes the centrality of individual choice, rights, and freedom; while the African view of human starts from relationships. Therefore, the contrast defining the two worldviews may be outlined as follows: while in the entitlement theory, one may say ‘I am, because I am entitled;’ in the ubuntu axiom one would say ‘I am, because I belong;’ further, while, in view of one’s entitlement, one may say ‘I am, because I hold; and since I hold, therefore I am;’ in ubuntu one would say ‘I am, because we are; and since we are, therefore I am.’ As it were, I am of the view that relationships, rather than one’s title, should determine one’s identity; since in one way or the other we are, to certain degree, related to a certain community or cultural context which, without precluding or undermining our personal integrity, shapes our personhood and the very sense of who are.
Ironically, Robert Nozick makes it clear that ‘[t]here are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others; uses him and benefits the others. What happens is that something is done to him for the sake of others. To use a person in this way does not sufficiently respects and takes account of the fact that he is a separate person, that his is the only life he has.’ Of course within the original context of the ‘state of nature’ one is and stands as equal by virtue of nature; while within the ubuntu moral ideal one is and stands as equal by virtue of being human, a humanity shaped by one’s relatedness and involvement in the human family. The commanding moral ideal in ubuntu ethical theory is accordingly not the enshrining of primacy in favour of an universal dimension of social existence but the creation of a space comprehensible to everyone in which it is possible to affirm and defend a commitment to human dignity in all its different forms, independent of membership in any particular human community or social context. As such, ubuntu reminds us that we share common humanity in diversity; and that our social diversity is the very mark of our shared humanity. Its central meaning is resonant to the Igbo proverb that ‘if a man sought for companion who acted entirely like himself he would live in solitude.’ So we belong because we are different. Accordingly, ubuntu is, so to speak, a way of celebrating what in the human constitution cannot be grasped by any single form of corporate belonging or any particular history; even though the human constitution cannot subsists without those other determinants. As such, ubuntu’s central commitment is to affirm a moral framework which could expand outside the boundaries of particular narratives while, at the same time, respecting the narratives as the cultural contexts in which the language of common dignity and mutual responsibility is learned and taught. This is a language of ubuntu based on the belief that sharing common humanity implies our common responsibility in affirming the view that human beings hold equal moral worth independent of sex, race, nationality, or one’s position society.

However, one cannot stop here without appreciating the moral force behind Nozick’s moral theory. The fact that Robert Nozick elaborates the whole gamut of his theory within the framework of Locke’s constructivism also implies that Robert Nozick’s theory shares some affinities with classical liberalism. One inspiring position shading a more constructive meaning on classical liberalism is that presented by Will Kymlicka in his argument that the underlying issue which classical liberalism sought to

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address in the light of our human existence was how people born free and equal could come to be ruled or governed. According to Kymlicka, the answer they might have found suitable in coming to terms with the challenges of their own day was that given the fact that the world is a sombre and atrocious environment besieged by human beings with a diversity of needs and life plans, where social life and material scarcities threaten the certainty of human existence and cooperation; the individuals without relinquishing their moral equality, would ‘endorse ceding certain powers to the state, but only if the state used these powers in trust to protect individuals from those uncertainties and scarcities they found defiant. ‘If the government betrayed that trust and abused its powers, then the citizens were no longer under the obligation to obey, and indeed had the right to rebel.’ Therefore, the underlying moral force in the theory, as Kymlicka prudently assumes, is that the existence of some people with the prerogative to ‘govern others is compatible with respecting moral equality because the rulers only hold this power in trust, to protect and promote the interests of the governed.’

Here seems to stand the hypothetical foundation of the social contract as a devise of moral equality premised on mutual coexistence in a world in which human life may force human beings to rely on each other to make ends meet under circumstances of uncertainties and scarcities, in which human relations seem hard to bear.

The moral force of the theory is to settle principles of just relations in a human community from a position of equality. It cannot be understood as an opinion representing the principle of personal identity. Owning oneself is a claim for justice and redress in circumstances in which the normal ordering of human relationships might have been violated, broken, or undermined. It is true that we can never choose to enter a human community, as we are always born within; but that is no reason to trample, oppress, dominate, or subordinate others. Since we are all born equal and free by virtue of our humanity, a humanity which confers us dignity which no one can take from us. The African ideal of ubuntu, that ‘we are because of other people’ epitomizes the idea of moral equality; that respecting and affirming the humanity of another is equivalent to respecting oneself and affirming one’s own humanity. As Kymlicka puts it ‘[i]he idea of a state of nature does not, therefore, represents an anthropological claim about the pre-social existence of human beings, but a moral claim about the absence of natural subordination among human beings.’ Therefore, the theory is intended to be a symbol of accountability and equality between human beings.

beings as moral persons. It would be counterproductive to be seen as purely depicting human selfishness; though such conclusions may not be entirely ruled out of sight, since we are both finite and rational beings.

The Concept of Person in John Rawls’ Social Contract Theory

In Robert Nozick we have discussed the relationship between the individual and the community in the light of his entitlement theory and its implication on the ideal of self-ownership. Nozick’s philosophical argument on the centrality of individual rights and liberties has been overriding in his endorsement of the primacy of self-entitlement over the ideal of community. Property entitlements and the quest for self-ownership outweighed the need for communitarian claims. The notion of community as a social institution was relegated to the realm of insignificance, for individual choice and option. Therefore, the ideal of community was seen as something that belonged outside oneself, squarely brought within a range of arrays alongside other goods out for grab, pick, or leave. With John Rawls we have a different philosophical problem, based on the understanding of community as a social construct. Rawls elaborates his conception of community within the frame of social contract theory, a reformulation of Kant’s moral constructivism, in which the ideal of autonomy based on the principle of rational choice is seen as regulating one’s plans in the entire life.178

However, a note should be made on the notion of practical reasoning in its varied meaning, specifically within Liberalism and Communitarianism. For communitarians, practical reason is conceived as self-discovery, the ability to discover oneself within the realm of a shared social matrix. The principle of practical reasoning entails that our selves are partly framed by ends that we do not choose, but rather we discover them by virtue of our being embedded in some shared social context, therefore one cannot stand out and judge them. This is, in part, what philosophers like Charles Taylor, McIntyre, and Sandel, seem to defend. On the other hand, for liberals, practical reason rests as judgment, the ability of the self to stand outside society in order to judge and revise the integrity of social institutions or of any handed down social codes, combined with the ability of the self to question or revise his or her projects and commitments in life. At least, this is what Rawls seems to elevate in his social contract theory. Liberals

believe that the self has the potential to detach itself from any particular communal practice. They claim that no particular task is set for the individual by the society, and no particular cultural practice has authority that is beyond individual judgment and possible rejection. According to John Rawls, the idea of the social contract, embodied in the premise of original position, is an attempt to establish which traditional conception of justice or its variants may assist in the scrutiny of the most appropriate principles in guaranteeing liberty and equality in a society viewed as a ‘fair system of cooperation between free and equal citizens.’

The received or any alleged traditional conception of justice from one’s context, situation in history, or from leading social institutions ought to be filtered. Therefore Rawls’s central tenet in the contract is to affirm liberty and equality from the standpoint of society as a ‘fair structure of cooperation’ between rational, free, and equal citizens. In this way, the contract is principled on the preconditions of freedom, autonomy, and abstraction in such a way that individuals entering the contract should be free, equal, and autonomous. For this to be possible, Rawls suggests that the social contract should adopt the principle of original position known as the veil of ignorance in which those entering ought to abstract themselves from and not be influenced by historical legacies, the predicaments of traditional institutions, and the contingencies of the social world. According to him, the level of abstraction plays a central role because people’s perceptions of justice and about the world are, in most cases, based on their human intuitions, influenced by social institutions such as culture, inherited tradition, social organizations; natural tendencies, or other accidental influences. And a fair procedure in the envisioning of a society that might represent the interests of freer and equal citizens requires that, for individuals, to stand behind the veil of ignorance should relegate all the wisdom which might have been accumulated from the background institutions.

Therefore, the veil holds an important task in filtering all contingent advantages and accidental impacts from the past so that they do not influence the consensus ‘on the principles that are to regulate the institutions of the basic structure itself from the present into the future.’ Individuals by virtue of their birth in society are already shaped by their social contexts and by moral commands of social institutions, therefore

such historical contingencies ought to be sifted before the individuals could stand behind the *veil of ignorance*. However, Rawls suggests that the *original position* should not be taken literally as a symposium of individuals inhabiting in a specific society with related human interests and social affinities as ours. It should be seen as ‘a device of representation and hence any agreement reached by the parties must be regarded as both hypothetical and nonhistorical.’183 Aware of the fact that in reality, any hypothetical agreement may fall short of being binding in any current circumstances therefore overriding the whole concept of the original position, Rawls confides that the solution to the moral interregnum presented by the hypothetical constraint and its nonhistorical imperative is itself implicit; that it can only be derived from one’s understanding of the roles played by different features of the original position as a device of representation.184

Put differently, Rawls seems to suggest that, since the context is itself implicit by virtue of being a device of representation, each one of us may answer this question by putting ourselves within the moral shoes of those standing behind the veil. That in our attempt to establish a just society we should adopt the moral *veil of ignorance* by retreating from the world and from who we are. And, we are to imagine that, we ourselves, stand behind the *veil of ignorance* and assume the roles played by those non-historical subjects standing behind the veil, provided we fulfil the moral requirements stipulated by the position itself: that of being free and autonomous persons with a sense of equality in mind. Rawls believes that since the fact that we stand in a position of moral symmetry is prerogative if we are to be seen as representatives of free and equal citizens who are to reach a consensus under circumstances which are just and fair.

Rawls gives a detailed account, in order to safeguard the theory from its hypothetical and non-historical shadows: Firstly, by stating that ‘the fact that we occupy a particular position in society is not good for us to propose, or to expect others to accept a conception of justice that favours those in this position.’185 Rawls brings this up because he is aware of the fact that our social positions and roles, together with of those who we are associate, will always militate whenever a conception of justice is to be defined therefore nagging upon ourselves to opt for what will save our particular human interests. Put in another way, as long as we let our particular social positions in society determine our conception of justice we are not free and

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autonomous, instead we are governed by heteronomy and the result of what we will propose will be deemed unfair. Secondly, in similar fashion, Rawls also points out that ‘the fact that we affirm a particular religious, philosophical, or moral comprehensive doctrine with its associated conception of the good is not a reason for us to propose, or except others to accept, a conception of justice that favours those of that persuasion.’ \(^{186}\) Again, Rawls thinks this way, because social institutions, religious, political, or academic included, have a bearing on our understanding of morality and the world. Therefore, according to him, if we were to act morally from the perspective of our institutional affinities we would end up proposing what our institutions defend or what we have been taught to be right and wrong within the realm of such institutions. If our choices are determined by the moral commands embedded in our different social institutions we are far from being free and autonomous persons, and our sense of equality is also blurred by our institutional legacies, and the choices we make are deemed unfair in the sense that our institutional influences speak on our behalf and set goals for us. Our sense of freedom, equality, and autonomy is overridden by the religious, philosophical, or moral representatives of the institutions we belong.

Therefore, Rawls concludes that to frame his conviction within the original position, in order to counteract all the related legacies which may incur in undermining the direction of a principle of justice which may establish a conception of society as a fair system of cooperation between free and equal citizens, the parties behind the veil of ignorance ‘are not allowed to know the social position of those they represent, or the particular comprehensive moral doctrine of the person each represents.’ \(^{187}\) He considers the prescription of not allowing the parties to know the comprehensive moral doctrine of the people they represent as being the thick part than thin of the veil of ignorance. Since any comprehensive moral doctrine may play a heavier role on one’s moral conduct and view of the world, thereby militating on one’s notion of justice. The individuals standing behind the veil have, as one of their central aims, the creation of a politically democratic society, which might be seen as a system of a fair cooperation between free and equal citizens who, as politically autonomous, willingly accept to adopt the publicly recognized principles of justice specifying the fair terms of cooperation. Therefore, the thick part of the veil of ignorance calls for a diversity of comprehensive moral doctrines within the society in view, within the principle of reasonable moral

pluralism based on an overlapping consensus rather than on any other view of pluralism as defined from the legacy of social institutions in the actual social world. Rawls extends the principle of restriction to include details about people’s race and ethnic groups, sex and gender, and their multiple native endowments in terms of strength and intelligence. To give the ultimate meaning of the original position, Rawls ascertains that the limits of disclosure in terms of information are figuratively expressed by concluding that the parties are behind the veil of ignorance. Therefore, the veil limits what each representative, based on any historical detail, may put forward as good reasons for choosing.

Rawls’ central conclusion on the theory is that the original position stands as a mediating ideal in our attempt to establish a just society in which our social convictions about ourselves, the world, or about the institutions we belong to are brought to test and introspection so that we may find a way of justice that is fair for all. However, Rawls recognizes the misunderstandings which the social contract theory may bring in terms of the abstractness of the device of representation, in which the nature of parties may be conceived as presupposing a ‘particular metaphysical conception of the person;’ ‘that the essential nature of the person is independent of and prior to their contingent attributes, including their final ends and attachments and indeed their conception of the good and character as a whole.’ But he sees these conclusions as resulting from a misconception and failure to see the veil of ignorance as a device of representation with no metaphysical claims concerning the nature of human person and the self. He defends that the position may be entered by anyone if we are resolved to be bound by the principles it stipulates such as restriction on information. Rawls concludes that we should ‘keep in mind that we are trying to show how the idea of society as a fair system of social cooperation can be unfolded so as to find principles specifying the basic rights and liberties and the forms of equality most appropriate to those cooperating, once they are regarded as citizens, as free and equals persons.’

Now the attempt to adopt Rawls’ theory within the frame of human relationships such as community seems problematic by the fact that the idea of community is something that individuals are born within rather than chosen, opted for, or construed. This reason alone renders the ideal

somewhat abstract and universalistic. Universalistic in the sense that it fails to take into account the predicament of human condition; individuals are situated in history in a specific social context which need to be taken into consideration if we are to understand how human beings function and relate in society. It is difficult to imagine how someone may be able to have a conception of community within the veil of ignorance where freedom, reason, and autonomy militate alone while relegating the importance of human feelings and emotions. But also it is morally puzzling to conceive how someone seating behind the veil may be able to scrutinize a principle of justice for someone situated in society without knowing his or her social history or his or her plans in life. But these ambiguities are at their best on what distinguishes the moral principle of liberalism. Liberals endorse the centrality of individual autonomy and freedom of choice as well the primacy of the right over the good. For this reason, liberal believe that the individual has the moral prerogative to stand outside society in order to be able to judge, question, or revise the legitimacy of social institutions or even to reject it if he or she comes to realize that its moral logic of legitimacy is not conducive to his or her plans in life.

But we must also understand that Rawls speaks of political citizens in the context of a nation-state, where different communities are included therein. This means that for the individual to become a political citizen, while he or she may still embrace the beliefs of his or her own community he or she must not count them as decisive to a concept of society as a fair system of cooperation between free and equal citizens because doing so he or she would be imposing what he or she see as fitting to himself or herself, his or she social group included, upon others. Also some of us may be homophobic or xenophobic in regard to other people’s natural or social endowments which may militate our influence in choosing a principle of justice based on our particular personal prejudices. Therefore as political citizens we should distance our selves from our current common beliefs so that we do not end up penalizing others from what happens to be our own mistake.

Rawls defends the centrality of the original position from the perspective of the political view of persons as detached from his or her social matrix. He argues that ‘citizens are free in that they conceive of themselves and of another as having the moral power to have a conception of the good’, without implying that, as part of their political conception, they have a free a reign to adopt any good they see as fitting for them at any given time; the politically good means what is equally good for all. Again Rawls defends that political citizens ‘are seen as capable of revising and changing’ the conception of the good on ‘reasonable and rational grounds,
and they may do this if they so desire.’ And again he claims that as free persons, ‘citizens claim the right to view their persons as independent from and not identified with any particular such conception with its scheme of final ends. Given their moral power to form, revise, and rationally pursue a conception of the good, their identity as free persons is not affected by change over time in their determinate conception of it.’

Rawls also speaks of the second sense of identity which he specifies by reference to citizens’ deeper aims and commitments, which he calls citizens’ noninstitutional or moral identity. Therefore he claims that citizens have both political and non-political aims and commitments. From this standpoint, Rawls points out that citizens affirm the values of political justice and expect them being expressed within political institutions and social policies envisioned by the state. But at the same time citizens are also committed to other values beyond the public sphere, in non public life as well as for the ends of the associations to which they are attached. Therefore, Rawls considers the two aspects of person’s life, political and non-political or put more explicitly the two aspects of persons’ moral identity; citizens themselves must find ways of reconciling. Rawls explains that at times the public and the private may conflict. As he puts it may happen that ‘in their personal affairs, or their internal life of associations, citizens may regard their final ends and attachments very different from the way the political conceptions supposes.’ He agrees that citizens may attachments so deep that though they may think may do without them it will be for them to stand apart from and evaluate objectively. They may regard it as simply unthinkable to stand to view themselves apart from certain religious, philosophical, and moral convictions, or from certain enduring attachments and loyalties.

Rawls remarks that these kinds of commitments and attachments – political and non-political – epitomize moral identity and give shape to a person’s way of life, what one sees oneself as doing and trying to accomplish in the social world. If we suddenly lost them, we would be disoriented and unable to carryon. But our conceptions of the good may and often do change over time, usually slowly but sometimes rather suddenly. When these changes are sudden, we are likely to say that we are no longer the same persons. We know what it means: we refer to a profound and pervasive shift, or reversal, in our final ends and commitments, we refer to our different moral identity (which includes our religious) identity. On the road to Damascus Saul of Tarsus becomes Paul the Apostle. Yet such a conversion implies no change in our public or institutional identity or in our

personal identity as this concept is understood by some writers in the philosophy of mind. Moreover, in well-ordered society supported by an overlapping consensus, citizens’ political values and commitments, as part of their noninstitutional moral identity, are roughly the same. Rawls has built a good defence in his theory which is resonant to the political ideals of social democracy or the so called welfare states. His theory also help to meet the contemporary challenges brought about in the attempt to build multicultural states.

The Notion of the Self in Alasdair MacIntyre’s Virtue Ethics

While, along the age, the understanding of community has been of major significance in sustaining national structures as well as in catalyzing the shaping of national ideals and citizenship, but after the Second World War, the conception became instrumentally overshadowed by opprobrium in the spectrum of its seizure, captivity, and manipulation in the ideological and political manoeuvres of fascism, racism, and totalitarianism implanted by ruthless regimes. As it happened, the notion of community gradually fell out of political vocabulary, thereby decreasing its epistemological relevancy in modern societies as a source of moral agency. Over and above, within the political realm, the importance of community could only be revisited, not as an ideal, but as a derivative principle of justice, liberty, and equality. Since, citizens could only have the capacity to live up to its standards provided they were treated with justice as free and equal moral agents. But in recent years, or so, in the gaze of liberal transient view of society, a modern school of thought, known as Communitarianism, with its contemporary outlook, albeit classical in its Marxian view of reality and yet modern in its Hegelian conception of person, emerged as a reaction to liberalism. The relationship between modern communitarians and Hegel springs from the fact that in the same way that Hegel criticized both Locke’s and Kant’s classical liberalism from the prospect of their unhistorical and transcendental views of human person as well as in the evaluation of society as too universalistic and individualistic by its neglect of trans-historical and social contexts in which the individual finds himself

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or herself, the modern communitarian took the courage to adopt the Hegelian epistemological standpoint in their critique of modern liberalism in its adoption of a transcendental individualism.

While Hegel defended that the goodness of humanity, and certainly, its very character and capacity for moral action, is, by and large, determined by the context in which humanity finds itself, and the particular social and political roles it plays, the modern communitarians also defend that the self cannot be understood apart from its social environment. Those identified with Marx, by applying the Marxian view of human in the light of capitalistic technological progress as alienation in thwarting people’s abilities to reach their full potential by the displacement of communal bonds, see the emergence of a new society in the overthrown and demise of the present social order and the complete implementation of new ideals as criterion for human flourishing. There are three different strands of Communitarianism, some believing that community, by virtue of its ethos of compassion, benevolence, and altruism, may replace the need for ‘principles of justice;’ since one may only need such principles where the claim for rights militates, while others see justice and community as perfectly intertwined, but arguing that a constructive ideal of community will require our epistemological modification on what the conception of justice entails. The two communitarians strands fall into two battle fields: one emphasizing that community should be regarded as the inspiring source of principles of justice, in such a way that justice should be based on the shared understandings of society, not on universal or unhistorical principles; while the other field maintains that the community should have a role of influence in the content of principles of justice, that is to say, justice should give more substance on the ideal of the common good, and less concern on the centrality of individual rights and liberties.

To alter my approach, Communitarianism as a political doctrine that emerged in reaction to the liberal view of history can only define itself in terms of its moral camp and critique to liberalism. Indeed, one of the major criticisms levelled against liberalism by Alasdair MacIntyre and other communitarian philosophers springs from the fact that the liberal notion of historical progress, as they see it, is self-defeating, it has left the self morally naked and disoriented in terms of its historical and social moral horizons. Moreover, it has left the modern individual uprooted from her social context and devoid of any coherent moral vocabulary, thereby precipitating the modern self in a wonder on a spill over of moral.

probabilities. Historical progress in the whim of liberal ideals, has, according to these social theorists, brought with itself the irrevocable demise of social moral symbiosis which functioned, for quite sometimes, in tying people together, by cultivating and gluing a coherent sense of community with its ‘moral vocabulary’ which was part of a ‘shared social universe.’

In the previous sections, in our discussion of Robert Nozick’s and John Rawls’ views of humans, from the perspective of their libertarian and liberal views of reality, we have seen the understanding of community as a social construct, a contractual obligation between individuals, subject to revision and re-interpretation by the individual’s moral judgment. In both Nozick’s and Rawls’ contractual agreements, the self, by virtue of its rights and liberties, is conceived as an autonomous moral subject and precedent over any particular conception of the good, and the relationship governing different individuals is principled on freedom, equality, and individuality, where the only goal of morality is to protect one’s freedom, stability of holdings, equal consideration of persons, impartial reflection and treatment.

With MacIntyre, we have a different philosophical scenario, positioning itself within the epistemological preference of community as a social phenomenon shaping individual identity, hence primary over the individual autonomy, liberties, and moral choices. Since his publication of *After Virtue* in 1981 and his reformulation of the virtue ethics of Aristotle and Thomas Aquinas’ teleological virtue, MacIntyre has inaugurated a trail of major philosophical interest amongst scholars surrounding the role of the virtue in edifying coherent communities as a response to the liberal moral maze accused of having left the modern individual morally puzzled, hovering around an unrestricted sphere of freedom without community. In his interpretation of Aristotle’s understanding of the self as a virtuous effort, MacIntyre praises Aristotle for having realized quite early, in reaction to Plato’s epistemological transcendentalism, that the human accomplishment may be assessed in the spectrum of its efforts in realizing the proper ends, *telos* of human existence. Therefore, following Aristotle, MacIntyre believes that the conception of the *good* to be achieved, in the exercise of one’s life, takes an epistemological precedence over what is *right*. As MacIntyre, correctly, asserts ‘*Good* is defined at the outset in terms of the goal, purpose, or aim to which something or somebody moves.’ For him, to ascertain something as *good* ‘is to say that such is

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under certain conditions sough or aimed at.’ In MacIntyre’s view, ‘{t}here are numerous activities, numerous aims, and hence numerous goods.’ To agree with the rightness of Aristotle in establishing the relationship between being good and being that at which we aim, he considers some points about the use of the word good. According to his conception, if someone aims at something, in trying to bring about some state of affairs, the aim itself is certainly not sufficient in justifying one’s claim on whatever he or she may aim at good; however, if one calls what he or she aims at good, he or she should be indicating that what he or she seeks is what is sought in general by people who claim what he or she claims as good seeking.201

Therefore, because good ought to be good in relation to an accepted standard of the good, as shared in a specific social context, he concludes that virtues assisted by those other habitual dispositions, like love, justice, and compassion, both facilitating and embodying human goodness, are central to ethics. In his reference to Aristotelian virtue which found inspiration in the Greek polis, MacIntyre moves on to asserts that ethics and politics are deeply intertwined insofar as the good life may require a particular moral array as fit to a particular context, and he saw the polis in the Greek political context as a horizon where moral life could be practiced, grinded, and adapted; while in the modern world, he sees the web of common social practices, cultural traditions, shared social understandings, the family, and other social institutions as contexts where individual morality may be fulfilled. For MacIntyre, ‘{i}n the small-scale Greek city-state, the institutions of the polis are both those in which policy and means to execute it are determined and those in which face-to-face relationships of social life finds their home. In the assembly a citizen meets his (sic) friends; with his (sic) friends he (sic) will be among fellow members of the assembly.’202 Therefore, as a pursuer of Aristotle’s epistemological model, MacIntyre’s philosophical constancy and commitment to Aristotelianism suggests that his ethical pragmatism is of a more naturalistic and historical cast as compared to that found in Robert Nozick’s and John Rawls’ contractual deontological subjects. For MacIntyre, the quest for moral truths cannot be made apart from claims or counterclaims concerning the aims, purposes, or goals, telos, of human existence nor from the social environment in which such goals, telos, are articulated and adapted.203

202 MacIntyre, Alasdair: A Short History of Ethics, 1984, p 57
203 For an adequate understanding of the Aristotelian constant in MacIntyre’s conception of the self and the influence injected by Thomas Aquinas’ teleological virtue, see Fergusson,
In his criticism of the modern ethical theory in the liberal moral maze, MacIntyre is of the view that Kant’s deontological understanding of reality cannot be grasped apart from its social and metaphysical milieus in which it emerged. As a result, for him, the Enlightenment moral agenda, of justifying Kant’s moral project apart from its own context, was only a mistake that resulted in the modern individual’s social confusion. As, he holds Marx in mind, he maintains the view that the moral discourse of the modern Western societies represents a surviving feature of moral fragments and social practices of ancient traditions. As he laments the demise of Greek view of human existence, grounded on the polis he points out that without, any robust conception of human life in sustaining the claims we make about any ideal society, the philosophical positions of our moral judgments can only be transient. Therefore, for MacIntyre, philosophical enquiry about our present moral judgments ought, therefore, to be shored by a range of historical prospects as well as by the demands of our present circumstances. One cannot claim to be free in vacuum; one is always free, in relation to, and from human predicaments. Freedom to act in certain circumstances may only hold merit as long as it serves to meet other values. As MacIntyre, correctly, puts its, ‘the attempt to find a moral standpoint completely independent of the social order may be a quest for illusion, a quest that renders one a mere conformist servant of the social order much more than does the morality of those who recognize the impossibility of a code which does not to some extent as least express the wants and needs of men (sic) in particular social circumstances.’ Since the individual has to discover himself or herself from what has already been in the social matrix, MacIntyre seems to defend the view of an unencumbered or imaginative self as opposed to the ever-revisionist or logical self of liberal politics.

For MacIntyre, as in the case of other communitarians, human beings, as self-introspecting, have the capacity to interpret the scope and purpose of their embodying attachments, but the difficulty resides on whether are they free to reject them completely or not should they come to realize as unfit preserving. The communitarian answer, and indeed one of McIntyre, to this conflict is that to reject our given attachments would be equivalent to rejecting ourselves, therefore our own self identity since such attachments are prior to, and yet conditional to, our being as we are by finding ourselves within. Our ends or goals come not by any apparent choice, but by self-discovery. For MacIntyre, since the conception of the good life requires


204 MacIntyre, Alasdair: *A Short History of Ethics*, 1984, Chapter 2ff

that one has to understand the good in the context of its moral prospect to the general welfare, the question of the good in one’s life can only be reconciled on how best one interprets the social matrix in which one is embedded. To recapture one’s social attachments as worthless would seem like striving for an ascetic self, for moral impossibilities, therefore eccentric, since there is no ‘I’ preceding ‘we’; the question of who I am can only be articulated in the context of my social attachments. This epitomizes the communitarian conception of the self as gaining the vision of itself in and through other people as opposed to the liberal view of the self as attaining the notion of itself through its independence from others. Therefore, the process in which the communitarians view practical reasoning as self-discovery incorporates the sense in which liberals view practical reasoning as a process of moral judgment and choice.

While Professor MacIntyre’s epistemological contribution to ethical discourse on the view of human remains noble, by its challenges to the universalistic conception of social reality, it seems to not have given a considerable account on why a more substantive and thicker notion of the good life should underline the ethical discourse on the search for an adequate ideal of society. The difference between liberalism and communitarianism seems to be one of semantic rather one of understanding the principles regulating human societies, since in the real life situation, we both live as individuals and as communities, and we cannot do without one another. Liberals are of the view that, while one’s cultural tradition or way of life should be given a limited concession, to arrest parochial imperialism on the name of one’s culture or tradition, justice should reign supreme over any particular conception of the good. Albeit, these ideals are principled on the ideals of freedom, altruism, and universality, the super-models of modern culture, yet our commitment to these very noble causes make our conception of them deny that the rules of justice should be based upon heavy conception of what good life entails. However, in answer to the communitarian critique of liberalism, some liberal have been honestly keen to accept that the self cannot be conceived in isolation from its social commitments and affinities, but they also added that a humanely fulfilled life should also be one in which the self is committed to the goods that are essentially social in nature, something resonant with MacIntyre’s adoption of Aristotelianism. They are of the view that communitarians hold

merit in a way that they help us to understand the way in which traditions, communities, and practices shape our identities, ye this should not preclude an possibility to criticize, challenge, and question the content of such identities and practices concerned therein, a position challenged by Communitarianism as misleadingly destructive to one’s identity and way of. Communitarians claim that the liberal concession is not wholly convincing as long as it maintains its commitment to autonomy, the supremacy of the self and the right as the starting point for an adequate ethical discourse, as it fails to acknowledge that individuals are, by virtue of their nature, socially natural beings. For McIntrye, our ends are neither universal nor peculiar, but intertwined in some important ways to the social milieu and practices we share with one another in community. His epistemological commitment on the reinstatement of virtue and practice at the centre of ethics for an adequate understanding of human nature locates MacIntyre in a trans-historical view of human as a constructive discourse for an ideal society.

The Situated Self in Charles Taylor’s Concept of Person

In the previous section we have discussed MacIntyre’s notion of the self and its relationship to community where, by his commitment to Aristotelianism influenced by Thomas Aquinas’ teleological ethic and the Marxian view of reality, he saw communal practices and social traditions as locus of moral agency and, indeed, the very source of one’s identity. The centrality of virtues in McIntrye, consists on the fact that to possess identity is to be part of a social practice, and to be part of a social practice is to have a history, therefore virtues assist us in locating our communal practices into a historical perspective and in defining our relationships to one another in the realm of our shared goals and practices within that history. This epistemological position qualifies MacIntyre in adopting his trans-historical conception of human person. With Charles Taylor, we land into a slightly different philosophical setting, though not very far to that of MacIntyre, the conception of the self as situated. While MacIntyre, apart from his Aristotelian project, incorporates most of Marx’s radical epistemology, Charles Taylor seems to embrace Hegel’s social determinacy dialectic of Sittlichkeit or ‘ethical life’ in context approach; a principle which, according to Hegel, should guide one’s moral reflection enlightened by

rational considerations with a bearing on one’s social experience, context, or tradition, before one’s moral conclusions are settled, as a starting point for his ethic. In his transition from the Kantian moral logic of an abstract individualistic conception of right to social dialectic, Hegel adopted ethical life in context approach as an epistemological critique against Moralität, a kind of ‘pure will or abstract right,’ which he saw, as a feature of an universal moral assumption uprooted from any actual content, dominant in classical transcendental idealism pioneered by Locke and Kant in their social contract theories.210

Elaborating his epistemology from Hegel, without claming for the demise of liberalism, Charles Taylor is able to modestly derive his criticism against modern liberalism in its commitment to adopt an abstract, modern, and individualistic view of human reality, yet scented in classical Kantianism in non-classical form, proposing a more situated and socially-sensitivity approach that, without splashing the logic of interdependency between the self and the ideal of belonging, may take into account the value of community and other social institutions as locus of moral agency, meaning, and the very affirming of modern identity in the contemporary society, where the self may be able to stand situated in freedom without relegating those sources which may make of the pursuit of the very freedom we seek a noble and constructive cause. With this, Charles Taylor seems to imply that in situated platform, the self may be able to have the capacity to exercise his or her freedom and goals in life by moving from ‘we’ to ‘I’, since one’s identity may well be articulated as a combination of both ‘we’ of social relationships and ‘I’ of individual integrity. In his approach, in the ‘interpretation and the sciences of man (sic),’ Taylor remarks:

What the ontology of mainstream social science lacks is the notion of meaning as not simply for an individual subject; of a subject who can be ‘we’ as well as ‘I’. The exclusion of this possibility, of the communal, comes once again from the baleful influence of the epistemological tradition for which all knowledge has to be reconstructed from the impressions imprinted on the individual subject. But if we free ourselves from the hold of these prejudices, this seems a widely implausible view about the development of human consciousness; we are aware of the world through a ‘we’ before we are through an ‘I’. Hence we need the distinction between what is just shared in the sense that each of us has it in our individual worlds, and that which is in the common world. But the very idea of

something which is in the common world in contradistinction to what is in all the individual worlds is totally opaque to empiricist epistemology.211

Taylor’s assertion seems to suggest that the ‘I’ cannot be entirely conceived apart from the ‘we’ of social matrix where it belongs, therefore since it is the ‘we’ that gives a posture of identity to the ‘I’, its sense of orientation, the self cannot be well articulated beyond the universe of communal relationships where it belong by virtue of its nature. Therefore, any attempt for self-definition, or for any reconstruction of the notion of the self from intuitions imprinted on the individual subject, or from the part of the ‘I’, while precluding its preconceived interrelationship may only lead to ambiguity, since, as Taylor correctly puts it, ‘we are aware of the world through a ‘we’ before we are through an ‘I’.’ This means that the ideal of the self can only be defined within the framework of the moral content as shared in the common world. This is the direction which Charles Taylor’s commitment to a situated self seems to point, since one may not account both the moral substance of ‘we’ of social matrix and the centrality of ‘I’ of individual integrity in contradistinction without missing their common meaning. And the way out for such a contradistinction, Taylor seems to suggest, is a difficult need for ‘distinction’ along the lines of what is justly shared as each individual’s desert within the individual’s particular world, and what should be shared in the common world. As a result, given the intertwined interdependence and the relational symmetry between the ideal of the self and that of the common good, the line of distinction between the claims of the particular and that of the common good is so thin whose outline can only lead to uncertainty. Taylor highlights, this rather obvious and foreseen uncertainty in the quest for various features within the notion of modern identity, on the following:

I want to explore various facets of what I will call the ‘modern identity’. To give a good first approximation of what this means would be to say that it involves tracing various strands of our modern notion of what it is to be a human agent, a person, or a self. But pursuing this investigation soon shows that you can’t get very clear about this without some further understanding of how our pictures of the good have evolved. Selfhood and the good, or in another way selfhood and morality 212

This brief account on the symmetry between selfhood and the patterns of the good highlights Taylor’s commitment in bringing the idea of autonomy

to bear within the frame of social experience, purpose, roles, and commitments, as opposed to contemporary liberalism which seems to take a tendency to emulate the conception of the self solely from a right based approach, from the position of what is right to do rather than of what is good to be, as well as in defining the content of obligations rather than the nature of the good life, or the liberal attempt to epitomize the morality of right over the morality of virtue. Therefore, while liberalism by its absolute emphasis on the ideal of human dignity, autonomy, and individual choice; the right remains a central criteria in its conception of the self; within Charles Taylor’s ethical project, in the making of modern identity, without precluding the liberal claim, the notion of the self as situated is brought squarely to find its meaning and purpose within the social context it stands.

Therefore, in the making of modern identity, Taylor’s attempt proposes that, without overcoming the liberal politics or the values of autonomy, individual freedom, pluralism, and tolerance as features of modern societies, the liberal procedural view of the self should, under certain circumstances, be constrained by a notion of the self as situated within the content of an ethical community. Taylor’s approach is noble in the sense that it tends to take a constructive approach towards the moral divide between the quest for justice, as important aspect of modern society, in its articulation of the principles of rights indispensably necessary in the fostering and cultivation of just and long term relationships, and the demand for virtue, as it outlines which of the quality of our public relationships, accountability, or solidarity in any ideal society should be taken as worth endorsing, pursuing, affirming, or maintaining. Furthermore, the divide may also be constructively turned into something positive by our mutual commitments, actions, engagement, and debate in cultivating a sphere of interdependence between the morality of rights, as politically necessary, if we are to protect the rights of individual citizens in a procedural state; and that of virtue, if we are to live to the best of our abilities the ideals of tolerance as a moral necessity and central premise in any modern society. Since for Taylor, ‘asserting rights itself involves acknowledging an obligation to belong,’ The two are indispensable to our human flourishing as they assist us in understanding and appreciating the content of our relationships and mutual obligations under the surveillance of justice, benevolence, and compassion. For Taylor, space and identity are intertwined, since being cannot be correctly be understood apart from one’s

belonging, and one cannot belong in vacuum as the ideal of belonging requires a space that is specific. Taylor elaborates it well:

Perhaps the best way to see this is to focus on the issue that we usually describe today as the question of identity. We speak of it in these terms because the question is often spontaneously phrased by people in the form: Who am I? But this can’t necessarily be answered by giving name and genealogy. Who does answer this question for us is an understanding of what is of crucial importance to us. To know who I am is a species of knowing where I stand. My identity i defined by the commitments and identifications which provide the frame or horizon within which I can try to determine from case to case what is good, or valuable, or what ought to be done, or what I endorse or oppose. In, another words, it is the horizon within which I am capable of taking a stand.\(^\text{215}\)

Taylor is of the view that one’s capacity to stand alone, to claim for one’s integrity should be shored by one’s capacity to live up such integrity to the best of his or her abilities; it should be supported by the assertion of rights as involving one’s affirmation about realizing certain potentialities. The view that makes freedom of choice an absolute demand is its merit in exalting the ideal of choice as a noble human capacity. And the very ability to exercise one’s choice takes with itself the irrevocable notion that we become human beings by virtue of our capacity to exercise such choices; ‘that we rise to the level of self-consciousness and autonomy where we can exercise choice, that we not remain emmired through fear, sloth, ignorance, or superstition in some code imposed by tradition, society, or fate which tells us how we should dispose of what belongs to us.’\(^\text{216}\) Taylor argues that if the ideal of freedom of choice is related to our human potential for self-actualization then the ‘doctrine of the primacy of rights is not as independent as its proponents want to claim from considerations about human nature and the human social condition.’\(^\text{217}\) The doctrine of the primacy of rights suffers defeat by arguments which successfully were able to highlight and defend the view that human beings were never, in any point of their history, self-sufficient, that is to say, they could not develop their characteristically human potentialities outside of certain kinds of society.’ This doctrine would, as Taylor remarks, ‘be dependent on an atomist thesis,\(^\text{218}\) which affirms this kind of self-sufficiency,’ and

\(^{215}\) Taylor, Charles, Sources of the Self, 2004, p. 27.


champions the primacy of rights. Charles Taylor has been successfully able to construct the ideal of the self as a socially self-actualizing moral subject, by combining one’s sense of identity with one’s conception of the good.

Conclusion

Robert Nozick presents an atomist, abstract, and individualistic view of the self matched by his libertarian entitlement theory, while John Rawls successfully portrays a notion of the self which is socially procedural and individualistic, typical of liberal social democratic politics. MacIntyre, by his insistence on Aristotelianism, comes up with a view of the self which is traditionally and socially pragmatic, but completely integrationist in its conservative commitment to tradition as a locus of individual existence, while Charles Taylor portrays a view of the self which is pragmatic, a combination of both modernity and postmodernism, participatory in its individual outlook and integrationist in its social nature.
Chapter III: Theories of Justice within Liberalism and Communitarianism

The idea of justice has taken centre stage within political theory. Its main argument has to do with the question of justification of principles which may be adopted in the rational allocation or distribution of social values, burdens, deserts, benefits, and merits. Both universalism and contextualism have played major influence as models of justification within liberalism and communitarianism. Since any just distribution may require a principle of equality in the allocation of resources; in some instances, equality may be defined in the light of just satisfaction of human needs. Therefore, the term social values may be used indeterminately to include other things beyond material realm, but which are part and parcel of our human needs, such as dignity and the ability to have access to opportunities, the pursuit of one’s freedom, liberty, and choices. At times equality and justice may conflict within a context in which what is available may be less than what may be needed. Ironically, the principle of justice and equality may be only effective in a perfect society, where all human beings may know how to live and be content within the limits of their essential needs, and the distribution of resources therefore being made under the constraints of what is available in society. My aim in this chapter is to critically present the idea of justice from the perspective of liberalism and communitarianism in the light of their different views of human and how such views may impact on the principles of justification. Firstly, I will discuss Robert Nozick’s theory of justice in the light of his view of human within the framework of his ‘entitlement’ theory; secondly I will deal with John Rawls’ theory of justice from the perspective of his view of human in the light of his ‘contractarian’ theory; thirdly I will discuss Alasdair MacIntyre’s theory of justice from the standpoint of his view of human in the light of his ‘virtue’ ethical theory; finally I will look at Charles Taylor’s theory of justice from the framework of his view of human in the light of his theory of the ‘situated self.’
Robert Nozick’s Theory of Justice

Robert Nozick’s somewhat careful and stimulating study of justice in *Anarchy, State, and Utopia* has created a number of intense reactions and debates amongst scholars by its somewhat sober and influential defence of a seemingly extreme libertarian individualism which at a closer resembles a defence of an unrestricted capitalism based on the freedom of choice and self-ownership. Nozick epitomizes this ideal within his libertarian entitlement theory, a reconstruction of both Hobé’s and Locke’s social constructivism. As we have seen in our analysis of Robert Nozick’s view of human, to give a rational account of his entitlement theory regulating his concept of distributive justice, Robert Nozick builds his central argument on three premises: Firstly, the ‘principle of acquisition;’ secondly, the ‘principle of transfer;’ and finally the ‘principle of rectification,’ or principle of redress of injustices. In addition to this procedure, his telling argument is that provided the procedure of acquisition and transfer as stipulated on the first and second principles are satisfied, this is to say, without force or compulsion but with free, agreed, and fair circumstances or compensation, ownership may be declared legitimate and just in itself. For him, ‘Whatever arises from a just situation by just steps is itself just. The means of exchange specified by the principle of justice in transfer preserve justice.’ Then with no historical detail Nozick moves on to sanctify the strength of his theory by nailing a golden rule on the principle of distributive justice: ‘The complete principle of distributive justice would simply say that a distribution is just if everyone is entitled to the holdings they possess under the distribution.’

Would it mean that in Nozick’s conclusions, even a state of a gross inequality, if properly generated, may be morally justified, and hence protected? Such a conclusion may yield a weak position on Robert Nozick’s theory. Nozick goes further to argue that any distribution of goods according to some other models consenting, for example, equal distribution of wealth, without the free assent, of all, is unjust. This last comment forces Nozick to see the State’s system of taxation for the benefit of the least advantaged in society as a violation of one’s rights to property, autonomy, and freedom of choice. Further, without first responding to the very critical questions he poses on the historical predicament of injustices, Nozick goes on to assert a strong historical foundation of justice: ‘The fact that a thief’s victims voluntarily *could* have presented him with gifts does not entitle the

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Nozick loathes and finds disconcerting the present situations of acquisition and transfer as not being generated from the two principles he splendidly stipulates: ‘the principle of justice in holding, and the principle of justice in transfer.’ According to him, there are injustices and unfairness in holdings: ‘[s]ome people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose….’ So, in his view, ‘[t]he existence of past injustices (previous violation of the first two principles of justice in holdings) raises the third major topic under justice in holdings: the rectification of injustice in acquisition.’ He is aware of the historical implications pertaining the detail and causes of injustices in the world but, as he, honestly, confesses he seems less prepared into going into historical details of injustice rather than to say: ‘How far back must one go in wiping clean the historical slate of injustice?…I do not know of a thorough or theoretically sophisticated treatment of such issues. The principle of rectification presumably will make use of its best estimate of subjective information about what would have occurred.’ Nozick’s conclusions in not being able to sustain the very historical premises he proposes as foundational in the legitimacy of his theory can only sound ironical for Nozick himself accuses Rawls’s theory of justice of not being historical enough.

However, Robert Nozick’s theory, which at a closer look bears the propensity to tease out its criticism over the ideal of social democracy, appears more particularly directed against the communitarian and the liberal causes of justice favouring the system of taxation which, in particular modern liberalism, despite its procedural neutrality and its soft political consent to both communitarianism and libertarianism, still sees as necessary in order to redress the plight of the poor. Robert Nozick’s thesis, though splendid in its scope still raise a number of concerns as Nozick himself fails to give a rationally justifiable account on how one’s entitlement should be understood if one is to question the theory from historically built premises. How can the idea of entitlement stands against the odds of history? As Nozick himself contests, how far shall one go back in history in order to build a rationally accepted legitimacy of the idea of entitlement? For example, Villa-Vicencio and others remark that ‘Nozick’s theory could, of course, be used as a moral principle for arguing that much

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of the land in South Africa, Zimbabwe and elsewhere should be given back for peasant and/or co-operative farming. As Villa-Vicencio puts it, in South Africa, for example, ‘parts of this land were taken from blacks as recently as the late 1980s. The same reading of Nozick would require land in the United States and Canada to be returned to the native Indian people, as well as to peasants in Central and South America and other colonial situations.’225 I find Nozick’s theory quite central and illuminating for my study, particularly in the light of what has happened in Africa. However, we should try to understand Robert Nozick in the light of what he tries to defend in his theory from the perspective of his own view of human. Historically, Locke’s theory of initial acquisition, over which Nozick tries to build his entitlement moral theory, cannot defend itself from misunderstandings. It will always need further clarification in order to be convincing. But, at the same time, one cannot only underestimate its merit without appreciating what it tries to illustrate in its attempt to highlight how injustice has been constructed, consolidate, and defended by the most inspired minds, along the steady but violent journey of the history of human civilization. Contrary to the philosophical details of the theory, history seems to warn that most of the holdings which some people claim their titles and rights over them currently, might have come to be owned in a law of justice which might have been written under the ink of sword and blood.

The present realities of political conflicts in some parts of the world seem to be a full reminder of the moral predicament of John Locke’s theory of acquisition and entitlement. In fact if we may take the second principle, the principle of just initial acquisition; that any holding gained in the application of the first principle is legitimate if it were transferred on the basis of mutual consent. It may fail to bring any logic and consent within the context of an imperial possession which seems to have possessed the holdings from their original owners by the use of force. Again the last principle, the principle of redress, seems to sanction a claim for repossession which may be contrary to the moral demands of our contemporary society, since it defends that any holding that was illegitimately owned is deemed illegitimate; and that the present holder by being illegitimate there is nothing he or she may do with the property. Therefore the theory seems to suggest that there may be no question in any government’s ultimate enforcement and prerogative expropriation of land from its present owners for its eventual redistribution. To deny this fact would mean to weaken Nozick’s position, that the initial use of force made

the acquisition illegitimate, therefore the result being that the current title is deemed illegitimate.\textsuperscript{226}

The Lockean proviso which Nozick seems to run into for refuge is also unable to protect him either. Nozick confirms that each owner’s title to his or her holding incorporates the historical shadow of the Lockean proviso on appropriation. Shadow because one would wonder why a theory as robust as this would have left so many issues unresolved behind such a process of acquisition.\textsuperscript{227} The Lockean proviso stands as this: ‘(1) people own themselves; (2) the world is initially unowned; (3) you can acquire absolute rights over a disproportionate share of the world provided you leave enough for others so that you do not worsen the condition of others; (4) It is relatively possible to acquire absolute rights over a disproportionate share of the world. Therefore: (5) once people have appropriated private property, a free market in capital and labour is morally required.’\textsuperscript{228} The second and last principles in the Lockean proviso only precipitate the weakening of the very proviso in the sense that no part of the world had been initially unowned, there were people already inhabiting, and the last principle cannot guarantee either that those people dispossessed of their land did so on norms governing market principles, procedures, and consent. For Nozick the solution is that we should go back in history through the labyrinth of the path of preceding acquisitions so is to see if the first transaction has been fair and legitimate in order to deal with the present details. Therefore, the question about the initial transfer precedes the question about legitimate transfer. But this is a position which Nozick himself is not prepared to submit in. We cannot fix the question of legitimacy in transfer without settling the historical detail about legitimacy.

Again Nozick’s use of the principle of self-ownership as a criterion for equality seems to be at stake. It seems as if those who have been sacrificed in their holding were never treated as equals. Unless he defines the principles of such equality he has not succeeded in his theory. Even if enough was left so that the condition of others was not worsen, the loss of one’s property such as land is something that has a bearing on one’s notion of human dignity. Again, I cannot claim to own myself without furnishing the historical details of how I came into being. However, the difficulty in finding philosophical consensus within the social contract theory as presented by John Locke (1632–1704), Jean-Jacques Rousseau (1712–1778), and Immanuel Kant (1724–1804),\textsuperscript{229} rests in its hypothetical

\textsuperscript{229} See Kymlicka, Will: \textit{Contemporary Political Philosophy. An Introduction}, 1990, pp. 95f.
foundations, even in their use of the argument these theorists have come up with different conclusions deepening further the theory’s lack of any rational foundation supporting the underlying hypothetical premise. It is hard to imagine whether a state of nature ever existed. Many contemporary philosophers have disagreed on the moral validity of the theory; the attempt by hypothetical individuals to establish a political basis of the state out of no where, which current governments or societies should endorse and become bound by their principles under different circumstances, may sound only religious. Some philosophers have argued that because the contract rest hypothetical it never existed at all.²³⁰

Nevertheless, we cannot undermine the intellectual detail underneath the hypothesis which only history may know the accurate circumstances, without appreciating its moral force and influence within the square of modern version of the state. Trying to uncover the moral detail of the theory, some contemporary theorists have argued that we should appreciate the centrality of the hypothetical imperative underlying the social contract theory by evoking its meaning as a device of representation. We should think of the theory not as a state in its natural and political terms as our human experience can imagine, they say. But, instead, we should try to suspend our moral judgement and think of it as a device with both social and political implications testing our somewhat skewed view of the world. As a device putting into question the implications of our own social and moral codes ‘concerning people’s moral equality’ within the premise of the natural world governed by human greed, mutual humiliation, and subjugation. We should see the theory as instilling in us an ambitious desire to build a more just and harmonious world of human relationships. Part of the story is that to be morally equal has far more reaching implications in our ontological existence, on the claim that to be morally equal implies that no one came to the world as a property or subject of another human being. We are born free and equal by virtue of our humanity. And injustice of any form either inflicted to oneself or into another human being stands as an utter denial of our very human imperative.

As Nozick points out, in his description of the events taking place in the state of nature, many people were denied the same equality by being subjected to the whims of the strong, to the impies of other human beings. And Kymlicka endorses similar position by asserting that ‘part of the idea of being equal is the claim that none of us is inherently subordinate to the will of others, none of us comes into the world as the property of another,

or their subject. We are all born free and equal.\textsuperscript{231} Human civilization has seen so much injustices being inflicted against fellow humans by the strong, with particular emphasis in feudal societies, where some people, especially peasants, were viewed as naturally subordinate to the will of aristocracy, slaves viewed as non-humans, but only objects of labour. Therefore, according to Kymlicka ‘[i]t was the historical mission of classical liberals like Locke to deny this feudal premise. And the way they made clear their denial that some people were naturally subordinate to others was to imagine a state of nature in which people were equal in status.’\textsuperscript{232} Rousseau’s lament that ‘man is born free, and yet everywhere is in chains’ anticipates this. Colonialism, slavery, and apartheid are socially and morally our own human fault and making, a result of our own misreading of human society guided by our human whim and greed, selfishness and envy; a mockery and misrepresentation of the idea of social contract, and such acts whenever may happen should be condemned and resisted in any human form. They cannot find any definite human justification within the premise of social contract theory.

### John Rawls’s Theory of Justice

It is well known that John Rawls is the most significant and influential political and moral philosopher of our time. His work has profoundly shaped contemporary discussions of social, political, and economic justice in philosophy, law, political science, economics, and other social disciplines.\textsuperscript{233} Beside a number of other writings, essays and academic papers, John Rawls’ \textit{A Theory of Justice}\textsuperscript{234} first published in 1971, stands as a splendid account of a liberal theory of justice in response to utilitarianism, ever written by an American scholar in the twentieth-century and beyond. This book has kindled a number of significant and appealing debates both within liberalism and communitarianism. One of the central arguments at issue in the book, initiated by Rawls himself, further developed in \textit{Political Liberalism}\textsuperscript{235} is an attempt to formulate a theory of justice as fairness amongst persons who are equal and free as a response to utilitarianism by

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generalizing and carrying to ‘a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant.’ As such Rawls thinks that, of all conventional theories of justice, the contractarian theory is the one ‘which best approximates our considered judgments of justice.’ His commitment is to develop this theory in such a way as to ‘offer an alternative systematic account of justice that is superior to the dominant utilitarianism of the tradition.’ Therefore, my central interest in the analysis is to give a critical survey of Rawls’s understanding of justice in the light of his contractarian argument and how it relates to his view of person, human equality, and freedom. I will draw my argument from his central text books: *A Theory of Justice* and *Political Liberalism*.

Despite the fact that Rawls never failed to give his special note to utilitarianism’s ‘systematic’ and ‘constructive’ approach to justice; he insistently argued that one of his main reasons for articulating an alternative theory of justice that transcends all the traditional conceptions of justice is the fact that ‘[u]tilitarianism does not take seriously the distinction of persons.’ A view endorsed by Robert Nozick, in his claim that sacrificing the individual for the greater social good ‘does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.’ Unfortunately Robert Nozick makes no commitment to provide any alternative to utilitarianism. And Rawls believes that the ‘contract’ theory properly worked out and accordingly rearranged may fulfil the promise, by filling the gape left by utilitarianism. Hence, Rawls’ general conception of justice is consistent with one particular theme: the basic structure of society as the primarily subject of justice, the arrangement of major social institutions into one scheme of cooperation. ‘All social values—liberty and opportunity, income and wealth, and the social bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage.’ As it were, in his ‘general conception’ of justice, Rawls associates the idea of justice to an equal share of social goods, but paradoxically he adds an important argument: inequalities as an advantage, only if they promote the individual’s welfare in line with the common interests of others: ‘Injustice, then, is simply inequalities that are not to the benefit of all. The general conception of justice imposes no restrictions on what sort of inequalities are

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permissible; it only requires that everyone’s position be improved." To Rawls this implies that people are treated as equals not by removing all inequalities, but only by prohibiting those which may bring someone into a situation of misfortune. Therefore, inequalities are part of the discourse of justice and may remain within its sphere in so far as they may incur into promoting rather than sacrificing everyone’s advantage. For example, if allowing someone else a wider sphere of freedom may add into my own initial share of freedom; equal concern for my interests suggests that we should, by mutual concern, endorse rather than prohibit such an inequality. But if it may incur into infringing my sphere of freedom; then, again concern towards my own misfortune suggests that we should, by mutual concern, decline rather than allow, such an inequality.

Put differently, inequalities become an important component of justice in so far as they improve my initially equal share, restricted in so far as they invade or impoverish my position in terms of my fair share. This explains, in part, Rawls’ commitment to a theory of justice which, as he assumes, will take into account the plight of the poor without disadvantaging the social position of anyone as, in his view, was the case within utilitarianism. Rawls, then, concludes that we may think of the theory he proposes as affording to the less fortunate in society a kind of lawful provision or veto within which they may wave any sort of claim, within the burden of inequalities, which they may see as sacrificing, rather than affirming or promoting, their interests within the frame of justice. However, it is difficult to estimate how one may reconcile the need for a fair distribution of those goods which Rawls himself stipulates with the challenges arising from the diversity of circumstances in which one may find oneself in the attempt to address such needs. For example the need for equal opportunities may conflict with the need for liberty. For example someone unable to compete from the position of equality may find it hard to fulfil the position he or she aspires by lack of capacity to stand within such a competition. Yet, in the light of Rawls’s argument, given the diversity of circumstances, depending on one’s social position, economic, or else, if affording someone the chance to compete or otherwise, may put the situation of someone else in misfortune, by implication, such a move may be seen as an expression of injustice. On another note, how does Rawls deal with the fact that some inequalities may be unfortunate yet undesirable, while others naturally underserved hence unfair thereby not fit for entertainment or for being

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made good or benign but, malignant, to be entirely rectified or removed by means of justice?

To alleviate the present deadlock, Rawls reframes his ‘general conception’ into two principles of justice. By reshuffling, according to an order of precedence, different items in the theory claiming for equal distribution into three specific components outlined according to a code of ‘lexical priority’:

FIRST PRINCIPLE

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with similar system of liberty for all.

SECOND PRINCIPLE

Social and economic inequalities are to be arranged so that they are both:
(a)  to the greatest benefit of the least advantaged, and
(b)  attached to offices and positions open to all under conditions of fair equality of opportunity.

FIRST PRIORITY RULE (THE PRIORITY OF LIBERTY)

The principles of justice are to be ranked in lexical order and therefore the basic liberties can be restricted only for the sake of liberty:
(a)  a less extensive liberty must strengthen the total system of liberties shared by all;
(b)  a less than equal liberty must be acceptable to those with the lesser liberty.

SECOND PRIORITY RULE (THE PRIORITY OF JUSTICE OVER EFFICIENCY AND WELFARE)

The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is priority to the difference principle:
(a)  an inequality of opportunity must enhance the opportunities of those with lesser opportunity;

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an excessive rate of saving must on balance mitigate the burden of those bearing this hardship.\textsuperscript{244}

The two fundamental principles represent Rawls’ reply to the question of justice and its centrality to society which utilitarianism could not coherently articulate and address. Lexically, some social goods are more important than others, therefore cannot be toiled or sacrificed in the improvement of other goods. Equal liberties take precedence over equal opportunity which by implication also takes precedence over equal resources. Yet within each assortment, Rawls’ underlining idea persists – an inequality can only be permitted if it may incur into benefiting the less well off in society. Accordingly, the priority rule cannot affect the basic principle of fair shares prevailing within each category. Rawls thinks that these two principles of justice seem to solve the deadlock surrounding the quest for distribution of both social and economic assets and the need to affirm and protect the values of human equality as enshrined in the ideal of human dignity. Therefore, in the most extreme and tangled instances of non-ideal theory, Rawls maintains that his priority of rules will no doubt fail; yet, we may indeed be able to find no satisfactory answer at all. However, under adverse circumstances, as he puts it, at least, his endeavour helps to identify which limitations need to be dealt with as a matter of priority.\textsuperscript{245}

As it were, in the first principle Rawls’ major argument centers on the priority of liberty; every person should have equal right to certain fundamental liberties. In this way, this suggests that Rawls’ conception of liberty, rather than being conceived in general terms, is restricted into giving special emphasis and protection of ‘basic liberties’ so central within the standard of civil and political rights affirmed in many constitutional and liberal democracies. As it were, liberty of conscience and freedom of though, the right to run for office, freedom of assembly and movement, are essential components within liberalism which ought to be equally distributed amongst the citizens. Indeed, giving priority to the basic liberties is a characteristic feature defining liberalism from other political theories.\textsuperscript{246} In reality, political freedom, freedom of conscience, the right to privacy, and the freedom that defines and protects the integrity of persons such as freedom of occupation and livelihood, choice of carriers, and right to personal property are highly valued in a democratically well ordered society. As such, scholars maintain that Rawls’ first principle, the principle

\textsuperscript{244} Op. cit., p. 266.
of equal basic liberties, parallels well with John Stuart Mill’s principle of liberty in that it is deliberately envisaged as defining constitutional limits on democratic essentials within governments. 247 Still, because of the centrality of liberty, in a democratic political environment, which his theory envisions, it is believed that Rawls seems to have shifted from addressing his concerns to ‘utilitarianism’ and ‘intuitionism’ to ‘what is the most just and feasible arrangement of basic social institutions that realize the core democratic values of freedom and equality for all citizens?’

Because of the centrality of basic liberties for persons to exercise their moral choices and the pursuit of their life plans within a range of arrays of conceptions of the good, Rawls insists that a more concerted sphere of personal freedom should take priority in the understanding of justice. This defines the notion of moral persons underlying Rawls’ view of justice as fairness. Hence justice as fairness assigns the basic liberties strict priority over other social goods. Accordingly, political liberties, besides being of necessity to a person’s sense of self-respect are also essential to the full development of the capacity for a sense of justice defining the ideal of citizens in a well ordered society. As it were, some scholars insist that it is because of their intrinsic centrality to the exercise of moral powers that basic liberties remain essentially inalienable in all aspects: morally speaking, there is no justifiable reason to give up or trade off the liberties needed to define a citizen’s status as a free and equal person, they claim. This particular position marks, in many several ways, Rawls’ conception of justice as fairness as completely different from the concept of justice as epitomized by libertarianism. By implication, the unrestricted freedoms of ‘contract’ and ‘transfer’ which remain defining features of classical libertarianism cannot be taken as basic at all or even as protected liberties in the light of John Rawls’ liberal theory. 248

Subsequently, Rawls’ major concern in the second principle is that justice requires that social and economic inequalities are to be arranged in such a way that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices which are open to all. This implies, in Rawls’ view, firstly, that incomes and social benefits should be distributed equally unless an unequal distribution is to serve everyone’s advantage; and, secondly, that power and responsibility are to be distributed equally but if power is to be distributed unequally, it should be attached to positions which are ‘open to all.’ 249 As it stands, in Rawls’

own confession, the second principle of justice is somewhat abstract and paradoxically ambiguous: the terms ‘everyone’s advantage’ and ‘open to all’ need further elaboration so as to make the principle explicit. But also it may mean that in the second principle, we really have manifest Rawls’s commitment to carry the traditional social contract theory to a more superior level of abstraction. It is difficult to know for certain what Rawls implies by an unequal distribution of welfare to ‘everyone’s advantage’, and that power, if unequally distributed, should be associated with positions ‘open to all.’

For example, Carl-Henric Grenholm, in trying to deal with the same implicit position, has argued that Rawls seems to propose that the principle should be interpreted in accordance with what he calls as a democratic ideal of equality. This ideal maintains, according to Grenholm, that a liberal principle of equal distribution should be applied in the distribution of power. All should have real not merely formal opportunities of obtaining similar positions and offices with which power is attached. Therefore, in Grenholm’s position, in the distribution of welfare and income, what Rawls calls ‘the difference principle’ is to be applied. Grenholm is right, in a sense, since we have seen that the protection of what affirms the integrity of persons, such as the freedom of conscience, the freedom to choose careers, and the freedom to run for office constitute one of the central liberal essentials defining liberalism from other political doctrines. As it were, Rawls himself sees ‘equally open’ metaphor in terms of ‘equality’ as careers open to talents and ‘equality’ as equality of fair opportunity; while seeing ‘everyone’s advantaged’ metaphor in terms of system of natural liberty within the framework of liberal equality. Therefore, Rawls affirms the ‘difference principle’ ideal in terms of democratic equality rather than in terms of natural aristocracy.

As such, Rawls’ promise is that, under favourable circumstances, liberal essentials, as enshrined within the premise of basic liberties, should be brought to bear, into practice, if liberalism is to become, indeed, a sound political theory. This implies, in Rawls’ own account that welfare is to be distributed equally unless an unequal distribution is to the advantage of those less fortunate in society. Thus, in Rawls’ view, one ought under given circumstances to choose the alternative which will highly benefit the most disadvantaged members of society. In this way, Rawls’ central pledge in alleviating the plight of the poor seems better satisfied in the second principle, since he believes that persons in the original position would opt

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251 Rawls, John: A Theory of Justice, 1999, p. 57
for the second principle of justice rather than for the first, since no one knows how he or she would turn up to be in the world to come. Having this in mind, the second principle of justice can then be accordingly reformulated as follows: ‘Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.’ 252 Or as Rawls reframes the premise in Political Liberalism in order to render it a more social accent: ‘b. Social and economic inequalities are to satisfy two conditions: First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society.’ 253

As it were, Rawls’s second principle and particularly the question of distributive justice is built within the premise of the natural conception of rights but in a more revised and superior form, than that presented by the proponents of the conventional conception of the social contract theory. Therefore, for Rawls economic rights of property are ‘institutional’ but not ‘conventional.’ As it were, to say that property is an institution presupposes an idea of ‘contract;’ that property is consistent with a system of socially agreed (essentially legal) rules and practices stipulating exclusive rights and duties with regard to the control and use of things. On the one hand, to say that property is conventional implies a preeminence idea of property, that institutional rights of property people may hold are specified exclusively by existing legal rules and institutions and that these rules are valid only in so far as they are effective and enforced. Therefore, in the conventional view then, people have no claim to property independent from existing legal rules and institutional arrangements: ‘Justice in distribution is simply enforcing current property conventions, thereby giving each person his or her due.’ The proponents of the classical view of property rights, such as Hobbes and Hume stood in this view, while Rawls’ theory of justice is an attempt to preempt this classical view and move away from such a position. 254

So for Rawls, because human beings are autonomous and rational, a right to be justified would require a neutral position, a contract platform, in which persons may be able to stand and exercise their human potential to rationally choose what is right for them as equal, free, and rational persons. Consequently, natural rights theory was designed to combat the

conventional view. In Rawls’ view, the idea of ‘state of nature’ emphasizes that certain rights are not conventional but are moral and apply to persons whatever their social circumstances. For example, armed with such a belief too, Locke contended that the governments have no authority to restrain religious freedom and association, for such were an inalienable right people have independent of political society.\textsuperscript{255} Elaborating his theoretical project from here, Rawls insists that the first principle, ‘justice as fairness,’ has the characteristic marks of natural right theory.\textsuperscript{256} But he denies that the account of natural or pre-social property argued by libertarians, such as Nozick and Locke may be plausible since, according to Rawls, we are no longer in the state of nature but in the social world in which our interests should be affected or modified by the concerns we hold towards our fellow human beings.\textsuperscript{256}

Different theorists have been unanimous in affirming that the idea of natural, pre-social property, effectively deals with the problem of oppressive confiscations by governments. However, the idea of natural property is inadequate when used to address questions of the kinds of property rights and distributions that ought to exist in modern industrialized and democratic societies. In their claim, in the isolated ‘state of nature,’ where natural property claims hypothetically originate, people may need not be so much concerned with the effects of their unrestrained moral whims on others. In possessing and discharging their rights at will, since few would be there to be so severely affected or inflamed by such an untrained and unlimited selfishness. Nevertheless, when this conception of pre-social property may be applied to social conditionings of our present political environment, with its pluralistic and democratic moral counters, the implications of the theory may be so adverse. It may imply that people may accumulate, use, transfer, and exchange their possessions as if they were in an isolated ‘state of nature,’ with no consideration for others, and no matter what the effects or how badly off others may be made as a result of a system of an institutionalized natural property.\textsuperscript{257}

Certainly, as a result, Rawls’ theory of justice, by its commitment in carrying the idea of social contract theory to a higher level of abstraction, seems to suggest that, contrary to a classical contract theory, there should be some other alternatives in arguing in favour of moral beliefs, that people may be morally entitled to their possessions without relying on the metaphor of pre-social ‘state of nature’. In fact, in retrospective, as Rawls

\textsuperscript{256} Op. cit., p. 6.
himself explains his central position, in a theory of justice as fairness, the basic rights and liberties come into view in order to equally guarantee for all citizens the social circumstances conducive for an adequate development and full and informed discharge of their two moral powers, - ‘their capacity for a sense of justice and their capacity for a conception of the good’ – this is what Rawls designates as the two fundamental cases. So far, as we have seen, the two cases are, according to Rawls, briefly depicted in order of priority: Firstly as the application of the principle of justice to the basic structures of society by the exercise of citizen’s sense of justice. While the second consists in the application of citizens’ powers of practical reason and thought in forming, revising, and rationally pursuing their conception of the good. Therefore, in Rawls’ view, the equal political liberties, including their fair value, and freedom of thought, liberty of conscience, and freedom of association are, as a matter of priority, to ensure that the ‘exercise of the moral powers’ can, by and large, be free, informed, and effective, within the framework of those two underlying cases.258

Therefore, in the context of his second principle, Rawls, like natural property advocates, distinguishes between conventional property and property rights people may have. But since he positions himself in a constructive and more contemporary philosophical context Rawls does not derive the property rights people ought to have from a pre-institutional ‘state of nature.’ He refers, instead, to an ideal of social cooperation where institutions are designed to benefit everyone on a basis of mutual respect and reciprocity. Accordingly, in Rawls’ theory, the classical idea of justice as assigned on the basis of honour, privileges, aristocratic heritage, social position and roles are severely undermined. Contrary to the more conventional idea of justice as incomprehensibly knotted and dependent upon a given social lottery, within the idea of justice as ‘fairness’ we exercise our sense of justice as free, equal, and rational persons. We all enter into the world, not as properties to anyone; but already armed with reason, autonomy, and freedom of choice, including the very capacity for moral agency and deliberation as determined by our naturally endowed dignity as human beings. In view of that, justice requires that social structures are arranged so as to benefit everyone, not in the weak sense that all are made better off than in an apolitical ‘state of nature,’ but in the strong sense that all are made better off than they would be in a state of equality and where no one benefits at the expense of the poorest. Therefore, the centrality and the role of Rawls ‘difference principle’ are to critically

define this ideal of reciprocity and mutual consideration. Rawls’ conception of the ‘original position’ and the very argument in the ‘veil of ignorance’ epitomize his innermost ideals to restructure traditional institutions which may be seen as unjust:

The original position, which the features I have called the ‘the veil of ignorance,’ is this point of view. The reason the original position must abstract from and not be affected by the contingencies of the social world is that the conditions for a fair agreement on the principles of political justice between free and equal persons must eliminate the bargaining advantages that inevitably arise within the background institutions on any society from cumulative social, historical, and natural tendencies. These contingent advantages and accidents from the past should not affect an agreement on the principles that are to regulate the institutions of the basic structure itself from the present into the future.260

Therefore, for Rawls, as we attempt to construe a better society where free and equal citizens may have the ability to pursue their plans in life, the institution of property and welfare is justly ordered when it is part of a social and economic system that specifies property relations so as to make the worst-off section of society better off than it would be under any possible alternative social and economic system. In Rawls’ view, it is the responsibility of political institutions to structure economic and property relations so that, over a life time, the economic and social prospects of the ‘worst-off,’ are as favourable as they could be. For the sake of clarity, those ‘worst-off’ are defined, according to Rawls, in terms of certain resources which he calls as ‘primary social goods’ with especial recommendation on ‘income and wealth.’ But from the standpoint of justice, the ‘worst-off’ are the poorest, the economically and socially marginalized, in our midst. However, Rawls’ view of the less advantaged or ‘worst-off’ differs from other theorists, such as Amartya Sen, Martha C. Nussbaum, Iris Marion Young and others who seem to extend one’s disadvantages to include the physical, economic, and social capabilities. Rawls’ standpoint is Kantian in character in the light of its emphasis on freedom and responsibility. Instead, for Rawls, our capacity for moral agency and freedom of choice which may still be exercised beyond one’s physical ability requires that people conceive of themselves as acting freely and as responsible for their ends not as subjects of their ends. Because of our capacities to reflect critically on our desires and rationally structure our ends into a coherent plan of life, Rawls contends that we see ourselves as saddled with desires and ends we

can do nothing about or control. Therefore, to encourage this self-conception and the development and discharge of human capacities for rational and moral agency, Rawls argues that a conception of justice should not simply take as given whatever desires people happen to have and distribute welfare as if people’s ends were unscrupulously imposed on them. Instead, people themselves should be held accountable for their ends and expected to adjust their desires to the fair share of resources they can legitimately expect.\textsuperscript{261}

Therefore, without relegating the fact that both the physical, the social, and economic handicaps play a pivotal role in the designing and frame of one’s plans in life, for Rawls justice is not primarily about redressing inequalities imposed by nature or misfortune. Rather, justice is primarily about providing each person with resources that are sufficient to their realizing moral powers of free, responsible, and rational agency. Thus, unlike other theorists, Rawls does not give the naturally handicapped absolute priority in decisions of justice. Though he still treats their situation as socially and economically contingents principles of justice are initially chosen for the ideal case of a well-ordered society, where it is assumed all have the capacities for cooperation. Just as parties in the original position assume that the members of a well ordered society have an affective sense of justice and normally will not violate just laws, they assume that members are normal cooperating members of society over a complete life who have the capacities needed for social cooperation, moral powers:

The inability to take advantage of one’s rights and opportunities as a result of poverty and ignorance, and a lack of means generally, is sometimes counted among the constraints definitive of liberty. I shall not, however, say this, but rather I shall think of these things as affecting the worth of liberty, the value to individuals of the rights that the first principle defines. The two-part basic structure allows a reconciliation of liberty and equality. Thus liberty and worth of liberty to persons and groups depends upon their capacity to advance their ends within the framework the system defines. Freedom as equal liberty is the same for all; the question of compensating for a lesser than equal liberty does not arise. But the worth of liberty is not the same for everyone. Some have greater authority and wealth, and therefore greater means to achieve their aims.\textsuperscript{262}

\textsuperscript{261} See Freeman, Samuel: \textit{The Cambridge Companion to Rawls}, 2002, pp. 8f.
\textsuperscript{262} Rawls, John: \textit{A Theory of Justice}, 1999, p. 179.
What underlies Rawls’ perfect utopia is his abstract view of the basis of social justice. As such, Rawls’ view is an ideal of a society of free and equal citizens who take responsibility for their ends and cooperate with one another on a basis of reciprocity and mutual respect. Therefore, different scholars claim that it is this ideal not the ideal of redressing undeserved inequalities of welfare, resources, or luck, that is at the foundation of Rawls’ view of justice. However, Rawls insists that the two principles of justice cannot be appreciated and justified in isolation from one another. For him, to be a liberal conception it is not sufficiently enough to recognise basic liberties and assign them priority. A liberal conception of justice also recognises a social minimum, a basic social entitlement to enabling resources, particularly incomes and wealth, for without a social minimum; the basic liberties are merely formal protections and are worth little to people who are impoverished and without means to take advantage of their liberties.  

In this way, Rawls, though insisting on the primacy of basic liberties for and adequate account of justice, seems to parallel well with a theory of justice I find constructively commendable. Since he also seem to defend a concept of distributive justice in terms of needs not merely in the light of merit or desert only; and he contends that any liberal view should provide some kind of social minimum to guarantee the worth of basic liberties in redressing the plight of the poor. Liberty is only liberty when one is able to exercise his or her moral powers. Therefore, what distinguishes justice as fairness is its egalitarianism accent: it defends the social minimum in terms of the ‘difference principle.’ By implication the ‘difference principle’ bears a distinctive relationship to the principle of equal basic liberties; it permits inequalities in income and wealth in order to maximally promote the effective exercise of the equal basic liberties by the ‘worst-off.’ Therefore, in Rawls’ view, the end of social justice is not simply that everyone’s equal freedoms be formally protected but rather that the basic liberties are effectively exercisable by all to the degree that the worth of freedom to the ‘worst-off’ is maximal. Therefore, the general scholarly opinion is that the stance of social justice in guaranteeing the maximal worth of equal liberties provides one of the more compelling reasons in Rawls’ difference principle. For Rawls, in every economic system, the value of liberty to the least advantaged is compromised and less than in ‘justice as fairness.’ In his view, this means that the effectiveness of freedom towards the less fortunate is being severely undermined for the sake of the better off. Accordingly, in his opinion, only the ‘difference

principle’ may achieve reciprocity in the sense that gains to those better off are not achieved at the expense of the poorest members of society.264

The lesser worth of liberty, is however, compensated for, since the capacity of the less fortunate members of society to achieve their aims would be even less were they not to accept the existing inequalities whenever the difference principle is satisfied. But compensating for the lesser worth of freedom is not to be confused with making good unequal liberty. Taking the two principles together, the basic structure is to be arranged to maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all. This defines the end of social justice. Taking part in political life does not make the individual master of himself but rather gives him an equal voice along with others in settling how basic social conditions are to be arranged. Nor does it answer to the ambition to dictate others, since each is now equal to moderate his claims by what everyone is able to recognize as just. The public will to consult and to take everyone’s beliefs and interests into account lays the foundations for civic friendship and shapes the ethos of political culture.265

For Rawls, justice denies that the loss of freedom for some may be made right by the greater good shared by others. Generally speaking, in his view of social justice, though Rawls might have elaborated his theories in the light of North American context and liberal societies, the impact of his study has been greatly felt beyond the Atlantic and has remained of great influence in policy making governing modern societies, including Africa; hence, my interest in studying his work for a constructive theory of justice that may be sensitive to other contexts such as Africa. To appreciate Rawls’ commitment to justice is to understand his vision in the light of whom influences him: Kant, but only departing ways with Kant by shifting his theory from Kant’s dualism and emphasis on ‘pure reason’ alone to a more realistic view of human nature and society. In doing so, Rawls seems to move towards a more ‘sentimental’ and ‘naturalistic’ account of justifying moral beliefs as suggested by Hume and Rousseau. For Rawls, human nature and the fixed empirical conditions within which practical reason is normally exercised are essentially relevant to discovering and justifying principles of justice. This aspect alone seems to draw a major shift in Rawls’ theory of justice, from a more abstract account of moral life to a more pragmatic one, and may assist in extending Rawls’ theory to other


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social contexts and realities beyond the Atlantic, such as Africa, a view well expressed in his recent work the *Law of Peoples*. This helps Rawls to workout a realistic ideal of justice, translated as ‘realistic utopia.’ His commitment remains an ideal in so as it is designed for a ‘well-ordered society’ where reasonable persons who are free and equal all may accept the same conception of justice. On the one side, Rawls’ conception is ‘realistic’ on the grounds that, as Freeman reflects, ‘it is designed to apply neither to moral saints or perfect altruists, nor to natural sinners or rational egoists, but to what humans at their best are capable of, given their nature, under normal circumstances of social life.’ Rawls conditions the justification of principles of justice on certain psychological tendencies of human nature and our capacities for sociability.

Scholars are of the opinion that this final component explains Rawls emphasis on the stability or feasibility of a moral conception of justice. A conception of justice which is stable when its realization would foster in people a steadfast will to do justice and a disposition to uphold just institutions. They also conclude that it is because of his concern for the stability of justice as fairness that Rawls is led eventually to make the modifications that lead to *Political Liberalism*. In his view, the various conceptions of justice which may prevail should be seen as an outgrowth of different notions of society against the background of opposing views of natural necessities and opportunities of human life which persons themselves should exercise their moral powers in balancing and counteracting. As it were, Rawls concept of justice as fairness attempts to construct a conception of justice that takes deep and irresolvable differences on matters of fundamental significance as permanent condition of human life. A view which seems resonant to De Gruchy’s commitment towards restorative justice as reconciliation and redress since perfect justice without reconciliation would always remain impossible within the confines of human history in the material world. Therefore, in *Political Liberalism*, Rawls surrenders the Kantian correspondent argument in favour of a stable and unbending notion of justice, the claim that moral autonomy and therewith justice are supremely rational goods in a well-ordered society.

For Rawls, our position in the world always influences our views of human hence our conception and sense of justice; and so Rawls commitment to see social institutions as the sole subject of justice. Therefore, taken from the *original position*, since the state of nature is

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unhistorical somewhat misleading to an impartial conception of justice, Rawls imposes a veil of ignorance on the parties depriving them of knowledge of the social information, as well as any other information that might incur in advantaging or disadvantaging the parties in their discussions and agreements. Decision on principles of justice is then rendered unhistorical to make the decision strictly impartial with respect to people’s social status, natural talents, characteristics, and abilities, and even their conceptions of the good. For example, in Rawls’ account, a person’s gender or wealth, even if relevant to certain kinds of contract, it is not morally relevant to agreements on principles of justice for the basic structure of society. As we have seen in our analysis of the communitarian view of human, one central argument against the veil of ignorance advanced by communitarians is that Rawls builds his theory of justice on highly individualistic premises. For communitarianism to deny one’s sense of history and his or her social conditioning is to deny oneself a sense of justice. Therefore they argue that a conducive concept of justice should start from one’s notion of the good. They reject the idea of an unhistorical hypothetical agreement on principles of justice, their appropriate solution to problems raised by impartiality and people’s tendency in taking advantage of their position in making moral decisions is to impose a ‘thin’ veil of ignorance that allows the parties to an original position, full historical information, including knowledge of everyone’s desires and interests, and simply restricting them from knowledge of their identity in society. Communitarians believe that a ‘moderate’ view of the veil of ignorance should be the way out, since the existing conditions and conceptions of the good is relevant to deciding basic principles of justice. For them, our moral convictions and our very sense for ethical reflections are framed and articulated within the bounds of particular social and cultural contexts. Morality is a social institution; therefore its content is only relative within the domains of different cultures. Different understandings of ethical rationality are embedded in different cultural and religious traditions, hence when making a choice of moral position we are inescapably the prisoners of our own particular social context and religious traditions. Therefore, for an adequate account of justice, this cultural diversity cannot be ignored, which might make it impossible to create a trans-contextual ethic of justice that may be universally shared. Though Rawls seems to give some concessions in Political Liberalism, the difficulty in reconciling

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communitarianism with liberalism consists on the fact that Rawls’ *thick* veil of ignorance is committed in ensuring that principles of justice are not curved to the conditions of any particular social situation or designed to promote or especially favour any particular conception of the good. As such, Rawls’ theory of justice is consistent with the Kantian conception of the person and of practical reasoning; the idea of free and equal moral persons who are both reasonable and rational. It takes into account the view of persons as free rational moral agents with capacity for a sense of justice and conception of the good.

**Alasdair MacIntyre’s Theory of Justice**

In the same way that we have been so much concerned with Robert Nozick’s and John Rawls’s libertarian and liberal stances on justice, the study of MacIntyre’s and Charles Taylor’s social ethics is of central importance in any attempt to articulate the communitarian conception of justice. MacIntyre’s emphasis that, while there is merit in searching for universal moral references and ideals for an adequate account of justice, justice as social virtue can only be reasonably articulated and understood within the domain of a particular cultural context, stands as a central component for a contextualistic conception of justice. MacIntyre’s position follows that, since we hold different cultural values, justice cannot be defined beyond our different social upbringings. Hence, for him, our different senses of justice epitomize our different moral locations and social values. As a result, in his formulation of justice, MacIntyre believes that from the outset the enquiry into justice and practical rationality has been, so far, informed by a conviction that each particular conception of justice requires, as its counterpart, some particular conceptions of practical rationality and vice-verse.

As it were, for MacIntyre, our conception of justice is framed within complex moral structures, as imprinted in different social contexts. By implication, our conception of justice is, by and large, influenced by our already adopted moral codes as engrained in our moral culture under the surveillance of different social institutions. Then again, according to MacIntyre, as traditions developed, so our views of justice have also been readjusted and developed as well. That having in view our different social

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traditions makes it impossible and completely undesirable to speak of one 
single conception of justice that may be universally shared by all, without 
imperializing our related conceptions. According to MacIntyre, such 
diversity in morals entails that a meaningful definition of what justice entail 
should take into account the centrality of one’s context, since different 
contexts over which particular claims for justice arise will always lead to 
different understandings and conceptions of justice. Accordingly, the 
individual is fundamentally a social and relational being thereby bound by 
the mores of his or her particular social context. As it were, the very notion 
of what justice entail can only be adequately assessed from the perspective 
of one’s social mores, a position which both libertarianism and liberalism, 
having their moral codes entrenched on the centrality of individual rights, 
autonomy, and dignity, defy as misleading and unjust.

For MacIntyre, one comes to a full realization and conception of himself 
or herself, as human being, in the event of a clear understanding of the 
social horizons over which one stands. As MacIntyre puts it, since in our 
modern social maze we lack a clear vision and reference of where we stand, 
a common vision over what it means to be human, how then can one have 
an articulated sense of justice beyond any moral context? For MacIntyre, 
one comes to full realization over oneself by standing in relation to others, 
in a web of social relationships, filled with responsibility and consideration 
which such relationships bring along. As one conceptualizes the norms and 
practices within a community through which such relationships are 
embodied and given meaning, one comes to a mature view of oneself and 
the surrounding environment. As it were, this becomes, therefore, a 
platform over which one’s journey towards justice unfolds.

As it were, MacIntyre challenges the liberal quest for justice as framed 
on universalism, individual freedom, and autonomy as misleading. For 
MacIntyre, in the face of our incoherent understanding of human life, an 
attempt to capture a coherent view of justice that may be shared by all is 
marrered with difficulties. When the moral subject finds himself or herself 
sharply uprooted from the roles which affirm him or her, the view of his or 
sense of justice remains nebulously flimsy. Therefore, MacIntyre concludes 
that our modern conception of the self cannot find expression in the light of 
an Aristotelian conception of justice in which the moral subject is formed 
by human effort, training, and the related activities. Further, he maintains 
that any rational justification of principles of justice and equality is only

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276 Macintyre, Alasdair: After Virtue. 2nd ed. Gerald Duckworth & Co. Ltd. London 1999, 
p. 204.
possible from a ‘context’ viewpoint. In his view, there is no way in which a universal principle of justification can ever be effectively applicable, since different contexts or modes of social life entail different principles and forms of justification. Therefore, any rational principle, which may attempt to justify any conception of justice apart from its context, may be void of meaning, as it may lack historicity and realistic information about principles of justice and needs required in a specific context.

Therefore, MacIntyre is sceptical on whose rationality and which tradition should one adopt in order to counteract and redress the present dilemma; and under what circumstances since, given the challenges of our own historical contexts, the virtue as understood in the Greek *polis* may now be different. Therefore, MacIntyre challenges the liberal premise that right act for moral action should be framed on reason and right rather than on the centrality of the good, suggesting that even rationality may be contextualised. This premise forces MacIntyre to question the validity of one’s rationality for moral action. For him what should count is the idea of the good rather than the principle of rationality. In his view, as the liberal creed always had it to be, modern societies are completely individualistic and increasingly unconcerned with the idea of common good. According to MacIntyre, sheer individualism signals the liberal moral downfall accelerated, in part, by the liberal quest towards emotivism than perfectionism. In his view, the most perplexing aspect of contemporary moral utterance is that so much of it is used to express disagreements, rather than mutual embodiment and affirmation.

Therefore, MacIntyre is of the view that “[we] inhabit a culture in which an inability to arrive at agreed rationally justifiable conclusions on the nature of justice and practical rationality coexists with appeals by contending social groups to sets of rival and conflicting convictions unsupported by rational justification.” In still another way, MacIntyre maintains that all moral judgements are nothing but expressions of preference, expressions of attitudes, or feelings. As it were, for him, in the modern world we have no way of carrying on moral deliberations on common grounds, since we have no universally accepted criterion to make any sort of moral judgment sound. Therefore, MacIntyre argues that, unlike the liberal emphasis on freedom of choice and autonomy, stories told within particular communities, as communitarianism advocates, should constitute the central clue to moral life, hence to a sense of justice. In his

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view, casting our vision of justice in the light of the Greek *polis*, in our attempt to articulate a sense of justice that may be suitable to our own social environment, our view of what justice intended in the Greek *polis* should be illuminated by our considered judgment on the fact that the Greek notion of justice has been always linked with the city, with Athens, and by implication different cities have come to conceive different notions of justice as practiced in the framework of different parochial *polis*. Therefore, for MacIntyre, the plurality and diversity of our present social environment make it even more difficult, if not impossible, to conceive of any sense of justice that may be universally shared by all.

So in MacIntyre’s conceptual programme, amidst the ruins of Aristotelianism, the modern moral schema whether religious, political, or otherwise, is, so to say, a failed effort. Any attempt to build a conception of justice from such ruins is a frustrating attempt. Suggesting a way out from such a disintegrating frustration, MacIntyre proposes that either we return to the notion of justice as practiced in the ancient Greek *polis* or abandon altogether the Aristotelian project largely lost in the political aftermath of Enlightenment. Committed to redesign the Aristotelian legacy, in still another way, MacIntyre conceives of ethics as having its primarily focus on character rather than on actions; on the way of being in the world, rather than on our attempt to question, respond, revise, or completely abandon our moral mores and social structures in which our practice towards social living is melded. This implies that, in every situation clamning for individual’s moral discernment, the question of ethics should consist, according to MacIntyre, on what one ‘ought to be,’ rather than on what one ‘ought to do’. And by implication ethics’ main question should, on MacIntyre’s view, be formulated as: ‘what ought I to be?’ instead of ‘what ought I to do?’ In his envisioning of justice within the Aristotelian framework, MacIntyre defends an ethic of virtue that seeks not the discernment of universal moral principles but a discernment of natural ends or *telos* that embody the desired good, instead. Therefore, as it were, MacIntyre is of the view that human beings, like the members of any other natural order, have an intrinsic nature; and the very nature is such that it renders to human beings the possibility to frame and fulfil certain aims and goals, such that they move, within the bounds of their natural purpose, towards the fulfilment of a specific goal or *telos*. In his conceptual framework, this *telos* is, according to Aristotle, *eudaimonia*, blessedness, happiness, or prosperity: ‘It is the state of being well and doing well in being well.’

enable one to achieve this end; they are internalized qualities and habits that shape the essence of one’s character or social existence.281

Following Aristotle, in quite another way, MacIntyre maintains that ‘[v]irtues are dispositions not only to act in particular ways, but also to feel in particular ways.’ Therefore, in his view, ‘[t]o act virtuously is not, as Kant was later to think, to act against inclinations; it is to act from inclination formed by the cultivation of the virtues.’282 As we have seen in our earlier analysis of MacIntyre’s view of human, the Aristotelian nature of MacIntyre’s ethics seems to articulate, in a sense, the core of MacIntyre’s concept of ethics as teleological without being consequentialist; hence the propensity of his position on justice as virtuously teleological. In MacIntyre’s own testimony, ‘the exercise of the virtues is not in this sense a means to the end of the good for man [sic]. For what constitutes the good for man[sic] is a complete human life lived at its best, and the exercise of the virtue is a necessary and central part of such a life, not a mere preparatory exercise to secure such a life. And within an Aristotelian framework the suggestion therefore that there might be some means to achieve the good for man [sic] without the exercise of the virtues makes no sense.’283 Nevertheless, this does not imply that MacIntyre stands absolutely in favour of any complete disregard of moral rules or laws as ethically pointless; his is to argue, instead, that their adequate provision may only find its practical fulfilment within a social framework in which the individual may find the possibility to regulate his or her life in accordance to virtues, as well as in the capacity to hold and frame proper sense of the end towards which our human life is, by and large, intended. On my view, McIntyre may be correct, in a way, since many liberals are beginning to realize that though liberalism has become a dominant moral force of modern societies there is no way one may fulfil the liberal creed of autonomy, justice, and freedom without communities in which such ideals may be able to be nurtured and carried on. Therefore, instead of Enlightenment paradigm which laid heavy stress on reason, individual autonomy, and freedom of choice as path to morality, McIntyre insists that stories told by particular communities constitute an essential means to moral life. For MacIntyre, ‘[t]he rational and rationally justified autonomous moral subject,’ as presented by modern societies, ‘is a fiction, an illusion.’284

Therefore, ethics, in MacIntyre’s account, can never be completely autonomous and can never be articulated outside a real-life history of a community that carries on the social and the prevailing conditions in which the individual is inherent. But, put in another way, however noble MacIntyre’s position may be, one remains puzzled by its accent, since McIntryre seems unable to clearly provide a coherent view on what the desired end or telos should be like in our contemporary context. Amidst the complexities of our pluralistic societies, scholars are of the view that one may still look in vain in MacIntyre’s writings in order to comprehend the accurate nature of the virtuous life on demand as well as on what virtuous persons living in the twenty-first century may actually look like or do in the realm of our changing age. MacIntyre believes, rather, that what is needed is a framework for doing ethics, a social practice that teaches morality in stories as embodied in community’s way of life. Drawing on this conclusion, one may say that, while relegating the universal and the plural as paths to an embracing idea of justice, McIntyre seems then to envision the task of ethics as primarily being philosophically and socially concerned with tightly defined social matrixes in which clear socialization and moral accountability may obviously take hold or transpire. The foundation of ethics, hence justice, in MacIntyre’s epistemological framework, apart from being rationally defined is orthodoxy ingrain in social practice, in community and its narratives. For in his view, narratives and social practices define the communities’ existence, meaning, and identity; and provide the roles and expectations for its members. Therefore, MacIntyre’s position seems to imply that the role of justice can only be defined in social terms; what is just for the individual may be discerned in communal practice; therefore, justice in the individual is justice in the community, it springs from one’s capacity to discern the common good in communal practice.

Many theorists have decried MacIntyre’s pledge for return to an Aristotelian conception of the virtue as a remedy to our present moral quandary as somewhat misleading. MacIntyre insists that in the realm of our modern societies marked by an unending change, an adequate conception of justice can only be derived from particular practices and traditions. On the contrary, many theorists are of the view that MacIntyre’s move may only render an amorphous concept of the virtue, yet insensitive to pluralism and cultural dialogue so much needed in our commitment to set an adequate language of justice that may be shared for all. Their argument follows that despite MacIntyre’s effort in identifying himself with the Aristotelian legacy; it is difficult to understand where MacIntyre locates himself in social and political spaces in the modern world. In their opinion,
though MacIntyre may seem to recognise the fact that, notwithstanding our present moral predicament, the virtue of justice may still prevail, he seems much more dualistic, sectarian, and parochial, dedicating himself strictly to local forms of community, while denouncing the present society’s moral confusion. Therefore, they are of the view that if MacIntyre favours a concept of justice in local forms, there would be no point to reassure our common commitment towards any universal language of justice. One suggestion is that one way of claiming and combining our modern identity with our past would be to conceive of our present moral confusion as glory, as an overcoming of past injustices than tragedy.\(^{285}\)

In response, MacIntyre though, in his account of virtues, considers the Aristotelian standpoint as his point of departure, he has tried to move beyond the parochial nature of Aristotelian virtues as entrenched within the premises of the Athenian polis. In his view, the persistence of different polis implies the existence of different practices, thus the prevalence of conflicting accounts of virtues, hence of justice. In turn, this begs, in his view, the need for individual moral choice and deliberation in every context whereby questions of justice are raised. Therefore, MacIntyre remains committed in retrieving the Aristotelian resemblance of virtue while transcending its social world. As a result, he only differs from Aristotle by locating his account of virtues on purely practical terms; on practices rather than on a whole gamut of human life considered virtuous, as Aristotle’s account of virtue seems to endorse. As he himself elaborates: ‘The most notable difference so far between my account and any account that could be called Aristotelian is that although I have in no way restricted the exercise of the virtues to the context of practices, it is in terms of practices that I have located their point and function. Whereas Aristotle locates that point and function in terms of the notion of a type of whole human life which can be called good.’\(^{286}\)

MacIntyre contends that when Aristotle endorsed justice as the first virtue of political life, he did so in such a way as to suggest that any community which deprived itself of practical agreement on a conception of justice also deprived itself of the necessary basis for political community. Coming home, in terms of our present context marked by moral pluralism and disagreements on matters regarding a common notion of justice; MacIntyre is of the view that the lack of such a basis should therefore be seen as a threat not only to the need for a common moral foundation regulating certain aspects of our human life, but also to the very political

\(^{286}\) MacIntyre, Alasdair: *After Virtue*, 1999, p. 201.
basis of our modern societies. MacIntyre takes this position in his critical evaluation and analysis of Rawls’ and Nozick’s theories of justice. MacIntyre challenges the view of justice as presented by Rawls as pointlessly unhistorical, therefore misleading. That the principles of justice are those which would be chosen by rational agents ‘situated behind the veil of ignorance’ such that the choosing agents do not know what place in society they will occupy – that is, what their class or status will turn up to be, what talents and abilities will uphold, what their conceptions of the good or their aims in life will be, what their character will be or what kind of economic, political, cultural or social order they will inhabit in the world to come. MacIntyre contends Rawls’ conclusions that any rational agent so situated will define a just distribution of goods in any social order solely in terms of two principles, and a fair directive for allocating priorities when the two principles may seem to conflict. MacIntyre’s contention goes back to Rawls’ account that the first principle taking the centrality of basic liberties as its essential tenet should have priority over the second; that liberty is to be restricted only for the sake of liberty. The second principle, the principle of redress of injustices defending the centrality of justice over efficiency; should ensure that all social goods are distributed equally unless an unequal distribution is to the advantage of the least favoured in society.

In his critical analysis of Rawls, MacIntyre argues that, while many scholars have devoted their intriguing critiques on how Rawls builds his theory of justice on the premises of rational choice in the ‘original position’ and behind ‘the veil of ignorance,’ his position takes a different counter, the lack of historicity and the abstract foundation of Rawls’ theory. In regard to Nozick’s theory of justice, MacIntyre focus his attention on Nozick’s entitlement principle based on the premises of just acquisition and transfer. In his view, Robert Nozick’s theoretical position is flawed by the fact that Robert Nozick derives his conclusions from premises about the inalienable rights of each individual, a premise for which Robert Nozick offers no coherent argument. Again, as with Rawls, MacIntyre argues that his main interest in the critique of Robert Nozick’s theoretical argument is not to challenge the internal structure of his theory. But to argue, instead, that, given the fact that Robert Nozick builds his theory around the issues of human rights, the validity of his argument can only be rationally justified along those premises he presents. Again, as in the case of Rawls’ theory of justice in the case of Robert Nozick’s, MacIntyre states that his central

purpose in the critique is to unravel the social presuppositions which both theorists seem to share. This implies, as MacIntyre argues, that while Rawls makes primary what is in effect a principle of equality with respect to needs, Robert Nozick stresses the priority of one’s rights as directive rule for a justice distribution. According to MacIntyre, Rawls’ conception of ‘the worst off’ sector of community is a conception of those whose needs have been gravest on account of incomes, wealth and other goods. On the one hand, MacIntyre sees Robert Nozick as making primary what is in effect a principle of equality with respect to entitlements. However, MacIntyre contends that while both share common theoretical presuppositions; for Rawls the question of history, that is to say, of how those who are now in ‘grave need’ came to be in such a misfortune, is redundantly irrelevant. According to MacIntyre, in both Rawls and Nozick, ‘justice is made into a matter of present patterns of distribution to which the past is irrelevant.’ In his view, for Nozick ‘only evidence about what has been legitimately acquired in the past is relevant;’ while ‘present patterns of distribution in themselves must be irrelevant to justice.’ Therefore, in MacIntyre’s view the crucial aspect in both theories, regarding the just distribution of resources, remains at odds when it comes to justification. For, according to MacIntyre, how can a claim that gives priority to equality of needs be rationally weighed against one which gives priority to entitlements? In his view, the puzzling aspect in combining both theories consists on the fact that Nozick’s theory leaves out the question of needs claimed by Rawls, while in the same vain Rawls’ theory incurs into neglecting the priority of entitlements raised by Robert Nozick’s theory.289 This is a position which, according to MacIntyre, seems to highlights that in our contemporarily fragmented society an attempt to derive a theory of justice that may be shared by all is, so to speak, a frustrating project.

Nonetheless, according to McIntyre, there is something important, if not negative, which Rawls’ account shares with Nozick’s. Neither of them makes reference to desert in their account of justice, nor could they consistently do so. But, in MacIntyre’s view, to miss such an important social component can only be lamentable, since when it comes to questions of justice, it is about desert that people feel that their ‘needs’ and ‘entitlements’ have been violated. However, in his view neither Rawls’ account nor Nozick’s allows this central place, or indeed any kind of place, for desert in their claims about justice and injustice. For MacIntyre, in the original position, Rawls minimally seems to allow that common sense views of justice as connect to desert, but arguing first that we do no know

what anyone deserves until we have already formulated the rules of justice and hence we cannot base our understanding of justice on desert. And secondly that once we have formulated the rules of justice it turns out that it is not desert that is in question anymore, but only legitimate expectations. Again, according to MacIntyre, Robert Nozick is less explicit; his scheme of justice being based exclusively on entitlements can allow no place for desert.290

According to MacIntyre, for both Nozick and Rawls, society is composed of individuals, each with his or her own interest, who then have to come together and formulate common rules of life. In Nozick’s case there is the additional negative constraint of a set of basic rights. In Rawls’ case the only constraints are those that a prudent rationality would impose. Individuals are thus in both accounts primary and society secondary, and the identification of individual interests is prior to, and independent of, the construction of any moral of social bonds between them. But we have already seen that the notion of desert is at home only in the context of a community whose primary bond is a shared understanding both of the good for man and of the good of that community and where individuals identify their primary interests with reference to those goods. According to MacIntyre, both Rawls’ and Nozick’s theory contain within itself a certain note of realism about modern society, modern society is indeed often, at least is surface appearance, nothing but a collection of strangers, each pursing his or her own interests under minimal constraints. Rawls’ distributive principles exclude reference to the past and so to claims to desert based on past actions and sufferings. Nozick too excludes that of the past on which such claims might be based, by making a concern for legitimacy of entitlements the sole ground for taking an interest in the past in connection with justice.291

This bewildering conclusion has forced MacIntyre to question the integrity of a shared notion of justice and rationality in our modern societies, as expressed in Whose Justice? Which Rationality? According to MacIntyre, attention to reasons which are adduced for offering different and rival answers to different questions which the role of justice seek to address makes it clear that underlying the wider diversity of judgments upon particular types of issues are a set of conflicting conceptions of justice, conceptions which are strikingly at odds with one another in a number of ways. In his view, the concept of justice, as influenced by our fragmented views of what it means to be human in our pluralistic societies,

differs in scope, structure, and content. As it were, in anticipation the
contention expressed in both Robert Nozick’s and John Rawls’ conceptions
of justice epitomize this. As he puts it, some conceptions of justice make
the concept of desert central, while others deny it any relevance at all. Still
some conceptions appeal to inalienable human rights, while others to some
notion of social contract, again others to a standard of utility. 292

For MacIntyre, the nature of disagreement we have been observing
anticipates the fact that rationality itself, hence justice, whether theoretical
or pragmatic, is a concept with a history: indeed, MacIntyre defends that
‘s since there are diversity of traditions of enquiry, with histories, there are,
so it will turn out, rationalities rather than rationality, just as it will also turn
out that there are justices rather than justice.’ In his view, the approach
from the rationality of traditions may help solve the moral quandary
characterizing the attempt to justify moral beliefs, hence justice, from the
standpoint of a diversity of traditions. That the acknowledgment of the
diversity of traditions of enquiry, even of justice, each with its own specific
mode of rational justification, does not, whatsoever, entail that the
differences between rival and incompatible traditions cannot be rationally
resolved; it opens, instead, a venue for settlement. However, MacIntyre
states further that on how and under what circumstances can such
disagreements on principles of justice be so resolved is something only to
be understood after a prior understanding of the nature of such traditions.
Therefore, for him, contrary to an Enlightenment attempt to search for
universal moral references in the justification of moral beliefs, hence
justice, from the standpoint of tradition-constituted rational enquiry the
problem of diversity is not abolished, but it is transformed in a way that
renders it amenable of solution. In his view, the concept of rational
justification immanent or at home in this form of enquiry is essentially
historical; each tradition carries with itself a distinctive type of account of
justice and of practical rationality. Each has entered into relationship of
antagonism or of alliance and even synthesis, or of both successively, with
a least one of the others. Yet at the same time they exhibit very different
patterns of development. 293 This is a position I find commendable, since
justice can only be adequately justified within the bounds of a specific
context in which claims of justice are raised. So, it seems to me that, as
MacIntyre seems to emphasize, it will always be difficult for someone to
argue in favour of justice or otherwise beyond one’s social mores, as

theories of justice are always informed by the specific views of human held to be noble by people inhabiting a specific social context.

So, as MacIntyre seems to conclude, theories of justice and practical rationality confront us as aspects of traditions, allegiance to which requires the mitigating of some or less meticulously embodied form of human life, each with its own specific modes of social relationship, each with its own canons of interpretation and explanation in respect of the behaviour of others, each with its own evaluative practice. This does not mean that one cannot hold either view without being a member or part of specific context. MacIntyre concludes that to respond to different claims raised by justice and rationality will depend upon ‘who you are and how you understand yourself.’

A person comes both to inhabit one particular tradition-informed community of discourse in a way which enables him or her to enter into argumentative dialogue with the members of other such communities. This capacity for recognition of the self as being already to some degree at home in some tradition sharply differentiates this kind of person and this kind of encounter with a tradition of enquiry from the person who finds himself or herself as an alien to every tradition of enquiry. As it were, following MacIntyre, our understanding of what justice implies will depend on how we are able to see and explain such concept from a particular position in history.

Therefore, MacIntyre’s conception of justice departs ways with the liberal approach on the account of MacIntyre’s emphasis on history as the starting point for an adequate understanding of justice. MacIntyre’s view of the self and the ideal of the human good is historical, practice constrained, built on social relationships. To the contrary, as liberals, Robert Nozick and John Rawls frame their concept of justice on the liberal account of the self and that of the human good as based on the plurality of ends. As such, by implication, both elaborate their notions of the self on mixed or heterogeneous axioms of the human good. In their view, because the aims of the self are heterogeneous; justice requires more than a single form of defining the human good. In a recurrent approach, MacIntyre’s central contention is that though both Robert Nozick’s and John Rawls’ principles of justice may comprise a plurality of traditions their fundamental principles being built on individualistic premises may also fall short of any universal appeal. Thus, MacIntyre contends the liberal account of justice on the grounds that since the liberal premises are also framed on truisms like ‘individual liberty,’ ‘self-interest,’ ‘rights,’ and ‘social contract,’ they remain somewhat orthodox and fixed, a position which forces him to

question the integrity of their universal assumption of justice appealing to a shared conception of justice across a variety of social contexts.

Charles Taylor’s Theory of Justice

From our analysis of Charles Taylor’s concept of the self, it was clear that outstandingly Charles Taylor has been engaging with a number of important issues in the area of social ethics covering a variety of topics including that of justice. Apparently, whatever the line of argument in his theoretical framework, his contemporary philosophical blend in the domain of modern ideal of identity surfaces as a central theme. On the whole, though his concept of justice cannot be entirely captured at a naked eye, it is appropriate to say that Charles Taylor’s work represents one of the most motivating attempts in social ethics ever written by a Canadian scholar in recent decades. In his engagement with the theme of modern identity, Taylor takes to pains to meticulously present an historical account of the development of modern identity in the West in its relation to moral good and its source. Along with MacIntyre, though without being caught up by MacIntyre’s stern communitarian pledge, he articulates a modern ethic of embrace, sympathy, and universal justice that increasingly seems to be gaining standing in the Western world and beyond. Though it is on ‘the nature and scope of distributive justice,’ in Taylor’s Philosophical Papers,295 that I wish to turn in return, whereby Taylor’s idea of justice is well articulated, it is adequate to point out that Taylor’s concept of justice builds upon his modern view of the self. In his recent work, Sources of the Self, Taylor proposes a constructive ethic that arises from the development of the modern self out of the moral and social ruins and impossibilities of the old that can be applied to restrain our modern moral posture from its continuing demise, uncertainty, and fragmentation. Inspired by Hegel and other thinkers, both modern and classical, in his philosophical stance, Taylor argues in favour of the historical narrative itself, affirming the celebration of ordinary life, as the locus of identity, meaning, and purpose.296

In his elaboration on freedom, Taylor opts for a ‘situated human freedom’ as a source of moral meaning and takes one’s moral experience and context as criteria for any sensible interpretation of moral vocabulary,

hence justice. His method, by being Hegelian in scope, structure, and content, assists him in being modest, descriptively concrete, and clear in his direction. In this, Taylor has tried to outline a history of ideas that expresses strong connections between the ideal of identity, justice, and the good as determined by experience and context. In his philosophical articulation, Taylor demystifies reductive approaches to defining the self without reference to moral goods that orient one’s sense of place, meaning, and purpose in the world. Further, Taylor frames the development of a uniquely modern moral source in a self-actualising notion of human dignity and from inwardness as a locus of moral strength. In their reading of Taylor’s philosophical reflections, scholars share common opinion that Taylor foresees possibilities of firm modern moral commitments not only in traditional theistic sources but also in those modern sources of inherent goods. For Taylor, while the ideal of the good and the self may remain intertwined as the same across any historical boundaries and social contexts, modern progress changes the character of both and gives us a fresh outlook towards their meaning and purpose. As such, to be concrete, Taylor articulates his premise for moral sources on three principles: considerate theism, the power and dignity of the human person, and on the meaningful resonance and balance within the self. In his Hegelian twist, both communitarianism and liberalism remain two moral logics with opposing ends that need mutual integration, as by mutually critiquing each other they will both reach the highest form of their existence. Unlike MacIntyre’s integrationist method; in the attempt to balance diverging views of the human good, history, and existence, it is within this Hegelian theoretical contour, that Charles Taylor’s ethic has been thought as endorsing a kind of participatory communitarianism which seems to lead him into a societally participatory account of justice.

As such, Charles Taylor’s discourse on distributive justice centres on two central arguments: the patterns of distribution; and the query concerning the goods to be distributed. For Taylor, the answer to the first presupposes some illustrations on the centrality of the second. So, as he sees it, the controversy over the structure, scope, and content of justice, seems to concern not only the criteria or standards of justice itself, or what may be deemed as just; but, as it were, it seems, in his view, to include also the question of what kind of good distributive justice implies. Therefore, Taylor concludes that justice’s central argument seems to focus mainly on

298 See Benhabib, Seyla: Situating the Self. Gender, Community, and Postmodernism in Contemporary Ethics, 1997, pp. 79f.
the second, on the goods to be distributed. Taken from here, as Taylor himself seems to confirm, the question of justice, in his theory, may be viewed as landing its focal point on the nature of distributive justice itself and on the controversy surrounding the criteria at work within different modes of distribution.299

For example, reflecting on John Rawls’ approach to justice in terms of equality of opportunities, by using the conventional structure of the family as both a model and battle field for justice, Taylor argues that family reform though may no longer be doing justice between full human beings as products of socialization within the family domain, but only between truncated people, such may be allowed to flourish so that the very position for justice as equality, that is compatible with the respect due to human dignity, may give way and due consideration under the argument. Therefore, to this, he contends that the argument that families are naturally intrinsic to human beings may be challenged by the more extreme offshoots of the modern tradition of ‘absolute freedom’ and autonomy. In his view, some variants of contemporary ‘women’s liberation’ which see the family as a context of strife and injustices epitomize this position. From this point of view, Taylor argues that the family may, by and large, be seen as ‘an imposture, an oppressive structure masquerading as a natural form.’ In his position, this argument may also be paralleled and shored by that which foresees the lack of freedom and justice within a social practice governing any hierarchical society.300

So to speak, for Taylor, a pluralistic or modern view of society would require more than a single principle of distributive justice. In his view we should move from a classical and parochial view of distributive justice to think of justice contextually: justice between individuals as distinctive from justice between communities, and also perhaps to think of justice within communities and within peoples. In this way, justice involves, in Taylor’s view, rendering appropriate and equal consideration and weight to both of these principles.301 For Taylor, human society in a global context presupposes a different approach to distributive justice, since what may go on in one social context may bear far reaching repercussions with effect on a global scale. As he puts it, now that the world economy has pervaded and penetrated virtually everywhere, every sphere of our human existence across national and continental borders, principles of justice in one context

cannot be made on a sheer blindness on what is going on in some other parts of the world. In Taylor’s position, by virtue of our common humanity and social bonds, as partners in a world economy, we are linked together in one sense or the other with virtually the whole of human race.\textsuperscript{302}

Further, by and large, there are, according to Taylor, certain questions of distributive justice which are far more complex, which not only arise nationally but also internationally claiming for a more complex review. As, for example, in his view, against the obvious issues of distributive justice, questions of restoration, redress, and restitution are called upon due to ravage, plunder, rapine, conquest, spoliations, subjugation, and more, challenging, in turn, our classical view of what justice may mean. Therefore, in Taylor’s account, such a move may require that our obligations within the contribution principle go beyond the boundaries of our political society and the already considered judgments on distributive justice to include the issues of ‘distributive fairness,’ equality, and redress, translated in the respect over the rights and autonomy of other peoples and nations. Further, Taylor contends that, within a more considerate view of distributive justice, by contrast, it may be argued that in certain cases the community within which we ‘sustain our sense of liberty, personality, and individuality may be smaller than our political society.’ In his deliberation, what all this means is that ‘we have to abandon the search for a single set of principles of distributive justice’ to a more inclusive and embracing ones. In this way, on the contrary, Taylor concludes that ‘a modern society may be seen under different, mutually irreducible perspectives, and consequently may be judged by independent, mutually irreducible principles of distributive justice.’\textsuperscript{303}

On what seems Charles Taylor’s argument in favour of distributive justice in terms of \textit{needs} as emphasised by Michael Walzer and others; for him, Michael Walzer’s brilliant and astute articulation of different positions of justice in \textit{Spheres of Justice}\textsuperscript{304} epitomizes this move whereby the ‘character of universal citizen self-rule which has become central to modern Western democracy renders illegitimate the exercise of essentially political power which is based on the ownership of property’ as emphasized by Robert Nozick and other liberal theorists. In Taylor’s view, this paradigm motivates Walzer to argue in favour of ‘certain principles governing the provision of welfare, especially that the goods are distributed in proportion to need, and that the distribution recognize the underlying

\textsuperscript{303} Op. cit., p. 312.
equality of membership on the bases of the nature of the goods, and the common understanding of membership in a democratic society.  

For Taylor, ‘complexity is further compounded when we reflect that there is no single answer to the questions of the unit within which human beings owe each other distributive justice; that even within one model of society, there are different degrees of mutual involvement which create different degrees of mutual obligation.’ It suggests, in Taylor’s conceptual scheme, that the quest for justice in our contemporary context begs us to think about justice beyond our own social and economic horizons to include those shaped by other people’s beliefs and social histories. For him, if this means that ‘there may be no such thing as the coherent set of principles of distributive justice for a modern society, we should not be distressed,’ or even paralyzed in our quest for a more adequate view of justice. The same plurality emerges, in Taylor’s reflection, ‘in Aristotle’s discussion of justice in Politics II and IV.’ In his view, those who adopt a single exclusive principle, speak, according to Aristotle, ‘of a part of justice only.’ This needs, according to Taylor, ‘not reduce us to silence, but it should only help us to understand that ‘there are no mathematical proofs about distributive justice.’ Rather the judgment of what is just in a particular society involves, according to Taylor, ‘combining mutually irreducible principles in a weighting that is appropriate for the particular society, given its history, economy, and degree of integration.’ Therefore, Taylor concludes that it is hard to set out knock-down proofs of such judgments.

For Taylor, intuitions about distributive justice are continuous with our basic moral intuitions about human beings as beings who demand a certain respect as proportionally ingrained in their particular nature. Therefore, he contends that if the Kantian ideal of human dignity were to be inferred, such an inference would first beg for disagreement on what human dignity consists in, by implication a particular view of human dignity would lead into a different mode and justification of justice. This disagreement lies, according to Taylor, behind the dispute over the nature and scope of distributive justice, ‘and one cannot really get clear about the notion of distributive justice without exploring different notions of human dignity.’ In my view, some may see the ideal of human dignity in terms of right, autonomy, and freedom of choice; while others may look at it from the perspective of one’s moral experience, and social attachments, still others


on the possibility for self actualization and agency. In still another way, for Taylor, ‘our notion of human dignity is in turn bound up with a conception of the human good that is our answer to the question, about what is good for a person? Or about what is good for human beings? This too is, according to Taylor, part of the background of a conception of distributive justice. In his view, ‘[d]ifferences about justice are related to differences about the nature of the good in the Aristotelian expression.’ And they are, in turn, related in particular to a key issue, which is whether and in what way human beings can realize the good alone, or in what way they should be part of society to be humans in the full sense or to realize the human good.\(^{307}\)

Therefore, in Taylor’s view, claims for justice may thus be articulated: ‘different principles of distributive justice are related to conceptions of the human good and in particular to different notions of human beings’ dependence on society to realize the good.’ Thus, in Taylor’s view, deep disagreements about justice can only be clarified if we formulate and confront the underlying notions of human and society. This is, in Taylor’s conclusions, the nature of the argument, and it also underlies the actual dispute we witness in modern societies in the light of the structure, scope, and content of justice. The underlying critique and basic point in Taylor’s notion of distributive justice is that ‘there is no such thing as distributive justice in the State of Nature; justice presupposes the existence of society.’ In his view, the mode of justice which holds between quite independent human beings, not bound together by any society or collaborative arrangement, whose principle presupposes competing claims on the basis of entitlements in terms of rights cannot be taken as a principle of distributive justice.\(^ {308}\)

For Taylor, an argument of justice which abstracts itself from human conditioning, and which is insensitive to the social nature of human beings naturally may only produce the most bizarre consequences in the pursuit of an adequate theory of justice. Therefore, Charles Taylor’s view of justice unleashes the classical debate between leftists and rightists as pointlessly misleading. According to him, as long as we see ourselves as concerned in finding and defending the principles of distributive justice on the premise of Rightist and Leftist classical debate we are deemed to failure as ‘both Left and Right are not only locked into a debate to which there is no satisfactory intellectual resolution, because it is cut off from the considerations about our real cultural and historical predicament which

could resolve it, they are also engaged on a terrain which is bound to maximize frustration and resentment, as each is encouraged to experience every distributive defeat as a ‘rip-off,’ a violation of fundamental right, a flouting of justice itself. Therefore, in Taylor’s view, our present reading of things, which philosophy has generally endorsed, encourages ever-rising indignation on both sides of an issue irresolvable by rational discourse. Taylor aims, so to speak, for a participatory and societal view of justice which may supposedly liberate the self-reliant individual in one case, or one which will realize greater solidarity and collective self-management on the other. Taylor is in favour of a theory of distributive justice built on the premise of distributive fairness a concept of justice as transforming of the classical debate between left and right wings moral theories, a theory which by being considerate may bring us closer to our own reality, to our actual culture and history; a theory that may make, at least, somewhat harder to espouse dogmatically one principle of justice in utter blindness to the relative claims of the others.309

At the helm of his theoretical framework, Taylor proposes that philosophical reflection should bring us to the point whereby we are able to constructively come to grips with the question of distributive justice. In his suggestion, one possible route towards such a critical survey would be through a critique of currently accepted standards of justice. In his analysis, Taylor is able to identify four main families of thoughts about distributive justice, such as the ‘Lockean’ atomism, egalitarianism, the contribution principle, and the Marxian position. Further, of great interest, in Taylor’s critique, posturing the significance and substance of the contribution principle is the family of ‘Lockean’ atomism which focuses on the inalienable right to property, invoked in the most pugnacious affirmations of the contribution principle, both in its radical and more sophisticated forms; the family of liberal and social-democratic views which justify egalitarian redistribution; and finally the family of Marxist views which refuses the issue of distributive justice altogether, on the grounds that the question is insoluble here, and unnecessary in a classless society. By and large, in Taylor’s view, Rawls’ theory of justice hangs somewhere within the family of liberal and social-democratic views epitomizing and justifying the egalitarian redistribution’s commitment.

All things considered, Charles Taylor’s theory of justice centres itself on the critique of sheer atomism as contrary to the modern ideal of identity as dialogically founded, grinded, and affirmed within the universe of social matrixes. For Taylor atomism refuses to accept the social perspective of

justice, that the very potential for the good, in this case liberty, which atomism cheerily cherishes is bound up with a certain form of society. In his view, though atomism has defended the propensity to assume that the individual needs society, democratic institutions, and the rule of law, such needs are only adduced within the Lockean purpose of protection of individual rights and property. Therefore, for Taylor, the basic error of atomism in all its forms is that it fails to take account of the degree to which the free individual with his or her own goals and aspirations, whose just rewards is trying to protect, is only possible within a certain kind of civilization. Atomism fails to reckon the fact that the very Lockean and Kantian principle for moral agency can only be invoked within a social premise, within a history. That it took a long development of certain institutions and practices, of the rules of equal respect, of habits of common deliberation, of common association, of cultural self-development, and the rest, to produce the modern individual; and that without these the very sense of oneself as an individual in the modern meaning of the word would weaken or atrophy. For Taylor, though atomism in the West has contributed in elevating the importance and the need for protection of individual freedom, human rights, dignity, and social liberties it has increasingly relegated the fact that the very self-definition of modern individualism remains something inherently generated and affirmed by society without which the very individual may hardly exist or flourish.310

Therefore, I am of the view that in his societal quest for distributive justice, beyond the impulse of ‘possessive individualism’ which, at times, may lead into an extreme stance of disengagement towards one’s own being of the Lockean punctual-self,311 Taylor’s central premise is human dignity, equality, freedom, and social solidarity. As such, he seems to argue in favour of a considerate ideal of distributive justice based on the plurality of needs. To use Van der Ven’s term, a considerate ideal of justice presupposes ‘a distantiated stance or reflective position from which all kinds of conventions, all kind of institutions, or all kinds of status quo can be critically be evaluated,”312 where no aspect of justice may be assumed as having a privileged position. The model proposes, therefore, that every feature of distributive justice whether communitarian, libertarian, liberal, or otherwise is critically evaluated impartially. Assuming, however, that many people would critically respond to situations of oppression, alienation, or else with moral reasoning based in part, on their situation and experience of

injustice as well as on universally accepted moral principles, ‘distantiation’ and ‘impartiality’ should therefore be softly applied here as ethical terms not too far removed from one’s reality, history, social existence, or context as the ‘stimulus that trigger’ one’s critical thinking towards justice. For example, people when faced with instances of racism or sexism, their reasoning would tend to trigger them to base their reasoning on the principle of human dignity of the downthrown group or of women; in cases of structural inequalities they would reason from the principle of social justice; and in other cases of human rights violations their moral arguments would flow from the principle of respect for the human person.  

Therefore, unlike the liberal quest in downplaying the centrality of context and emotion in the pursuit of justice, Taylor is conscious of the fact that it might be the case that one’s critical deliberation on justice, either from a universal moral principle or otherwise, takes place only in a specific context whereby one is confronted with experiences of severe adversities inducing strong feelings of protest, anger, or even repugnance.

Charles Taylor’s theory of justice seeks, therefore, to address all these aspects in an equal moral footing within the context of just distributive relationships between the state, community, and their individual citizens, by highlighting the shadowed and greyed areas of distributive justice in terms of needs, rights, and desert. Contrary to Rawls’s view of justice where in terms of the ‘social contract,’ in the ‘original position’ and the ‘veil of ignorance,’ the good and the just are separated; the good is constrained by the just and the just given a privileged position as a procedure for human relationships, hence justice; in Charles Taylor’s view of justice the good and the just are intertwined. One cannot ascertain what the good consists in without coming to terms with the just; in the same way that one cannot know what the just consist in without knowing the good. The just and the good are afforded equal moral status as a procedure for justice. The values of individual autonomy, rights, dignity, and freedom of choice cannot be assumed as taking place in a social Galaxy, quite the contrary they should be understood in terms of their relationship to the adverse circumstances of human existence.

Conclusion

In surveying the different theories of justice within liberalism and communitarianism, given the fact of our creative existence, of our different histories and social contexts, bearing influence on our different views of human, it is difficult to find a line of consent between different theoretical positions arising from different contexts, sharing different views and beliefs on what justice may consist in. As such, since different contexts may entail different views on what it means to be human, trying to justify a particular conception of justice from any universal standpoint can only lead into unnecessary conclusions. Any attempt to find universal principles in the justification of moral beliefs may fail to do justice to the fact that different theories concerning the understanding of human being may yield different understandings of justice. Therefore, the analysis has indicated that an adequate theory of justice to be sound should be pluralistic, rather than relativistic, it should be both ‘reason,’ ‘right,’ and ‘universality’ sensitive as well as ‘need,’ ‘experience,’ and ‘context’ sensitive. It should be able to show that while principles of justice may be applied universally, different contexts may argue in favour of different principles of justification and interpretation of justice resonant to the context in which the claims of justice are raised.

In my analysis of both Robert Nozick’s, John Rawls’s, Alasdair MacIntyre’s, and Charles Taylor’s theories of justice, taking universalism and contextualism as principles of justification, within the liberal and the communitarian positions, I have recognized that while liberalism by its sheer quest in favour of universal references in the justification of moral beliefs, such as reason, right, and autonomy, apart from any particular sources, such as context and history, may fall into the temptation of regarding the practices of a particular context as an irrelevant starting point for a constructive account of justice. In similar fashion, communitarianism by its stress on context, such as history, experience, and culture, as the starting point for an adequate understanding of justice may fall into the conceptual temptation of entertaining particular aspects of a given tradition or context as primary, without any endeavour in cultivating new ways of seeing things as determined by distance and detachment, only because such aspects are part of a particular tradition and history. In my view, this seems to be one of the dilemmas which, in his theory of justice, MacIntyre himself seems to fail to reconcile. A general observation has been that, liberalism in its emphasis on universality can only justify principles of justice in terms of rights, autonomy, and freedom of choice. Similarly, communitarianism arguing in favour of contextualism, can only justice and interpret principles
of justice in terms of one’s moral experience, history, and cultural tradition. By and large, one important conclusion which may be adduced from the present study is to see the interpretation and justification of principles of justice within different ethical theories as inspired by different views of human.

From a liberal viewpoint, Rawls’ theory of justice, though noble may be, presupposing the existence of an ‘original’ agreement behind the ‘veil of ignorance’ by free, rational, autonomous, and equal persons, has remained difficult to conceive. Scholars contend that it is difficult to accept whether the theory may find relevance in the real world of human relationships matched by solidarity and interdependence. Comparing Rawls’ and Nozick’s views of justice, some scholars have adduced that while Rawls’ theory may remain relevantly egalitarian in its scope, structure, and content, the vision of Robert Nozick’s theory, atomistic as it is and as detached as it appears, from the web of social relations and interdependency, seems to enter into conflict with the view of the modern individual, far removed from the ‘State of Nature,’ as a social subject needing the society in order to make sense of himself or herself. Therefore, Robert Nozick, in the light of his Lockean proviso, emphasizing the understanding of justice as protection, sees justice as protection of rights, justice as entitlement, hence laying strong emphasis on an atomistic, protected, conception of justice. Rawls depart ways with Nozick on the grounds that while taking the concept of justice in terms of autonomy, needs, equality, and redress, his major emphasis is a commitment towards an egalitarian view of justice. Charles Taylor taking similar position disagrees with Rawls on how the concept of justice in terms of needs and equality may be interpreted in a context suggesting a variety and plurality of needs.

All in all, communitarianism by its emphasis on the justification of principles of justice from the premise of the good, of desert, while paying less regard on how the importance of individual rights, autonomy, and dignity is to be attended represents a weak position within the communitarian view of justice. Issues concerning whether the individual should be left alone or needs the community in order to advance his or her ends have not yet been adequately explored within communitarianism and have remained a point of contention between liberalism and communitarianism. As such, communitarianism being based on context, on one moral’s experience, cannot justify its principles of justice by applying universal means. In the same way, universalism by applying universal principles cannot justify its principles of justice from any given context or any historical source. In this way, MacIntyre defending a neo-Aristotelian notion of justice in terms of desert sees social practices, of virtues, as a
starting point for an adequate understanding of justice. This tendency seems to lead MacIntyre into a ‘commutative’ and teleological view of justice, an understanding of justice as character, a virtue.

Comparing liberalism and communitarianism, of central interest is that though Rawls’s idea of contract as a procedural principle of justice, having being substantially contested as extremely individualistic and universalistic, it remains noble in emphasizing that any conception of justice to be sound should be backed by the common will of the general public and should be put to work by common agreement of each individual citizen. It suggests that in terms of rights and the consigned liberties every person’s conception of the good should count equally in society. Rawls’ theory of justice emphasis a concept of justice within a social democratic regime; it follows that the role of a social democratic state in ensuring the impartiality of justice is not to guarantee the good of every individual citizen, or to make people wholly content. But instead to establish a state of affairs in which people are able to pursue their own happiness and liberties, in pursuit of their own conception of the good. It sets the premises of democratic essentials within a society of equals in which the right and the just take precedence over the good.

As it were, one may conclude therefore that Rawls’ central commitment in his theory of justice is to separate the good from the right and the just and trying to render the concept of the right and the just a procedural stance for an adequate account of justice. Seeing this conclusion in terms of Rawls’ second principle of justice one may say that Rawls’ commitment is, indeed, equality only to realize that what Rawls is embroiled in is, indeed, inequality; the redress of undeserved inequalities by inequality. Therefore, Rawls theory stands in the junction between liberalism and communitarianism, setting a premise towards the ideal of social democracy: Rawls may be conceived as a social democrat in the eyes of those who see him as advocating egalitarianism of a kind, and as liberal democrat in the eyes of those who see him as legitimizing rights, thereby inequalities. As such, Rawls tries to transcend the claims of both communitarianism and liberalism but without success since different views of human as defended by both positions make the success of his commitment impossible. Taking similar position is Charles Taylor who sees an adequate theory of justice in terms of its relationship to the ‘conditions of human existence’ in which claims for justice are made. Conditions of human existence, in terms of a situated view of the self, inspire and trigger peoples’ consciousness for right, justice, and autonomy.
Chapter IV: Conceptions of Justice within African Political Theory

This chapter aims at discussing concepts of justice within African moral theory. We have so far dealt with the concept of community within African philosophy and theology which led into different views of ubuntu in the light of how different scholars regarded the relationship between the individual and the community. Following such conclusions, my central purpose in the present chapter is to critically draw an analysis of different views of justice in the light of each scholar’s theoretical position on the understanding of the relationship between the community and the individual. Many African scholars are unanimous in arguing that justice becomes the focus of our moral consideration only because we are persons with different needs and life plans in relationship, and the very relationship is the sole subject and primary cause of justice. All in all, the object of justice in the African worldview is twofold: the individual’s obligations to the community and the community’s obligation to its members and itself. However scholars differ on how such obligations are to be regulated or determined, given the centrality of justice itself, the question of individual rights, autonomy, freedom of choice, and the need for community. This chapter seeks to address these questions within the realm of the idea of justice in the African context. Firstly, I will discuss Mbiti’s understanding of justice in light of his view of community as relationship and locus of individual existence matched with a strong sense of communal solidarity; secondly I will examine Kwame Gyekye’s view of justice within the framework of his understanding of community as a context of equality, where the values of individual autonomy, freedom of choice, and dignity ought to be protected; thirdly I will analyse Mosala’s conceptual understanding of justice in the light of his view of community as redress and liberation from alienation and oppression; finally I will discuss John De Gruchy’s notion of justice from the perspective of his understanding of community as a covenantal living, restoration, and reconciliation.
John Mbiti’s Theory of Justice

John Mbiti has reflected on a number of important topics in social ethics, combining different African themes, from religious and philosophical perspectives. His philosophy remains one of the most important elaborations ever by an African philosopher of his calibre. In his arguments, Mbiti offers an excellent analysis of African morality as societal and defines community as a locus of individual existence matched with a strong sense of communal solidarity: ‘I am, because we are; and since we are, therefore I am,’ has been endorsed as ubuntu a genesis of communitarian nature of African morality, defining the relationship between the individual and the community. Because of its importance in the African views of person it has been a subject of countless debates amongst scholars both at home and abroad. Mbiti’s outstanding contribution in the area of social ethics and moral philosophy in Africa can be seen by the fact that most African scholars who have written after him always take him as a point of reference.

To start with, in the analysis of Mbiti’s notion of justice, the golden rule in his view of justice, the bedrock of ubuntu conceptual framework, is the belief that ‘to be’ is to belong. One cannot exist apart from the group in which one belongs. Individual existence, aspirations, aims, and the very notion of personal identity are shaped by one’s corporate existence to a particular group or community. This belief by being normative represents the starting point of the ubuntu conception of Justice. This concept is framed within on the fundamental social belief of African ideal of justice rooted in the mode of corporative existence and mutual responsibility as constituting the key social hermeneutic for an adequate account of the meaning and end of justice. The social thrust of an ethic of corporative existence implies a conception of justice as rooted within the model of communal solidarity within members shaped by common vision and purpose in life.

Further, in the African context, the social matrix of justice as collective responsibility rests on the understanding of community as including both the living and the dead. It rests on the belief that one’s moral obligation towards the group never ceases with death, it goes beyond the realm of the living to include even those who have gone to their rest, religiously known as ancestors or the living dead. The idea and its moral structure are not,

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however, to appease the spiritual forces of the dead so as to make them
dormant. But, instead, at times, the idea is to challenge their canny or
malicious intents if, despite the trembling effort and generosity of the living
in fulfilling their moral obligations, communal life remains one of fear,
uncertainty, and despair. So the living may besiege the departed in a
scolding but humbly prayer, saying: ‘What have we done wrong to you, we
your children? Why are you angry with us?’ ‘Why are you cursing us by
sending us evil?’ ‘Our backs are facing the sea, and the evil is just taunting
before us’ (to mean that they have no where to turn to for solace and
strength). ‘Please, help us, as you have always done.’ In making such
scolding questions in prayer, the African makes the departed present and
participatory in the life and challenges of the community. Therefore, this
shows that the relationship is one of interdependence and of reciprocal
justice. Justice consists on the fact that the ancestors can only be
approached with a sense of moral praiseworthiness if they do good, in
return, to their living descendents, and treated with a sense of moral
contempt and blameworthiness if they curse the living out of no fault. It
reminds us of Psalm 77, and also of Saint Augustine who, in his
desperation, approached God with hunger, saying: Art thou mad God?318
Understood in this way, Africans believe that to relegate those who have
died to the realm of insignificance may be seen as the most unjust act of
ingratitude one may commit, as it may entail to meaning that, by chance of
death, the departed who once have been part and parcel of this community
in life are now cut off from the bond of community and from the web of
continual existence. This is central point of African ideal of justice, as right
relations that not only include the living descendents, but also move beyond
the grave. However, it may not make sense to our modern way of thinking,
as we are too unbending, too compelling in our attempt to fit everything
into the strict and rational category of worship or veneration. Some scholars
have accused Africans of idolatry but such views are misleading and
constitute a misunderstanding of African reality, the focus of African moral
experience, African never worship their ancestors, but instead venerate and
pray for them. To understand the African notion of reality one should try to
see what they do by adopting their context.319

The average Africans see no need to enter into a rational and theological
squabble, to justify what they do, their concern is life and its wellbeing,
how to protect and enhance it. ‘Their philosophy of forces serves as

318 Parrinder, op. cit.; 1968, p. 65.
sufficient guide’. As Parrinder puts it, they do not debate as to whether ancestors are gods, or can be prayed to or not, they know that having passed beyond the grave the ancestors have *outsoared the shadow of our night*. They have acquired new powers, those powers may help those who remain behind, and so the descendents make any sort of appeal that may get succour in time of need. To say the least, the worst off, the stranger, the destitute, and the very cosmic order, too, are looked with a special favour and concern within the African view of justice. Therefore, the questions of *needs* not *desert* constitutes the central background for an adequate account of justice which extends to compassion, hospitality, generosity, and empathy. People suffer from various needs such as poverty, malnutrition, bad housing, unemployment, illiteracy, disease, abandonment, and lack of love, most of which are burdens people would never stand to deserve. Therefore, in the African worldview, justice is all that promotes life and adequate human relationships; and injustice is the opposite, all that which dehumanizes or reduces social existence. In this way, the question of needs, rather than desert, renders the African morality a more compassion stance, though desert is also important in questions of redress or rectification. But, on the whole, it cannot be the taken as the starting point of African ideal of justice. The claim for *desert* in connection to justice becomes historically critical only when imbalances are redressed, since one cannot deal with the present without taking the past into account.

Nevertheless, it needs to be said here that the ideal of common demand, common reality, and common ethos within the African scheme of justice does not imply to meaning that the individual members have no moral freedom, which is inherently essential if one is to live as a normal human being. The social ruling and its presumption, here, is that a constructive argument of moral freedom entails that, while the individuals may claim for their rights, they are also expected to fulfil their moral obligations towards the community, since freedom and justice can only become a reality in a relational sphere, but not freedom or justice from our social coexistence. ‘The essence of African morality is that it is more ‘societary’ than spiritual; it is morality of ‘conduct’ rather than a morality of ‘being.’ A person is what he or she is because of what he or she *does*, rather than he or she *does*.

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322 MacIntyre, Alasdair: *After Virtue*, 1999, p. 251. McIntyre criticises Rawls and Nozick for not taking the issue of desert very seriously in their account of justice. He writes: ‘I have remarked upon how Rawls’s distributive principles exclude reference to the past and to claims to desert based on past actions and suffering. Nozick too excludes that of the past on which such claims might be based, by making a concern for the legitimacy of entitlements the sole ground for taking an interest in the past in connection with justice.’
what he or she does because of what he or she is. Courage or benevolence is not virtues, unless someone is courageous and benevolent.\(^{323}\)

Therefore, in Mbiti’s view, justice entails doing what is good for the entire community including the surrounding environment, animals, fields; and neighbours, neglect to do so is equivalent to injustice; individualism and neglect of one’s corporate existence may be viewed with contempt. The ideal of autonomy is out of question within the African scheme of justice; individual autonomy and the very self-worth are defined in terms of what is good for the community. ‘As in all societies of the world, social order and peace are recognized by Africa peoples as essential and sacred. Where the sense of corporate life is so deep, it is inevitable that solidarity for community must be maintained, otherwise there is disintegration and destruction.’\(^{324}\) Moral structures including codes of justice are put in place so as to guarantee civil order and justice; and that require a high degree of sensibility and accountability amongst fellow members. The ethic of corporate existence implies that a person ‘is because of others,’ committing injustice against fellow members is equivalent to committing injustice against oneself. Therefore, an act of injustice inflicted against a fellow member is taken corporately as an act of injustice against all. In Mbiti’s view, something is considered evil or unjust not because of its intrinsic nature, but by virtue of who does it, to whom, and from which level of society.\(^{325}\)

Ironically, in Mbiti’s view, within these firmly interwoven spheres of human existence, where personal relationships are so elusive, intense, intermingled, and so extensive one finds perhaps the most puzzling areas of African life. This corporate type of life makes, in Mbiti’s view, every member of the community ‘dangerously naked in the sight of other members. It is paradoxically the centre of love and hatred, of friendship and enmity, trust and suspicion, of joy and sorrow, of security and insecurity, of building and destroying the individual and community.’\(^{326}\) In Mbiti’s view, communal life has its side effects, strong sense of communal solidarity also renders oneself socially vulnerable: ‘everybody knows everybody else: a person cannot be individualistic, but only corporate. The list of what should and should not be done is long and detailed that a person is constantly confronted with moral demands throughout his or her life.’\(^{327}\) This is the side effect of the African view of reality, it ‘is seriously so in the


environment where the individual is conscious of himself or herself in terms of ‘I am, because we are; and since we are, therefore I am.’

However, the whim of progress and modern change has severely affected various spheres of human life and politics in Africa, and the very concept of justice. According to Mbiti, the process is called ‘detribalization, implying that the traditional life is deeply undermined, in which tribal identity is fading away giving room to modern notions of identity with strenuous claims over the individual and the community. In Mbiti’s account, ‘in traditional life the family is the nucleus of both individual and corporate existence,’ the area whereby a person feels warm and where really she experiences a sense of personal consciousness of herself and of other members of society. In the present context, the family is the most severely affected sphere of African life. As Mbiti puts it, in one household one may find completely different worlds coexisting side by side, framed within a complexity of different economic standards, social concerns, and worldviews.

Within the sphere of individual life the change has come too harshly, dropping the modern individual into a gloom for which it bears no grounding. It alienates her from both the tradition of her society and from her roots. ‘The individual is part of the change but also alienated from it. So the individual becomes an alien both to traditional life and to the new life brought about by modern change.’ The individual is uprooted, alienated from the traditional conception of justice but with no clue for the modern notion of justice either. Paradoxically, the modern individual is, so to speak, poised between two poles: the traditional solidarity which supplied him or her with a social and emotional securities, with land, customs, ethics, rites of passage, customary law, with all its various arrays of justice, religious participation, and historical meaning; and modern way of life which for him has not yet acquired any solidarity. So the individual is torn apart remaining the victim of a twofold process: one receding backwards into the past while the other lingering on in the future. And the tension between these two spheres of human existence is difficult to reconcile; is neither harmonious nor creative for the majority of Africans. As a result, the African conception of justice is caught up in this spherical junction of human existence, the old cannot work anymore but the new cannot give him or her any guidance either. It creates a great deal of moral and social confusions that African cannot understand how the current justice system.

operates. The concept of justice as compassion, relationship, and need, clashes with the modern notion of justice as a claim, desert, or entitlement. This is the cardinal point for Africa’s present predicament, the endeavour to reframe a conception of justice that is both authentic in terms of its rootedness in past and independent in terms of its modern attempt to integrate both the present, the past, and the future is yet to be seen. So the understanding of justice as a relationship cannot be endorsed apart from its historical legacy, to do is to miss the present African view of reality.

Kwame Gyekye’s Theory of Justice

Kwame Gyekye has reflected on number of topics within the scope of African political theory. In his philosophical commitment in favour of moderate communitarianism in Africa Gyekye offers a refreshing account on how the question of individual autonomy, freedom of choice, dignity and the need for community may be brought together to bear one another within African political theory. Therefore, Gyekye argues that since both the individual and the community are mutually interdependent in terms of their mutual responsibilities, the question of individual rights, autonomy, freedom of choice, dignity, and the need for community should be taken as equally important within the African view of community if a person is to be regarded as a full human being with rights and responsibilities towards herself and towards her community.

In the introduction, I have indicated that one central aspect on the subject of justice in the African conceptual scheme was twofold. Firstly, the fulfilment of the individual’s duties and responsibilities towards the community, in terms of individuals’ relationships towards one another; secondly, the responsibility of the community in taking care of itself and of its own members. In Aristotelian terms, these two concerns of justice are understood as both commutative and distributive: respectively, the previous aspect of justice concerning the social realm, civil law, or individual’s responsibility within society; and the second to the idea of the common good. However, Gyekye argues that the role of justice denies that the pursuit of the ideal of the common good, promotion of community, be achieved on the expense of individual’s rights, autonomy, dignity, and freedom of choice.332 In fact, it is commonly assumed that the distinguishing feature of the African view of ‘distributive justice’ is the

Considerable role that community is expected to take on for the well-being of its members. 333

Therefore, Gyekye challenges the strict societal and communitarian nature of the view of person in the African context as immanent in Mbiti’s ethical axiom: ‘I am, because we are; and since we are, therefore I am,’ which also defines the role of justice in the African worldview by maintaining the primacy of community over the individual, thereby defining the individual’s personhood, autonomy, and self-worth in terms of communal structures. Gyekye’s position is that the view of the individual as presented by Mbiti and supported by the Nigerian philosopher, Ifeanyi Menkiti, as central notion for defining the course of justice in the African context is misleading because, in his view, despite the fact that the individual is by virtue of her nature part of the human community hence socially constrained, the individual also holds other human attributes which give shape to her own personal identity which needs to be considered and respected such as rationality, capacity for virtue, moral agency, and choice. Further, Gyekye argues that one cannot deny the community’s role in the complex process involved in the individual’s realization of his or her own goals, life plans, and aspirations, however maintains that the communal definition of constitution of the individual can only be understood in partial terms, requiring that both the individual and community be given equal moral worth. 334 Therefore he argues in favour of a kind of moderate communitarianism which may be able to take into account the individual rights to participation, freedom of choice, and autonomy which he sees as central for an adequate account of justice.

Therefore, according to Gyekye, the principle of distributive justice implies that community should be understood as a context of equality in terms of its shared roles amongst members who are equal by virtue of their humanity. Every member of the group should have a shared responsibility within the universe of shared social goals towards the well-being of all, and the ideal of reciprocal rights and duties between the individual and the community should be taken as paramount. Therefore, questions pertaining rights and the ideal of the common good should be given their due weight only in terms of their end. For Gyekye, because one’s dignity as a person, defining one’s given humanity, is so important when it comes to justice, the thesis of moderate communitarianism defends that the claims for individuality and community should be equally and morally acknowledged.

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So, in his view, the community needs the individual and the individual, having natural links to the community, can barely function properly outside the framework of the community. Therefore, the nature of interdependence defining the relationship between the individual and the community implies that any kind of justice to be adequate should strive in striking a balance in the fulfilment of individual needs and that of the entire group. Gyekye argues that individual rights, the exercise of which is meaningful only within the context of human society should therefore be matched with social responsibilities. For Gyekye, human beings have different needs and pursue different ends in the fulfilment of such needs; therefore, justice requires that the individual, in terms of her different needs, should be afforded the same rights and the same moral considerations as those enjoyed by the Community. For him, to grant the same moral consideration to the individual is not a denial of social nature of the individual but the fulfilment of the belief that the role of distributive justice in the African worldview is the fulfilment of its own needs by fulfilling the needs of its own members. Therefore, for Gyekye the protection of the values of individual rights, autonomy, and freedom of choice cannot be foreign within communitarianism. The conception of human dignity compels the recognition of rights not only within an individualistic social realm but also within a communal setting. Therefore, Gyekye refutes the liberal thesis that it is only within individualism where the quest for rights, freedom, and autonomy may be fulfilled. By virtue of they being comfortably at home within liberalism.

It must be granted that moderate communitarianism cannot be expected to be obsessive with rights. The communitarian society, perhaps like any other type of human society, deeply cherishes the social values of peace, harmony, stability, solidarity, and mutual reciprocities and sympathies. For, in the absence of these and other related values, human society cannot satisfactorily function but will disintegrate and come to grief. The preservation of the society’s integrity and values enjoins the individual to exercise her rights within limits, transgressing which (limits) will end in assaulting the rights of other individual or the basic values of the community.

For Gyekye, individual autonomy, rights, and freedom of choice should be taken as intrinsically important but they ought to be constrained by the

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common good the exercise of which will make possible for society to function accordingly. For example, the justification of justice in terms of ubuntu moral theory is not only confined within a particular community or within the relationship between individuals. It is relevant even in the context of our contemporary world in which the world has become a global village, and to be global entails an ethic of mutual responsibility and respect. If a just social order is to be attained, such an order can only be achieved within the endeavour for a collective responsibility, in the respect of self-determination in all aspects of life, political, social, religious, cultural, and economic. The reverse may only encourages the privileged and the strong to trump over the rights of others. Where there is no common purpose there can hardly be any common demand, or law. And where there is no common demand there is no injustice. This paradoxical moral dictum implies that where there is no law individuals may only strive towards those things, which, in the universe of rights, may fare better the pursuit of their own self-interests even that may require violating the interests and rights of others. 339 Justice entails cooperation, the African concept of distributive justice is objectively societal in the sense that the fulfilment of the wellbeing of individual members by the community implies, above all, respecting individual needs, autonomy, rights, and responsibilities. While I may still strive towards my own identity, autonomy, group loyalties, and interests which give me dignity as a human being, ubuntu concept of justice leaves us with a moral obligation that, without relegating who are, we should look beyond our own confines and embrace the other. Our self-seeking should be matched by our responsibilities towards other many of the conflicts around the world have to do with the attempt to defend identity at the expense of the other. 340 This being so, ubuntu ethics denies that the quest for corporative existence and communal solidarity be achieved at the expense of difference, moral pluralism, and personal identity.

Gyekye also rejects the position defended by many communitarian thinkers in the West, like Alasdair MacIntyre, Charles Taylor, and Michael Sandel, that for an adequate political theory of justice, the ‘politics of rights’ be abandoned and replaced with the ‘politics of the common good.’

339 Op. cit., p. 231. Gyekye also discusses the issue of justice as synonymous to the law. For him ‘the idea of an absolute moral law constituted the foundation of the ethics of Socrates and Plato’. Aristotle, in his discussion of justice, endeavours in making a distinction between ‘natural justice’ (phusikon) and ‘conventional justice’ (nomikon). Therefore justice will always be possible only within the realm of human cooperation, where there is a common demand, except in a perfect society, which would need no law in order to bind its individual members.

Gyekye believes that rights should primarily and irreducibly remain an individual property. They are a mean by which individuals may be able to express their talents, capacities, and identity even though such an expression can essentially be accomplished within a social framework.\(^{341}\) For him, individual autonomy which occupies central position in a communitarian platform should involve recognition of the unalienable nature of rights. In his view, rights and autonomy correlates side by side giving currency to one’s understanding of identity as a person. Therefore, a communitarian rejection of the centrality of rights or reduction of rights to a secondary status does not adequately reflect the claims of individuality commanded within the framework of the moral worth of the individual.\(^{342}\) Therefore, a moderate or restricted communitarianism, giving recognition to communal values as well as to values of individuality, to social commitments as well as to responsibilities towards oneself, can only argue in favour of a view of justice in terms of needs and equality. Since people by virtue of their human nature and life plans bear the propensity of pursuing different needs a position which ought to be recognized and given its due weigh by society at large. This is true within the African conceptual framework of justice where the underlying principle is the fulfilment, preservation, and promotion of community’s welfare by enhancing the wellbeing of all its individual members. By implication, this principle requires the existence of a key structure of an inclusive equality, wherein the needs of all the members of community are assured. This should not, however, be understood as a strict egalitarian position since the ordering structure of the African view of justice takes into account the fact that given different circumstances in which members may find themselves, they may be compelled to meet different needs requiring special attention and care. For example the young, the destitute, the aged, women, and the guests may not be treated in the same way as someone else; since their specific needs may require different attention.

Suffice to say that in a caring community, the worth of each member is equally affirmed and celebrated not by virtue of one’s rights but by virtue of one’s humanity and intrinsic dignity. I will slightly differ with Gyekye, for my own position, care should be the starting point in a relationship of equals not rights. Rights are supremely important as to the idea of dignity, but they are also equally controversial essentials to maintain or defend, one may not know on which scale one’s dignity or right consists in, unless one is encouraged to actualize oneself more about the values of rights and


dignity on human relationships. The attempt to elevate rights to a position of importance may incur in imperilling the need for care and mutual concern which is so important in a just human relationship. To see oneself as a bear of rights is to imagine oneself as an imminent partner to interpersonal conflicts in which it is essential to assert claims and to ‘stand up’ for what one claims as a due.\textsuperscript{343} I am of the position that obsession with rights would require the need for a massive programme of education, within different sessions of society, about the humanity reality of rights, human dignity, and autonomy including the impact they have on human relationships. The concept of justice as equality requires that, without relegating the centrality of individual rights, our prime consideration should not be concerned primarily with protecting individual interests but a moral community of mutual pledge to justice, because it is through justice that we can come to realize the value of one’s rights, dignity, and freedom. In a caring community, justice may assist us in fixing a common standard as we seek to respond to the needs of others.

\section*{Itumeleng J. Mosala’s Theory of Justice}

We have seen, so far, the philosophical analysis of justice within both Mbiti and Gyekye which, without relegating the societal and communitarian nature of African morality, consisted on the understanding of justice as both relationship and equality; with Mosala we have a theological problem. Mosala has reflected on a number of important theological topics in the context of the struggle against apartheid in South Africa, expressing his views of freedom and justice as social goods having to do with empowering the self in the context of just redistribution of resources in a country where injustice and inequality were the order of the day. Situating himself within the perspective of justice as liberation from oppression and redress, in the use of his biblical hermeneutics, Mosala articulates his theological views on the social role of justice by arguing that the task of a biblical hermeneutics of liberation is to go behind the dominant discourses to the discourses of oppressed communities in order to link up with kindred struggles. This position implies that, in Mosala’s view of justice, for one to understand what justice means, one should adopt the perspective of the oppressed. However, adopting the perspective of the oppressed will not only give the idea of what injustice implies, it will also enable oneself to be critically involved in the struggle for redress. In Mosala’s view, true justice is

achieved when means which make for living and sense of identity, such as land, are reclaimed. Mosala has the following to say: ‘The white man said to the black man, ‘Let us pray.’ After the prayer, the white man had the land and the black man had the Bible.’ The task now facing a black theology of liberation is to enable black people to use the Bible to get the land back and to get the land without loosing the Bible.”

For Mosala, the redistribution of material resources and the reclaiming of one’s cultural heritage are issues which make living possible, from which one may come to a full understanding of what justice and freedom imply. So, in Mosala’s view, the question of justice, as liberation from oppression, is inseparable from the question of land redistribution and property rights. Therefore, in his Marxian analysis of the intricate dialectical nature of oppression, Mosala argues that the conceptual moral scheme of the ruling class in every situation of oppression is the ruling morality, hence the ruling material force of society which also becomes the ruling intellectual force. Material forces bear a psychological sway on the individual domain and influence the individual’s view of reality because by virtue of controlling material power conceives of oneself in a position to dominate others. Therefore; the class which has the meaning of material production at its disposal also has control at the same time over the area of mental production. Hence the ideas of those who lack the means of mental production are subject to the dominant class, forced to submit their dignity for survival. As such, justice implies having the means of mental production, by reclaiming material means. Theologically, in Mosala’s view, to rescue black people from their situation of oppression and injustice, there is need for change in theological emphasis to the extent that it stimulates the construction of new liberating theological discourses that enrich, modify, or transform existing practices in church and society. On the whole, there is a need for a hermeneutical dialectic in black theology which consists in employing the progressive aspects of black history and culture to liberate the bible so that the bible may in turn function as a liberating instrument of the black people. This implies that black culture and history as hermeneutical factors in black theology should pose questions of the biblical text seeking to establish solidarity with the struggles for liberation in the biblical communities. While in the same way the liberating aspects of the biblical texts interrogate and challenge the

black culture and history in the light of the values, and ambitions of struggling classes in biblical communities. In Mosala’s view oppressed and exploited people should liberate the gospel so that the gospel may liberate them. ‘An enslaved gospel enslaves, but a liberated gospel liberates.’ For example in his reading of Luke 1 and 2 Mosala argues that from the point of view of the oppressed, Luke’s ideological co-optation and distancing of Jesus from his social context, from his Galilean context to the throne of David, in the interests of the ruling class is an act of political war against the liberation struggle of the oppressed. Therefore, Mosala urges the oppressed section of the world, to see Luke’s discursive stance a social-class struggle in which Luke himself has chosen to take definite side in favour of the ruling class on the expense of the poor. In Mosala’s view, their appropriation of Luke’s discourse in the lens of their own context of oppression, the oppressed should adopt their own class sights beyond the horizon of what Luke thought to be the real story. They must make of their own stories and struggle, a hermeneutical connection with the struggles of the poor that Luke compromises so much for his own purposes.

Mosala’s position, though Marxian, bears resemblance to Locke’s classical treatise of Government. It is remarkably philosophical in scope, but pragmatically theological in its content. For Locke citizenship was contingently consistent with ownership, with owning property; and by implication the role of the state was to protect and guarantee such interests and sovereignty. Therefore, institutions stand in need of continuing check and reform, this implies that even political power as a property of the masses, surrendered to government by popular consent, with the sole purpose of protecting people’s interests and wellbeing, may be reclaimed back if no longer serving the aspirations and interests of the people. In Mosala’s view, true justice cannot be achieved by formal equality, in the form of equal opportunities and equal political and civil rights while material inequalities are ignored, in the form of asymmetrical access to resources and to the means of production. For Mosala the principle of equality is an evasive and misleading term because in reality it does not correspond to people’s realities in terms of their needs. Therefore, Mosala argues in favour of a theory of justice that not only liberates oneself from oppression but also rectifies and compensates, takes material redress as the starting premise for true justice. For him, an adequate theory of justice

should see the prevalence of private ownership in society, in a context of a glaring inequality, as inherently unjust, hence the subject of justice. Therefore in Mosala’s view, redress rather than formal equality should be the starting point for justice. In his view, a mere redistribution of material resources is not a solution in itself because it never alter the position of the poor and of those who control the centre of power and the means of production, instead what is needed is a complete relocation of the means of productions to the hands of the poor; the relocation and redistribution of power from the centre to the periphery. For example, in Mosala’s view, people are alienated from their culture, land, religion, cattle, and from all that makes life possible, then the question of culture as an act of liberation cannot be distributed fairly instead it should be entirely retrieved, by liberating people from oppression, since without a culture and land one cannot entirely grasp what justice implies. Therefore, for Mosala, ‘culture is not only the outcome of a people’s history. It is the determinant of that history. To want to liberate people is to desire to restore them to the centre of the historical process. Commitment to people’s liberation is reflected by commitment to their culture.’

As such justice, in Mosala’s political theory means liberation from oppression and poverty.

John W. De Gruchy’s Theory of Justice

To start with, John De Gruchy’s careful study in the light of his central book *Reconciliation, Restoring Justice* offers a theological survey on the justice and reconciliation process in South Africa. One of De Gruchy’s central themes is that, while truth and reconciliation are important social components in the building of a new society, real reconciliation cannot be achieved without justice and restoration. He argues that, though justice is contingently subsidiary to reconciliation, within the complexity of the South African society, the quest for justice is much deeper than the need for reconciliation. The centrality of justice outweighs the need for reconciliation, and true reconciliation is not possible without compensation. In his view, to know the truth only is not sufficient, the truth should be adjudicated by justice.

On the whole, as we have seen in our analysis of John W. de Gruchy’s understanding of community and freedom, to capture his theological stance

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on justice, is to see his views on justice in the light of his idea of ‘covenant,’ within the theological framework of the ‘grand-narrative’. Of great significance is that, though De Gruchy tries to build his theory of justice on the idea of covenant, he also tries to move both his theory of justice and the idea of covenant beyond the premises of social contract theory in two important ways: Firstly, De Gruchy argues that in contract theory everyone is equal by nature, but nature is such that it always seeks self-interest; in covenant theory everyone is equal by virtue of sin, but also by virtue of the fact that every vocation is equal in the sight of God. In his view, both these covenantal ideas undermine ancient distinctions of rank and privilege. Secondly, for De Gruchy, while contract theory seeks ways whereby individual self-interest may be accommodated and accomplished without destroying social cohesion; covenantal theory seeks to transform individual self-interest into a mutual commitment to the common good by the grace, and under the sovereignty, of God. Here lies the central thrust of De Gruchy’s theological elaboration of his theory of restorative justice. As such, according to him, a covenant relationship ‘goes beyond the individualism of liberal democracy to affirm human solidarity and sociality, and therefore a commitment that transcends self-interest and serves the common good.’

As indicated above, one central challenge De Gruchy encounters in his formulation of justice is the fact that there is no consistent understanding of justice in the contemporary world any more and such inconsistency is more intricate within the complexity of the South African society. Following Duncan Forrester’s study on the misconception and misuse of justice for collective or individual interests, De Gruchy is also of the view that many people think they know what justice means but only to conceive of justice in a way that suits their own personal interests and purposes. In his view, the fact that justice cannot be understood broadly, in a way that is embracing, has negative implications for every society, especially within a multicultural society making it somewhat impossible to draw a criterion that may have an encompassing recognition. Taking into account such difficulty, De Gruchy believes that what justice might imply to different sections of South African society may vary from ‘restoring ‘law and order,’” the ‘restoring of the ‘rule of law,’” to the ‘restoring of the land and its resources.’ In his view, the three steps would include addressing rampant crime; ensuring that due process is followed in the pursuit of justice, and finally the question of social and economic justice. De Gruchy

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maintains that the more culturally pluralistic and economically divided society, the more contrasting the concepts of justice and the greater the contest around its achievement.356

The intensity of injustice committed in the African society and the historical, social, economic, and political complexities of the country make it much harder to envision a suitable clue for a just settlement. However, De Gruchy’s model of covenantal justice implies that such complexities should be transcended not overruled or ignored but transformed into healing and reconciliation. As De Gruchy himself puts it there ‘can be no perfect justice unless we think in eschatological terms about the ultimate reign of God’s righteousness.’ But God’s righteousness can only reign on earth if human selfishness expressed by avarice and envy may be overcome by charity.357 In De Gruchy’s view, though restorative justice may bear its central thrust on theological terms it does not imply that it is, so to speak, ‘a weak form of justice, a dilution of the normal legal process. Nor does it necessarily exclude other forms of justice, even retribution or the use of punishment as deterrent. Restorative justice is rather the attempt to ‘recover certain neglected dimensions that make for a more complete understanding of justice.’358 One of its major highlighting is human cure, reparation, with bearing on the ‘recovery of dignity and the healing of social wounds.’359 For De Gruchy, the highlight articulates ‘precisely what is at the heart of justice in the biblical tradition; it is relational and social, it requires both embrace and overcoming of oppression in all its forms.’ That is why; in De Gruchy’s view, that ‘from a Christian perspective love and justice belong together, for love gives the clue to the inner nature of justice; and justice without love becomes distorted into something diabolic and tyrannical.’360

Further, according to De Gruchy, restorative or covenantal justice cannot be, by no means, the only even dominant understanding of what justice implies. But what is characteristic is that it is the only way if one seeks to restore the power relationships that have been broken by human rights abuse that we really lay the necessary foundations for preventing further abuses and enabling healing. This implies a system of justice based on human rights, the administration of which benefits all sectors of society and inculcates respect for the rule of law, not least by holding accountable those who violate human rights.361

On the other hand, if the TRC’s recommendations are not taken seriously there will be a national guilt which may also incur into undermining the course of justice. The victims will remain victims. This will also and inevitably undermine the building of a moral society. But any society that seriously regards justice as a central social component, and especially the restoration of justice within the context of national reconciliation, should take into account the voice of the victims of injustice as primary and refuse to allow that voice to be silenced. On a different note but related to this, the restoring of justice and then reconciliation is above all inseparable from the question of land distribution and property rights. The distribution of land and wealth may not be easy to achieve after a long period of colonialism and apartheid but it is worthy taking step which may have far reaching consequences for healing and reconciliation. Covenancing for the restoration of justice is a commitment to share and therefore, a way of building a moral community. Without the development of a sense of co-responsibility for the human situation, political liberty and democratic freedom are impossible. While it is impossible to redress all wrongs that have been perpetrated against the victims of colonial injustice and apartheid, compensation means that concrete steps have to be taken which will lead to a more equitable and just society.  

According to De Gruchy, to achieve all this at hand is not wholly possible without the transformation of the individual; even to do so will require further steps which may also differ from context to context and from individual to individual. All in all, in De Gruchy’s view, the liberation of the privileged is essential for the liberation of the oppressed, an axiom with global, regional, and local repercussions. Again the liberation of the privileged cannot happen automatically without the assistance of those who were victims; without their willingness to embrace and forgive. Our difficulty in coming to terms with the past as accurate as we could only highlights, in part, that to apply Robert Nozick’s theorem of redress here may not be conducive. For, as De Gruchy puts it, how does one restore and bring back the life of victims who have been sanguinely murdered? How does one restore the land in full of Native Americans? How does one restore the life and land of the Aborigines of Australia? How does one, completely or in part, bring back the shattered lives and history of the Khoi and San people of South Africa? The fact that there can be no perfect justice in this world no matter how much we seek to redress past injustices, explains in part the biblical expectation of the last judgment which is the

central purpose of De Gruchy’s theory of restorative justice based on the biblical metaphor of the grand-narrative.

Conclusion

With Mbiti we have seen that justice is relational, it epitomizes right relationships with a strong sense of communal solidarity. Every member of the community is expected to show great commitment for the wellbeing of the community, and the community’s duty towards its members and towards itself. In Gyekye justice refers primarily to equality, that everyone is treated equally before the law and society; it emphasis the protection of individual rights, autonomy, dignity, and freedom of choice. In Mosala’s view, justice means liberation from oppression and poverty; that everyone should have equal access to resources and to the means of production. For De Gruchy, justice means restoration and reconciliation, that the quest to reconcile should be adjudicated by forgiveness, reparation, and healing of social wounds.
Chapter V: Theories of Freedom within Liberalism and Communitarianism

The present chapter aims at discussing theories of freedom within liberalism and communitarianism as presented by Robert Nozick, John Rawls, Alasdair MacIntyre, and Charles Taylor. Nevertheless, Isaiah Berlin will come into sight only from his well articulated analysis on two concepts of liberty, ‘negative’ and ‘positive’ concepts of liberty, as formulated in his well known book *Four Essays on Liberty*. My central aim in using Isaiah Berlin is to relay on his theoretical approach as bedrock for setting the premises to my analytical tools.

Two Concepts of Liberty

The debate over freedom cannot, in any way, claim to be new within the arena of political philosophy, there has been a large discussion on freedom from a host of a well informed line of scholars, Isaiah Berlin only stands as a good example from his own perspective. The current dialogue starts far back with the Greeks, more particularly with Plato and Aristotle. Scholars like Bentham, John Stuart Mill, John Locke, Rousseau, Hobbes, and others have joined the discourse even before Berlin, and seem to have dealt with the subject of freedom more systematically, yet in a more classical approach. However, what is philosophically appealing with Isaiah Berlin is the fact that, more than anyone else, he has methodically tried to develop a more plausible idea of freedom in his attempts to specify it within the context of two interrelated but conflicting views of human existence. He does so in the light of his analogy of two concepts of liberty: ‘negative’ and ‘positive’ concepts of liberty. Such views are important and illuminating in the sense that they seem to dispel the shadow of confusion upon the subject and to make it possible to define freedom in the context of human predicament. The views they offer seem to suggest that to know what

freedom is entails to understand what it means to be human. Berlin makes the point:

The mere existence of alternatives is not, therefore, enough to make my action free (although it may be voluntary) in the normal sense of the word. The extent of my freedom seems to depend on (a) how many possibilities are open to me (although the method of counting these can never be more than impressionistic; possibilities of action are not discrete entities like apples, which can be exhaustively enumerated); (b) how easy or difficult each of these possibilities is to be actualize; (c) how important in my plan of life, given my character and circumstances, these possibilities are when compared with each other; (d) how far they are closed and opened by deliberate human acts; (e) what value not merely the agent, but the general sentiment of the society in which he lives, put the various possibilities. All these magnitudes must be ‘integrated’, and a conclusion, necessarily never precise, or indisputable, drawn from the process.364

The notion of human existence as a predicament entails in turn that the human situation intrinsically emerges in a context of moral quandary involving choices. Therefore, any kind of choice entails freedom which in view of the dilemmas and uncertainties which a choice implies has consequences on the ‘negative’ and ‘positive’ ideals of freedom. So, freedom again adds to the burden of our human situation as it implies choices. Since one may never be surer for certain whether the decisions he or she may endorse may yield to an expected outcome, therefore my choices may lead me either into freedom or into chains. It is in order to help us deal with this precarious human condition that Isaiah Berlin has successfully tried to decipher the two concepts of liberty. Rightly so, Isaiah Berlin begins his chapter on two concepts of liberty by dealing with the intrinsic difficulties in the context of human situation even before he could tell what the concepts of ‘negative’ and ‘positive’ freedom entail.365 Here he makes once more a contentious comment:

The answer to the question ‘Who governs me?’ is logically distinct from the question ‘How far does the government interfere with me?’ It is in this difference that the great contrast between the two concepts of negative and positive liberty, in the end consists. For the ‘positive’ sense of liberty comes to light if we try to answer the question, not ‘What am I free to do or be?’ but ‘By whom am I ruled?’ or ‘Who is to say what I am, and what I am not,

to be or do?’ The connection between democracy and individual liberty is a
good deal more tenuous than it seemed to many advocates of both.  

Berlin sees freedom in the context of one’s ability to choose, as he defines
the concept of ‘negative’ freedom as one’s attempt to be governed by
oneself or by one’s claims or choices. While seeing the concept of
‘positive’ freedom also as a claim for self-governance but in more profound
position which has to do with how one ought to live and accommodate
oneself in the midst of multiple predicaments which the order of society
and the very sphere of human existence always entail, without precluding
oneself from the realities of human existence and the dialectics of history.
Berlin’s definition of the two concepts of freedom becomes obviously
robust when he sees the concept of ‘negative’ freedom as freedom from
and the ideal of ‘positive’ freedom as freedom to.  

But the ‘positive’, conception of freedom as self-mastery, with its
suggestions of a man divided against himself, has in fact, and as a matter of
history, of doctrine and practice, lent itself more easily to this splitting of
personality into two: the transcendent, dominant controller, and the
empirical bundle of desires and passions to be disciplined and brought to
heal. This demonstrates (…) that concepts of freedom directly derive from
views of what constitutes a self, a person, a man [sic].  

Isaiah Berlin’s approach has consequences on the views of human life as
life in both interdependence and transcendence. Such view yields in turn
the anthropological mirror on how one is to understand human society and
the view of the individual, either in relation to the inner self or in relation to
others. The sphere of society, the surrounding environment, and the very
cosmic order come into play in Berlin’s notion of freedom. He explains it
well:

One must also understand history, that is, the peculiar laws of continuous
growth, whether by ‘dialectical’ conflict or otherwise, that govern
individuals and groups in their interplay with each other and with nature.  

Therefore, to hold sway or to accept the human predicament stands at the
centre of Isaiah Berlin’s elaboration of the two concepts of liberty.
Freedom from understanding the dialectical conflicts and the cosmic order,

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and freedom from interplaying as part of the group may be at the root of the ‘negative’ concept of freedom. In the same way the ability to comprehend and stand the contingencies of history and its multiple dialectical conflicts, as well as freedom to be part of the drama within the interplay which the individuals stand for in society may be at the origin of Isaiah Berlin’s understanding of the ideal of ‘positive’ concept of freedom. Such are issues which I intend to elaborate in more detail as I discuss John Rawls’s, Robert Nozick’s, Alasdair MacIntyre’s and Charles Taylor’s views of freedom. More practically, Isaiah Berlin puts the concept of positive freedom as follow:

The ‘positive sense of the word ‘liberty’ derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men’s, acts of will. I wish to be a subject, not an object; to be moved by reasons, by conscious purposes, which are my own, not by causes which affect me, as it were, from outside. I wish to be somebody, not nobody; a doer – deciding, not being decided for, self-directed and not acted upon by external nature or by other men[sic] as if I were a thing, or an animal or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them.

Further, in his analysis, of both ‘negative’ and ‘positive’ concepts of freedom, Isaiah Berlin in no ways neglects the sphere of reason as central for human potential, and locates reason in the context of human existence. Berlin seems to suggest that we are humans because we bear rational faculties; therefore the inability to think is crippling in the realization of one’s freedom as well as in our human authenticity, since freedom involves choices and choices involve reasoning that cannot be without painful risks. New generation of scholars continues to revitalize the classical debate in modern dress. Algot Gölstam has recently reaffirmed a different view on freedom, in his thesis, *Freedom, Equality and Democracy*. In a moderate but classical form he comes up with three concepts of freedom, namely: the idea of ‘protective freedom’ or freedom in the sense of having ‘protected sphere,’ the idea of ‘participatory freedom,’ and freedom in the sense of having the ‘capacity to achieve one’s own goals.’ Gölstam’s idea of freedom as a ‘protected sphere,’ the idea of ‘participatory freedom,’ and

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freedom in the sense of having the ‘capacity to achieve one’s own goals’ reflect Isaiah Berlin’s elaboration of the ideas of ‘positive’ and ‘negative’ freedom.

The Significance of Freedom

To start with, freedom being what we are by virtue of our human nature and liberty a way to attain freedom it may be said that freedom and liberty are two faces of the same currency which is human agency. Therefore, in my attempt to define the end and the meaning of freedom, it is fit to make my deliberations by asserting the commonly held view that to be free is a natural human phenomenon but to achieve freedom stands as a costly human project, hence liberty. As Berlin points out, what may easily be captured in our search of the significance of freedom, is that to translate the ethical logic of ought from is has proved itself to be a difficult ethical task which has consequences on what it means to make freedom what really ought to be.374

Elaborating from Berlin’s approach, I think of freedom, therefore, as life seeking understanding, as something only possible to comprehend as we try to come to grips with the endeavour to bring into fruition our human potential as moral subjects. Since freedom is what allows us to be humans and to be human is to be free. As it were, to enquire the meaning of freedom is a moral equivalent to enquiring the meaning of human existence. Paradoxically, to speculate the end of freedom is equivalent to asking what the end of human life is. So the ideals of ‘positive’ and ‘negative’ freedom epitomize the end and the meaning of human existence. Whatever route we may take we may not escape the power of reason as attached to freedom as it seems to militate in every aspect of our human existence, since being human also involves the moral capacity of being rational. Berlin rightly asserts that ‘I am free if and only if, I plan my life in accordance with my own will’375. Therefore, a slave is someone who is never free because he or she cannot plan his or her life in accordance to his or her will. So, the approach forces us to estimate that the complexity of freedom ought to be found not in freedom itself but within the sphere of the complexity of human existence in general, and on how one defines such complexity. Therefore, different approaches to what it means to be human

will always take us into different conclusions concerning the significance of freedom.

In the beginning, my articulations on freedom as a natural human condition and its making as part of human continuing struggle may find expression in Isaiah Berlin’s elaboration of the two concepts of liberty. His concepts seem to correspond to what it means to hold both ‘negative, and ‘positive’ attitudes towards oneself and towards the natural world. The view of ‘positive’ freedom entails seeing life as a drama, as an embodiment, even in the context of adversity. Such an outlook may translate the view of freedom itself not as a mere absence of obstacles, pain and challenges which human life seems to bring about, but as a way of facing with courage the predicament of human existence in all its multiple dimensions. Maybe this is an approach which the ‘negative’ concept of freedom may not share or recognize quite frankly as it sees freedom as the ability to avoid or transcend the challenges of the natural world under the sanction of pure reason. Berlin puts it well:

Freedom is self-mastery, the elimination of obstacles to my will, whatever these obstacles may be – the resistance of nature, of my ungoverned passions, of irrational institutions, of the opposing wills or behaviour of others.\(^{376}\)

Berlin’s position translates therefore the distinction between freedom and liberty. As human beings were born free, and freedom is what makes us humans but liberty is that which guarantees our freedom, a veto by which we may wave our right to freedom, by claiming those means which make for real freedom.

Robert Nozick’s Theory of Freedom

As different from libertarians, liberals are of the view that the same principle that forces them to allow market freedom, that puts people accountably liable to their choices, equally compels them to set limits in the context of markets which may render penalty to people for reasons beyond their own choices. In this way, they claim that the same sphere of equality suggests both market freedom and its limitations. Against the background of liberal equality, Robert Nozick should be understood as suggesting a different view as expressed in his ‘entitlement’ theory. Nozick distances himself from liberal equality by defending freedom for its own sake, and

for the sake of protection of entitlements. For him, whatever arises from a
just situation by just steps is itself just.377 Nozick’s idea of freedom is
rooted in Locke’s contract theory. Elaborating from Locke, Nozick’s
‘entitlement’ argument or the ‘principle of just acquisition’ suggests that
whoever has acquired something fairly in the past has the right to use it in
the manner in which he or she sees fit beyond any external interference or
compulsion. In this context, the role of freedom is to guarantee one’s use of
his or her legitimate entitlements. In order to give currency to the principle
of entitlements, Nozick astutely outlines two principles of justice and
redress in holdings which the principle of freedom ought to take into
account if is to protect individual interests or holdings:

If the world were wholly just, the following inductive definition would
exhaustively cover the subject of justice in holdings:

1. A person who acquires a holding in accordance with the principle of
justice in acquisition is entitled to that holding.

2. A person who acquires a holding in accordance with the principle of
justice in transfer, from someone else entitled to the holding, is entitled to
the holding.

3. No one is entitled to a holding except by (repeated) applications of 1
and 2.378

As it were, Robert Nozick builds his idea of protected freedom from the
principle of inalienable rights. As coined from Locke, the principle of
inalienable rights defends that since people own themselves no one else
may own them without violating their rights; and a person may own any
object or part of the world by mixing it with his or her labour. Therefore,
Robert Nozick, elaborating his principle of freedom from the principle of
inalienable rights, just acquisition, and transfer, affirms that, in the sphere
of property-right, if the individual can mix his or her legitimate talents with
an object which belonged to no one such an object becomes inalienably his
or hers since he or she has made such an object part of his or her life by
virtue of his or her intellectual or physical labour. So, for example, standing
in this view, Robert Nozick may claim that any Government’s tax over
what I have been able to achieve by the exercise of my intellectual or
physical capabilities in order to compensate those impaired by natural or
social misfortunes thereby lacking the ability to afford the same quality of
life as afforded by me, becomes an overt violation of my personal integrity
as an autonomous individual, therefore a violation, to a certain degree, of

my rights and freedom, since I am legitimately entitled to possess what I have been able to acquire justly. Reversely Nozick suggests that, for the sake of freedom, the Government should create mechanism for a free-exchange instead of enforcing laws which incur into violating individual freedom and property-rights.\(^{379}\)

Nozick’s introduction of the priority of ‘entitlements’ seems to bring a number of strict constraints over the concept of freedom, since very few people in the modern world seem to have acquired what they have by legitimate means. On the onset, something like freedom which could be seen as a social bond becomes a device, a shield for property claim, protection, and defence. In this way, instead freedom is made a device to protect my property not as bridge that may allow my neighbour in. Following Nozick and from a neo-liberal viewpoint, freedom is, therefore, a right set up by virtue of our private and competing interests, and this is what seems to be the point in Nozick’s claim on the basis of his moral creed under the banner ‘as the fact of our separate existences.’ As a result, Nozick makes no other concessions rather than the concern for the legitimacy of entitlements as the sole ground for defining the end and meaning of freedom. However, aware of the moral complexity and vulnerability which the principles of justice in holdings may incur, therefore rendering his theory of freedom baseless, Nozick carefully makes a note of submission as he recognizes the fact that by historical factors and human finitude not all the holdings in the actual circumstances may seem to have been acquired legitimately or under the two principles he proposes.\(^{380}\)

Not all actual situations are generated in accordance with the two principles of justice in holdings: the principle of justice in acquisition and the principle of justice in transfer. Some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude others from competing in exchanges. None of these are permissible modes of transaction from one situation to another. And some persons acquire holdings by means not sanctioned by the principle of justice in acquisition. The existence of past injustice (previous


\(^{380}\) Op. cit.: On the complexity of historical premises to rectify past injustices on p. 154, Nozick writes: ‘The entitlement theory of justice in distribution is historical; whether a distribution is just depends upon how it came about. In contrast, current time-slice principles of justice hold that the justice of distribution is determined by how things are distributed (who has what) as judged by some structural principle(s) of just distribution. Welfare economics is the theory of current time-slice principles of justice. (…) Most persons do not accept current time-slice principles as constituting the whole story about distributive shares. They think it relevant in assessing the justice of a situation to consider not only the distribution it embodies, but also how that distribution came about.’

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violations of the first two principles of justice in holdings) raises the third major topic under justice in holdings: the rectification of injustice in holdings.  

Following Nozick’s formulations, though the author justifies everything in the name of freedom, there is no doubt that, to a certain degree, the theory of entitlements seems to outweigh the concept of freedom, as Nozick ideally attempts to clumsily define freedom in a thin theoretical approach, while the legitimacy of entitlements is far more explained and lengthily in a thick concept, since it is what is legitimate to me that will at the end give currency to my freedom. On this, Nozick conceals his theory of inalienable human rights behind Locke’s moral constructivism, as grounded on the principle of a ‘just act of original acquisition,’ which suggests that since the world is owned by no one, therefore human beings cannot be owned without seeing their rights violated. However, the same theory to redeem itself from its seemingly imperialistic tendencies, therefore avoiding criticisms, appends the moral premise that it will be morally justifiable if human beings may own parts of the world by mixing their human labour into it provided they leave enough and as good in common for others to use as well. Nozick explains it well:

Locke views property rights in an unowned object as originating through someone’s mixing his labor with it. (...) It will be impossible to view improving an object as giving full ownership to it, if the stock of unowned objects that might be improved is limited. For an object’s coming under one person’s ownership changes the situation of all others. (...) The crucial point is whether appropriation of an unowned object worsens the situation of others. Locke’s proviso that there be “enough and as good left in common for others” (sect.27) is meant to ensure that the situation of others is not worsen. (If this proviso is met is there any motivation for his further condition of nonwast?). 

As such, grounding his view on Locke, Nozick sees freedom in terms of property rights. The comments endorse the view that Locke’s philosophical project stands at the root of Nozick’s reluctant theory of ‘entitlements,’ and freedom is to allow appropriation and control to happen with no limits or restrictions which Nozick sees as a violation of freedom and personal integrity.

Though Nozick has succeeded in building his theory of freedom from Locke, he also shares the Kantian moral ancestry, that is to say, he shares the Kantian ideal of human dignity which he takes as premise in his theory as a justification of justice and freedom. He also uses the Kantian ideal in his criticisms against utilitarianism which he sees as overlooking the individual rights and the ideal of human dignity. Therefore, in the sphere of his moral quest, Nozick seeks principles of freedom which embody the Kantian standpoint that persons ought to be conceived as ends in themselves but not merely as means to an end.

In his ethical principles Nozick denies that there exist any conceptions of the good that may be universally binding for all, apart from the context itself as well as apart from the people who may conceive it. For example, in his contention to the rectification of past injustices, Nozick objects: ‘How far back must one go in wiping clean the historical slate of injustice? I do not know of a thorough or theoretically sophisticated treatment of such issues.’\(^{384}\) Where Rawls evokes the ‘plurality and distinctness of persons,’ as we have seen in our analysis of his theory of justice, Nozick endorses what he defines as ‘the fact of our separate existence.’\(^{385}\) In still another way, while Rawls endorses the view that history plays no role in ‘the original position’ for a procedural principle of justice, since it may undermine the individual in his or her quest for justice as fairness because of its slavish nagging towards the past, paradoxically Robert Nozick maintains that an adequate theory of justice, hence freedom, should be founded on history; it should be history sensitive. Finally, from here, as we will see in our analysis of Rawls, both are justified in presenting conflicting views of freedom: Rawls as a liberal welfare state theorist will build his concept of freedom from his belief on ‘the plurality and distinctness of persons,’ while Nozick as a libertarian moral theorist will enforce the view of freedom as grounded on the principle he defends as ‘the fact of our separate existence.’ This position gives to Robert Nozick’s concept of freedom a strong sense of freedom as both a right and a protected square. For Nozick, in ‘the state of nature’ people are separately free by virtue of their nature; they only come together to form society for the sake of protecting their personal rights and claims in holdings. So, this leads, in turn, to a sense of negative freedom implying that society is a claim of conflicting interests and freedom entails protecting such claims by arranging society in such a way that such claims are exercised freely and


without restriction. The only restriction to be allowed, being the protection of individual rights and property.

John Rawls’s Theory of Freedom

To begin with, freedom hold political role in John Rawls’ theory of justice. It features supreme in Rawls’ two principles of justice as a defining aspect of justice and equality enshrined in his commitment to the priority of basic liberties. As such, freedom figures prominently as a premise and bedrock of John Rawls’ theory of justice. As such, it epitomizes the priority of basic liberties as foundational stones not only of freedom itself but also of justice, and so equality, such as ‘political liberty’ which, according to Rawls, include the ‘right to vote,’ to choose and hold public office, and ‘freedom of speech and assembly; liberty of conscience and freedom of thought, and freedom of the person; which comprises freedom from psychological oppression and psychological assault and dismemberment (integrity of the person); the right to hold personal property and freedom from arbitrary arrest and seizure as may be defined by the concept of the rule of law. These liberties are, according to Rawls, to be equal by the first principle.’

Liberties, thus formulated, in the first of Rawls’ two principles of justice, as a requisite of freedom, may be arranged as follows: ‘each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.’

As it were, reading between the lines, one may realize that Rawls seems to associate the concept of freedom with the social contract argument. Thus, in his views, freedom as an essential of liberty holds a political function and is to be constructively understood as part of the original agreement. Even if Rawls may seem to place so much emphasis on the priority of liberty for the sake of justice, freedom remains, in his view, an essential component of liberty which brings the subject of justice within reach, which renders it realistic and attainable. The fact that Rawls speaks of ‘the most extensive basic liberties,’ such as political liberties, the liberty of conscience and freedom of thought, of freedom of person, translated in the right to hold personal property, implies that Rawls sees liberties as social goods guaranteeing one’s sense of justice, therefore freedom. Further, Rawls’ commitment to compound his list of liberties to include natural primary goods such as health, vigour, intelligence, and imagination

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and social primary goods, such as rights and liberties, powers and opportunities, income and wealth, and then self-esteem, implies, so to speak, how Rawls sees the subject of freedom as having to do with our capacity to realize our own goals in life. It shows, in Rawls’ view, how those liberties, as social goods, may have an essential role, in the human sphere, as that which makes the attainment of freedom, hence justice, possible.

Notwithstanding the fact that in his ‘contractarian’ argument Rawls makes no attempt in dealing with freedom substantially but with justice, his concept of freedom as attached to liberty seems to be a development of his ‘social contract’ argument. By inference, the priority of liberty seems to shape the scope of Rawls’s social contract theory. In the ‘original position,’ as he himself reiterates, the members, by virtue of being situated behind the ‘veil of ignorance,’ are free from any social constrains, they know nothing of the social world including its ranking system in terms of merit or chance of birth. This ignorance renders the members with the freedom to choose a procedure of justice which will regulate the bounds and prerogatives of their society. Under this constrain, the member rationally deliberate and negotiate the principles they need to agree upon so as to make their common life in society purposively meaningful and bearable. As it were, in the process they identify two principles: the principle of justice as equality affirmed on freedom; and the principle of social and economic inequalities with a bearing on the exercise of one’s freedom. This forms the basis of Rawls quest, in the light of his ‘difference principle,’ in the redress, redistribution, and compensation of imbalances which make or hinder the prospect of freedom. In return, the redress in the sphere of rights and liberties, consisting in the restoring of social and economic inequalities which make for freedom, is at the root of Rawls’ complex egalitarianism.

The veil of ignorance prevents us from shaping our moral view to accord with our own particular attachments and interests. We do not look at the social order from our own situation but take up a point of view that everyone can adopt on equal footing. In this sense we look at our society and our place in it objectively: we share a common standpoint along with others and do not make our judgments from a personal slant. Thus our moral principles are objective to the extent that they have been arrived at and tested… by the restrictions expressed by the conception of the original position.

After all, what Rawls is interested in is not freedom per se, in the strong sense of the word, but liberty. In his view, liberty affirms and gives surety to the exercise of freedom. So, freedom is part and parcel of Rawls’ contractarian platform; it is assured by the existence of equal basic liberties. As it were, it bears inspiration in his theory of justice as fairness and rooted in the Kantian ideal of human dignity. Metaphorically, in the realm of the ‘original position’, Rawls stresses the view that transcendental and contemplative individuals will be able to come together to design and set up the premises of how a prudential notion of justice which will make possible the exercise of freedom in their society would be envisaged. By implication, since to be in the original position, members should stand under conditions of equality, rationality, and freedom; one may conclude that Rawls’ theory of justice builds around the argument of freedom and by reference freedom assures the individuals the capacity they need in order to exercise their autonomy, hence objectivity. For Rawls, freedom is what will allow the members in the ‘original position’ to exercise their choices as autonomous as they could. In this regard, the centrality of freedom, in Rawls’ contractarian argument consists on the fact that the ‘original position’, being under the ‘veil of ignorance’, is free from the influence of traditional social institutions, religious, and historical dogmas which, by and large, may obliterate the normal vision of the self, thereby incurring into misdirecting the concept of justice as fairness.

So, in the original position, inspired by the ideal of human dignity, from the standpoint of freedom as autonomy, Rawls hopes to draw a theory of justice in which freedom not only features as a substantial right but also as a premise defining human equality. As he recalls, the idea of the ‘original position’ stands this way so is to settle which traditional conception of justice would specify more clearly the most extensive principles of fulfilling liberty and equality, once society is viewed as fair system of cooperation between free and equal citizens.\textsuperscript{390} Therefore, if we were to take the contractarian argument as our starting point for our understanding of Rawls’s concept of freedom, we may be correct in assuming that Rawls builds his theory of freedom on liberal assumptions, in the light of the Kantian ideal of human dignity. Yet, Rawls claims that in his position concerning freedom, he would restrain himself from being part of the argument surrounding the idea of negative and positive conceptions of liberty, as to how freedom is to be conceptualized. Since, in his view, the most crucial aspect in the controversy is not the definition of freedom in itself but the relative values of various liberties when they come into

conflict. For him, even though the two concepts may differ or carry similar weight as rooted on different interpretations concerning the human sphere; freedom of thought and liberty of conscience, freedom of the person and civil liberties, cannot be sacrificed for the sake of political liberty, to the freedom of individuals to participate equally in political affairs.\(^{391}\)

For Rawls, the liberty, thus freedom, the individual holds in the defined boundaries of personal integrity and autonomy, cannot be sacrificed, it should be respected, protected, and sustained not only as a right in itself but also as a veto of a sort which renders the individual the possibility and the right to dignity in the use and exercise of his or her moral powers. So, the ideal of autonomy which features as normative in the whole scheme of Rawls’ theory of human has a strong moral appeal in Rawls’ concept of freedom. This appeal suggests, among other things, that it is only in freedom that the individual may be able to participate equally in the political decisions that might affect the realm of his or her life. Hence, Rawls attaches his theory of liberty to rectification or redress where social and economic inequalities may occur as a result of natural chances or other contingencies.\(^{392}\) In this way, though Rawls may seem not to give a straightforward answer to what freedom may generally imply, the prospect of his argument suggests that the starting point for one to adequately understand Rawls’s idea of freedom is to look at it from the perspective of freedom as both dignity, autonomy, and equality, a model Rawls develops from Kant’s idea of human dignity.

Thus implied, the basis of equality cannot simply be assumed as resting solely in the capacity for self-legislation, or merely in a common moral capacity, but instead in the capacity to understand and interpret the constraints and prerogatives of justice that provide standards of public life, freedom, and social fellowship. And a free society, hence democratic is, according to Rawls, a society of equals whose members are regarded as having the capacity to comply or to act in accordance with such standards; as possessing the capacity for a sense of justice framed on human solidarity and mutual concern. This involves, in Rawls’ position, that in a freely democratic society members, irrespective of social origins, class position or place in society, are regarded as equal moral persons. Again, this implies, in his view, that none should benefit from certain undeserved contingencies with deep and lasting effects such as class origin and natural abilities, except in ways that help others, as a democratic conception of society,


hence freedom, would imply. In Rawls’ view, in a society framed by a fair system of cooperation between free and equal persons freedom denies situations in which each person’s gain is another’s loss, as in ‘the state of nature’, where to improve one’s position implies lowering that of someone else. For Rawls, this kind of freedom may result in great pain and misfortune where people may be set at odds with one another in the pursuit of their self-esteem. For him, given the pre-eminence of self-esteem as an underlying premise as a primary good, in the original position, members do not want to find themselves so opposed. Subsequently, in his view, the best solution the members may see fit is to support the primary good of self-respect as far as possible by the assignment of the basic liberties that can indeed be made equal, defining the same status for all. Thus we arrive, according to him, at another reason for factoring the social order into two parties as specified by the first and second principles of justice. Hence, for him, whilst these principles may permit inequalities in return for contributions that are for the benefit of all, the ‘precedence of liberty entails equality in the social bases of respect.’

Therefore, in his social contract argument, Rawls underlies three essential theoretical frameworks over which one may try to understand his concept of freedom, namely: the ‘agents who are free’; ‘the restrictions or limitations which they are free from’; and ‘what it is that they are free to do or not to do’. From this standpoint, Rawls goes on to suggest that a detailed account of what freedom entails requires, among other things, the fulfilment of the ideals behind these three proposals in the original position. However, in his view, ‘[d]ifferent opinions about the value of the liberties will, of course, affect how different persons think the full scheme of freedom should be arranged.’ Further, he suggests that ‘those who place a higher worth on the principle of participation will be prepared to take greater risks with the freedoms of the person, say, in order to give political liberty a larger place.’ For the present reason, Rawls’s argument on the idea of freedom reiterates the claim that freedom is a natural condition to human beings, but to make of freedom what it should remains at the centre of philosophical dispute, above all, on how freedom may be defined under given circumstances amidst different views of human. Berlin’s two concepts of liberty have a bearing here and may be endorsed. Namely the concept of positive liberty have a bearing here and may be endorsed. Namely the concept of positive freedom, as the capacity to achieve one’s own goals in

life while remaining in the web of social relationships; and the idea of negative freedom, the attempt to achieve one’s own goal by abstracting oneself from the social and the material world, particularly from the contingencies of history and society. In this case, Rawls sees liberty as a good that allows the individual to develop his or her own human potentials. Thus, Rawls defends that in the same way that people are different so there are also various kinds of liberties which reflect the heterogeneity of the structure of human society.397

As it were, from here one may adduce that to capture Rawls’ idea of freedom, one should constructively examine how Rawls himself treats the first two principles of justice in the light of what he calls the ‘veil of ignorance.’ According to him, the moral subjects behind the ‘veil of ignorance’ ought to, at least, single out two principles in the contract which will regulate the function of their society: the principle of equal liberties of citizenship; and then the principle of redress of inequalities. This paradox has a bearing on Rawls’ ambiguous presumptions on liberty and epitomizes, as it were, the dilemma surrounding his complex egalitarianism.

As indicated earlier, the two principles of justice axiom from which Rawls elaborate his theory of freedom may be reformulated as suggesting an idea of justice in the realm of positive freedom, while upholding at the same time the propensity of negative freedom. As one might say, complex as it is Rawls’ theory of freedom hangs somewhere between the first and second principles of justice. Thereby, the principles may be viewed as Rawls’ central paradox, in his attempt to bridge the gap between communitarianism and liberalism, between the idea of positive freedom, on the one side, and the idea of negative freedom, on the other. This paradox makes Rawls to appear social democrat in the eyes of those who see him as advocating equality, a sense of egalitarianism, so a feeling of positive freedom; but also to appear libertarian or liberal democrat in the eyes of those who see him as legitimizing inequalities of a sort, a sense of individualism, thereby seen as promulgating a sense of negative conception of freedom. Persistently, this inconsistency has, in turn, a bearing on Rawls’ understanding of ‘liberty’ and ‘worth of liberty as expressed bellow:

Thus liberty and the worth of liberty are distinguished as follows: liberty is represented by the complete system of liberties of equal citizenship, while the worth of liberty to persons and groups is proportional to their capacity to advance their ends within the framework the system defines. Freedom as equal

liberty is the same for all; the question of compensating for a lesser than equal liberty does not arise. But the worth of liberty is not the same for everyone. Some have greater authority and wealth, therefore greater means to achieve their aims. The lesser worth of liberty is, however, compensated for, since the capacity of the less fortunate members of society to achieve their aims would be even less were they not to accept the existing inequalities whenever the difference principle is satisfied. But compensating for the lesser worth of freedom is not to be confused with making good an unequal liberty. Taking the two principles together, the basic structure is to be arranged to maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all. This defines the end of social justice.398

As it were, this implies that Rawls seems to offer a mixed argument on freedom, slinging from liberalism, communitarianism, and libertarianism which seems to put Rawls into a position of compromise between ‘social democratic ideals’ and ‘libertarianism’. However, some scholars have asserted that Rawls cannot be a libertarian in the real sense of the word since he makes no place for just distribution by merit in his theory of justice. In the light of his failure to give a definite account on the difference principle argument, other scholars went as far as to argue that in his theory of justice, with a bearing on his idea of freedom, Rawls tries to evade the sphere of both capitalism and socialism but without success.399 However, one may conclude that, Rawls’ view of freedom in terms of difference principle, may be seen as Rawls’ attempt to transcend the classical debate between left and right by distinguishing ‘freedom’ from ‘liberty,’ in two important ways. In which, freedom, in his concept, may be understood as a naturally endowed phenomenon, therefore a natural right aligned to the ideal of human dignity; while liberty may stand as a social good that makes for freedom, without which the prospect of true freedom may not be entirely possible to reckon or accomplish. Therefore, liberty, in Rawls’ central analysis, features as a good to be distributed equally unless an unequal distribution is to favour the least fortunate members of society. This notion epitomizes, as it were, the political definition of liberty as social right.

Notwithstanding his complex argument on freedom, Rawls’ theory is best highlighted when he sees freedom in terms of ‘liberty’ and the ‘worth of liberty.’ For Rawls, the inability of a person to take advantage of his or her rights and of the surrounding opportunities as a result of poverty, ignorance, or scarcity of resources ‘is something counted among the

constraints definitive of liberty’.

This implies, in Rawls’ view that freedom has to be experienced here and there by making one’s conditions in life bearable and worthy living. This follows, in turn, Rawls’ conclusion in view of freedom as a naturally given right and liberty as one’s ability to achieve one’s own goals in life, hence freedom. Thus understood, in Rawls’ view, from the premise of human equality, freedom may be the same for all; but provided one’s aptitudes, liberty as a means to an end, as a means to freedom, may be accounted differently. This implies that liberty as one’s ability to realize one’s own goals, thereby freedom, may differ from person to person. Therefore, liberty, in Rawls’ view, may only find its meaningful application within an atmosphere whereby the structure of society is designed in such a way that free and equal citizens are able to realize or achieve their own goals in life. This follows that because people are different, the prospect of liberty may differ from one person to the next; and the heterogeneous nature of the human good has implications on how people may advance and achieve their ends. Rawls puts it quite correctly: ‘Human good is heterogeneous because the aims of the self are heterogeneous.’ Therefore Rawls insists that the veil of ignorance leads to an agreement on the principle of equal liberty by making the heterogeneous nature of the human good the basis of moral deliberation and choice.

However, though in his theory of justice Rawls advocates a social minimum in the redress of imbalances, Rawls also points out that those greater economic and social benefits should not be taken as a sufficient reason for accepting less than an equal liberty. In his view, it would seem reasonable and possible to consent to an unequal liberty only if there is a threat of coercion which it is unwise to resist from the standpoint of liberty itself.

As it were, Rawls develops and justifies his concept of freedom on the premise of the priority of liberty, the precedence of the principle of liberty over the second principle of justice. This principle regulates the distribution of economic assets, social positions and roles. In the context of freedom as equality, individuals are afforded equal moral standing while society secondary one, and individuals’ dignity is far more important to, and independent of, the construction of any moral or social bonds in society. This principle resembles Isaiah Berlin’s idea of negative

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freedom and departs ways with the idea of positive freedom. Yet the justification of freedom from ‘equality principle’ fits well with Isaiah Berlin’s concept of ‘positive’ freedom. However, the recurring conflict of opinions between the idea of positive and negative freedom epitomizes Rawls’ own dilemma in his theory of justice as expressed in his complex egalitarianism. Rawls insists that a well ordered society should make it possible the creation of a favourable social and material environment, so that all citizens are able to work towards their own liberties.

For example, Rawls may admit that freedom to live in a context whereby all the necessary assets needed for a livelihood flourish plentifully makes no point for one who has no access to such assets in terms of one’s aptitude to participate. So, for Rawls, in terms of equality of opportunities, fair equality implies that positions are filled by those who may perform the job best and on the best of ways possible, though such criteria rule out any kind of racial, sexist, and ethnical discrimination, people still discriminated on the basis of their potential and capability. Therefore, Rawls sees the poor as being severely disadvantaged in even in non-discriminatory environment of open positions since they lack skills to compete beside those who have acquired skills. As a response, in his ‘difference principle,’ Rawls proposes a ‘social minimum’ that will bring a slight transfer of economic and social assets for the alleviation of the plight of the poor.406

Despite the fact that both Nozick and Rawls may seem to belong to the same school, the distinction between them surfaces on the view that while Rawls defends liberal welfare state, Nozick argues in favour of an unlimited libertarianism. What is common to them is that both seem to base their moral theories on a ‘right inculcated ethic’ so is to make the freedom of individuals possible. As such, Rawls departs ways with Robert Nozick in the sense that he devices a concept of freedom which is contractarian without completely relegating the sphere of human relationships in which such a contract takes precedence. For Rawls, as different from the ‘state of nature’ in which individuals may dispose themselves as they see fit, in society the individuals in order to advance their own needs, should be sensible to, and concerned with, the needs of others. As such, this moral sensibility forces Rawls to locate the moral thrust of his theory not only within the protection of one’s rights but also within one’s capacity to realize his or her own goals in life, by advancing the needs of others. Quite to the contrary, Robert Nozick, as a libertarian, advocates a sense of protected freedom, a concept of freedom in the sense of having a private and protected sphere for the fulfilment of one’s goals in life. Therefore,

Nozick justifies his idea of freedom within the principle of entitlements, within the principle of freedom as a right to private property. So, scholars have concluded that Nozick’s version as different from that of John Rawls’ social liberal democratic principle resembles that of modern capitalism.

Therefore, departing ways with Nozick in still another way; John Rawls’ theory of freedom remains in some respects a development of a modern version of the Kantian categorical imperative as enshrined in the original position and in the first principle of justice. As it were, instead of deducing this imperative from the very essence of human rationality, it derives its principles of justice and freedom from the ‘original position’. This original position replaces, so to speak, the Kantian categorical imperative. It reads that people who take part in moral dialogue reach a moral consensus from behind a ‘veil of ignorance,’ that they are not conscious of their actual roles and interests in society.\(^{407}\) Therefore, the first principle of justice may be critically articulated as follows: ‘Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with similar system of liberty for all. The principles of justice is to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty: (a) a less extensive liberty must strengthen the total system of liberty shared by all, and (b) a less than equal liberty must be acceptable to those citizens with the lesser liberty.’\(^{408}\) In Rawls’ view, for the sake of freedom for all, ‘the basic liberties may either be less extensive though still equal, or they may be unequal. This is a paradox Rawls is never successful in resolving and represents the persistence of his complex egalitarianism. According to Rawls, if liberty is less extensive, the representative citizens, such as those at the margin of society, like low-skilled workers, should find this gain of their freedom on balance; and if liberty is unequal, the freedom of those with lesser liberty must be better secured. In both cases, Rawls’ justification of freedom proceeds by reference to the whole system of the equal liberties.\(^{409}\)

Therefore, Rawls’ theory of freedom can be interpreted as Rawls’ attempt to restate Kant’s categorical imperative as expressed in Kant’s doctrine of the ‘kingdom of ends,’ the ‘fellowship or community’ of autonomous self-legislators. The goal of freedom is not to ensure the good of each individual citizen or to make people entirely happy; but instead the role of freedom is only to establish the conditions for people to pursue their own conceptions of the good life in liberty and harmony. In the ‘kingdom


of ends’ since to be human is part of humanity love is transformed into respect for the other. Every person, as an embodiment of humanity is worthy of that respect. Respect indistinctively and indifferently is respect for all. Therefore, the tension between freedom and liberty epitomizes the tension between ‘humanity’ and ‘person. ‘Humanity’ indistinctively and indifferently refers to all, hence ‘freedom.’ ‘Person’ relates to particular selves, here and now, hence ‘liberty.’ As it were, persons demand solicitude, attentiveness, consideration, and liberty, in their unique otherness.410

For Rawls, meeting people’s needs imply addressing inequalities by equal provision of certain primary goods, such as basic liberties and opportunities and to allow inequalities only if they are to the advantage of all and do not undermine the protection of liberty and opportunity. According to Rawls, when these needs are met, all will have the capabilities to function as free and equal citizens of a democratic society. However Rawls’ principle of redress has been criticized in two important ways: libertarians see democratic equality as inadequately unjust, as a way of trading liberty and the welfare of some for the sake of equality. For utilitarians it sacrifices too much welfare for assurance of equality and liberty. 411 Inequalities are measured by an index of primary social goods which includes rights and liberties, powers and opportunities, income and wealth, and social bases of self-respect. Though, in the light of Rawls’ theory, primary goods are thought for as the needs of citizens which make for freedom; scholars are of the view that the index paradigm of primary goods by placing so much focus on resources while neglecting the capability approach seems to undermine Rawls’ approach to justice as fairness with an unhelpful bearing on freedom. The resource approach is not, according to them, sufficiently helpful, since some people may fail to transform such resources into freedom or capability, by their lack of both physical and mental strengths to do so. In response to these criticisms some scholars have defended that Rawls’ complex egalitarianism is designed so as to counteract underserved inequalities and to protect the capabilities of people, hence the positive freedom of citizens.412 In their opinion, the end of social justice in Rawls’ theory of freedom is not merely that everyone’s equal freedoms be formally protected but that the basic liberties are effectively put to work by all to the extent that the worth of freedom to the least fortunate members of society is maximized.

410 Van der Ven, Johannes: Formation of the Moral Self, p. 165.
As it were, Rawls theory of freedom interrogates the question of relationship between the ‘difference principle’ and the ‘equal basic liberties’. Rawls is of the view that the two principles of justice from which his theory of freedom springs cannot be entirely appreciated or justified in isolation from one another. In Rawls’ view, a theory to reflect a liberal conception it is not sufficient to recognize basic liberties and assign them precedence. For Rawls, a liberal conception of justice also recognizes a ‘social minimum,’ a ‘basic social entitlement’ to enabling resources, particularly income and wealth so as to redress the plight of the worst off. For, according to him, without a ‘social minimum,’ the basic liberties are merely formal protections and are worth little to people who are socially and economically handicapped and impoverished and without the means to take advantage of their liberties. In Rawls’ view, while what distinguishes justice as fairness is its egalitarianism, it defines the ‘social minimum’ in terms of the difference principle. As it were, by inference, the difference principle has a distinct relationship to the principle of equal basic liberties. It permits equalities in income and wealth in order to maximally promote the effective exercise of the equal basic liberties by the poor.\footnote{Freeman, Samuel (editor): The Cambridge Companion to Rawls, 2003, p. 9.} This renders Rawls’ theory of freedom certificatory, rectificatory, capacitory and participatory tones. Therefore, freedom stands as ability and redress, a version of positive idea of freedom.

Alasdair MacIntyre’s Theory of Freedom

So far with Robert Nozick and John Rawls we have been dealing with the notion of freedom within libertarianism and liberalism, where the libertarian idea of freedom as a ‘choice’, a ‘right’, a ‘protected square’ surfaced as well as the liberal theory of freedom as ‘equality’, ‘participation’, ‘capacity’, and ‘redress’ has also been noteworthy. With MacIntyre we enter into a completely different philosophical landscape; we are stepping into communitarianism. However, one issue remains significant; MacIntyre does not treat freedom as a central theme in most of his work, a view which makes it difficult to understand MacIntyre’s position on freedom. It seems, then, that the only available clue to MacIntyre’s idea of freedom would be by reconstructing his position from the point of view of the emphasis he makes on the importance of practice, historical context and narratives, to moral concepts and ideas as a central
requisite for ethics.\textsuperscript{414} In view of his ethics from the Aristotelian account of the virtues follows that, in MacIntyre, to know what freedom implies suggests, by practice, coming to grips with one’s history and context as well. In his view, ‘Aristotle’s ethics, in its central account of the virtue, of goods as the ends of human practices, of the human good as the end to which all other goods are ordered, and of the rules of justice required for a community of ordered practice, captures essential features not only of human practice within Greek city-states but of human practice as such.’\textsuperscript{415} This position entails, according to MacIntyre, that ‘Aristotelianism always has the possibilities of revival in new forms in different cultures.’\textsuperscript{416}

This position takes MacIntyre to argue that moral judgment may vary from society to society and from person to person. To the extent that what is held to be right or good may not be always the same. This argument forces MacIntyre to sceptically differ from those who endorse the view that, though social life may vary from context to context, the same concepts of right and good remain universal. For MacIntyre, moral concepts change as social life changes but moral concepts ‘are embodied in and are partly constitutive of forms of social life.’\textsuperscript{417} In his view, one ‘key way in which we may identify one form of social life as distinct from another is by identifying differences in moral concepts.’\textsuperscript{418} Moral concepts being constitutive forms of social life, to understand what freedom implies requires coming to fuller understanding of what the concepts are, of how concepts are used in a specific context as freedom is described.

Considering his position in the Greeks ethics, MacIntyre articulates his theories of freedom in the light of the Gorgias, in Plato’s Republic, in the Gorgias’ use and interpretation of rhetoric. According to MacIntyre, in the Gorgias, freedom is understood as one’s capacity to persuade. For Gorgias, rhetoric, as the art of persuasion, is the means to person’s supreme good. By inference, ‘the supreme good is freedom and by freedom is meant the freedom to have one’s own way in everything.’\textsuperscript{419} But, in order to have one’s way in the Athenian city-state; ‘one must be able to sway one’s fellow citizens.’\textsuperscript{420} So, according to MacIntyre, in the Republic, Socrates ‘introduces a distinction between the kind of persuasion which produces

\textsuperscript{415} \textit{Op. cit.}, p. xviii.
\textsuperscript{416} \textit{Op. cit.}, p. xviii.
knowledge in the person who is persuaded and the kind that does not.421 In his view, ‘[i]n the first case persuasion consists in offering reasons for holding a belief, and if the belief is accepted, an account can be given to back up in terms of those reasons; in the second case persuasion consists in subjecting the audience to a psychological pressure which produces an ungrounded conviction.’422 For Gorgias ‘rhetoric is a persuasion not of the former, but of the latter kind.’423 Gorgias maintains, according to MacIntyre, that ‘[o]ne of the praises of the orator is that he/she can persuade audiences upon topics on which he/she himself/herself is unskilled.’424

The point Socrates makes is ennobling and illuminating. Freedom being built on one’s ability to persuade, depending on the intention of the persuader, may lead both to freedom as well as into chains or into a lack of freedom. Therefore, for persuasion to lead into freedom it should be both liberating and empowering by being clarifying. Our statements should embody convictions which are liberating, convincing, and empowering, that is to say, which should be backed by good reasons in their pronouncement. Either we stand in a public platform, the pulpit, classroom, or in making any political statements, our reason should transcend our different human intuitions and fabrics. This leads MacIntyre to conclude that ‘the idea that techniques of persuasion are morally neutral is a recurrent one in human society.’425 However, if moral convictions are embodied in and partly constitutive of social life, as MacIntyre claims, how then can someone stand outside his or her context when making moral statements? This remains a bone of contention between liberalism and communitarianism. For communitarians freedom implies knowing the best rhetoric within communal practice; whereas for liberalism freedom should be deliberate, implying the practice of neutrality from the standpoint of rational choice. It follows that, because a person is, according to Hobbes, simply driven by his or her passions, our persuasions to be fair, reason should take the middle way. According to MacIntyre, in Hobbes’ view, deliberation ‘has the role simply of intervening between passion and action as middle link in the chain.’ While, the role of reason ‘is simply to note facts, to calculate, and to understand;’ reason alone ‘cannot move to action.’426 So for MacIntyre, this is a central component framing our

understanding of the relationship between reason, the passions, and freedom.  

Still in another way, our persuasions should be liberating in the sense that a non-rational realm only dominates us, according to MacIntyre, as long as we remain unconscious of its nature and power. ‘As we form adequate notions of our emotions we cease to be passive in relation to them.’ In his view, we ‘recognise ourselves for what we are, we understand that we cannot be other than we are; but to have understood is to have been transformed from what one was.’ To have seen this is, according to MacIntyre, ‘to be free.’ In his view, self-knowledge and only ‘self-knowledge liberates.’ Since as we discern, we come to know that what ‘we desire, hate, love, take pleasure or find pain in, has been the result of chance and accidental association and conditioning.’ In his view, to know this is to break the association. For MacIntyre, the joy of a person who has freed herself through knowledge of nature and of herself as part of nature is happiness. In his view, ‘Genuine virtue is simply the realization of this state in which knowledge, freedom, and happiness are combined.’

According to MacIntyre, this notion of freedom departs ways with Spinoza’s sense in which ‘the possession of freedom is compatible with being unable to do a great many things, provided that it is impossible that what hinders and prevents one should be altered.’ In his view, Spinoza thinks ‘it is impossible that one should rage against what could not be otherwise, for one can frame no conception of the impossible and hence cannot desire it; and if it is impossible that things should be other than they are, we cannot possibly desire that they should be’. If we do so desire, we are irrational and our desire is not informed by genuine knowledge and adequate ideas. Freedom implies above all, a heroic renunciation from that which we cannot change. About this, Spinoza is, according to MacIntyre, clearly wrong; ‘knowledge is not a sufficient condition of being free. But it is often a necessary condition. One is not free merely because one gets what one wants, if one is not free to understand the causes and nature of one’s wants and reconsider them.’

For MacIntyre, Spinoza agrees with Hobbes in equating ‘having a right to’ with ‘having the power to;’ but he has a quite different image of what enlightened persons have the power to do and desire to do. In his view, it is not just that they desire an end of hate, envy, and frustration in themselves; but they will be gravely impeded unless they can diminish hate, envy, and

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frustration in others. Spinoza’s enlightened individual is therefore cooperative with others in the search for knowledge, and this cooperation is based not on fear, but on a common interest in the goods of self-knowledge and knowledge and that of nature. Therefore, although Spinoza confuses ‘having a right to’ with ‘having the power to’, the state is for Spinoza at best a means; ‘politics is an activity to procure the prerequisites for the pursuit of rationality and freedom.’ Spinoza was thus, according to MacIntyre, the first philosopher to make central to ethics two concepts which are defined to express thedistinctively new values of modern society, those of freedom and reason. 430

In his analysis of Kant’s categorical imperative, MacIntyre sees freedom as *summum bonum*, as ‘a presupposition of categorical imperative.’ For, according to MacIntyre, ‘it is only in acts of obedience to the categorical imperative that we are delivered from the bondage of our own inclinations.’ The *ought to* of the categorical imperative can only have application to an agent capable of obedience. Therefore, in this sense *ought to* imply *can*. And to be capable of obedience implies, according to MacIntyre, that one has escaped the ‘determination of one’s actions by one’s inclinations, simply because the imperative which guides action determined by inclination is always a hypothetical one.’ Therefore, MacIntyre sees the categorical imperative as ‘the content of moral freedom.’ For him, the categorical imperative is by virtue of being freedom a process of liberation ‘a crowning virtue with happiness.’ As such Macintyre’s view of freedom is tellingly teleological. 431

Therefore, communitarianism emphasis a conception of freedom in which mutual solidarity and responsibilities are superior to rights and personal autonomy, practice is communal practice informed by the ideal of the common good. Freedom is freedom to embrace and assist, rather than freedom to withdraw or restrain. The underlying premise within the communitarian attitude is what might be called the principle of correlativity, which holds that one’s personal claim or rights corresponds to another’s obligational responsibilities, implying that a sound equilibrium between them should be brought to the fore. Then one’s right to freedom should be counterbalanced with sensitivity and responsibilities. As it were, the principle of correlativity cannot be universally valid since from a universal viewpoint the relations between rights and obligations are asymmetrical. That is one’s person’s right takes precedence over another’s

duty.\textsuperscript{432} This follows, according to MacIntyre, the Hegelian view of freedom that what ‘freedom is in each time and place is defined by the specific limitations of that time and place and by the characteristics goals of that time and place.\textsuperscript{433} Recalling the Gorgias’ understanding of freedom as finding one’s way in everything through wisdom, MacIntyre decries the fact that within the context of the modern society human beings tend to find their way in everything through material means, he puts it well: ‘We thus find a form of social life in which a traditional order is challenged by forms of innovation in which liberty and property are twin sides of the same coin. To makes one’s way is to make one’s way \textit{economically}.\textsuperscript{434} Sadly so, freedom implies being economically strong, entailing ‘having the power to’ through material means. Quite to the contrary, an adequate communitarian view of freedom challenges us not to retreat to our own ‘inner citadel’ but to be concerned with the plight of others; it is freedom to embrace and assist rather than to reject or exclude.

Charles Taylor’s Theory of Freedom

One of the central challenges one may face in discussing Taylor’s views on freedom resides on the fact that, in most of his writings, Taylor seems not to treat the subject of freedom as a central theme and focus of his ethics, but the reaffirmation of the concept of the modern idea of identity.\textsuperscript{435} To take this position seriously would imply making sure the present analysis is meticulously and tentatively explored. But this is a tendency so hard to honour in a research such as this given the fact that my aim is not to give an exhaustive account of freedom. On the whole, Taylor’s position on freedom may, to some extent, be discerned in the light of his analysis of negative freedom. In his careful study of the concept, Taylor states that his ‘is an attempt to resolve one of the issues that separate ‘positive’ and ‘negative’ theories of freedom,’ in the framework of Isaiah Berlin’s influential essay, ‘Two concepts of Liberty’. In his view, although one may ‘discuss endlessly the detailed formulation of the distinction,’ he still believes that ‘it is undeniable that there are two such families of conceptions of political

\textsuperscript{432} See Van der Ven, Johannes A: \textit{Formation of the Moral Self}, 1998.
\textsuperscript{433} MacIntyre, Alasdair: \textit{A Short History of Ethics}. 2\textsuperscript{nd} ed. Notre Dame 1998, p. 204.
\textsuperscript{434} \textit{Op. cit.}, p. 152.
freedom.' As it were, despite the fact that modern identity remains a major theme in Taylor’s ethics, a tentative approach would entail seeing Taylor’s intellectual programme as part of the contemporary discourse on freedom, autonomy, and solidarity. As such, Taylor’s view of freedom committed as it is in critically surveying the question of identity by affirming what is unique and embodying in both liberalism and communitarianism, may be understood as interceding as cutting across the families of both ‘positive’ and ‘negative’ conceptions of political freedom bearing on the understanding of freedom as both ‘autonomy,’ on the one hand, and ‘relationship,’ on the other. As it were, the idea of freedom as autonomy is, according to Taylor, self-determining freedom, at times embodying a view of a free, disengaged self. In his view, ‘[c]orresponding to the ‘free, disengaged subject is a view of society as made up of and by the consent of free individuals and, corollary to this, the notion of society as made up of bearers of individual rights.’ As Taylor puts it, ‘this is perhaps one of the most deeply entrenched images of society that modern civilization has thrown up.’ Further, in his view, ‘[c]onnected to an expressivist-self understanding is a picture of society as a nation, drawn together by similar expressive roots, which because they define our common human potentiality allegedly have a command on our allegiance and devotion.’

Making a critical comment on the ideas of both ‘positive’ and ‘negative’ theories of freedom, Taylor asserts that negative theories have the propensity of defining freedom in ‘terms of individual independence from others;’ the positive conceptions, in his view, also tend to ‘identify freedom with collective self-government.’ But underneath their borderline lie some deeper differences of doctrines and claims. Put differently, doctrines of positive freedom are, according to Taylor, ‘concerned with a view of freedom which involves essentially the exercising of control over one’s life.’ In his view, they defend that ‘one is free only to the extent that one has effectively determined oneself and the shape of one’s life. The concept of freedom here is an exercise-concept.’ By contrast, referring to the idea of negative freedom, Taylor defends that ‘negative theories can rely simply on opportunity-concept, where being free is a matter of what we can do, of what it is open to us to do, whether or not we do anything to exercise these

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options.’ At the core, negative theories entail that freedom ‘consists just in there being no obstacle. It is a sufficient condition of one’s being free that nothing stands in the way.’

Taylor’s position highlights the predicament of liberal idea of freedom that bases its moral creed on autonomy and individual choice and the communitarian pledge that locates the centre of its ethics on the idea of the common good and general wellbeing. As it were, the concept of the ‘good’ which Taylor takes into view is a feature of communal ethic epitomizing the communitarian idea of social freedom, of positive idea of freedom, whereby the community takes centre stage over the ‘right.’ The idea of the ‘right’ epitomizes the liberal claim on human dignity, individual freedom, and autonomy with propensity towards the idea of negative freedom in which one’s rights take precedence over social fellowship.

Further, if we are able to translate Taylor’s moral prelude we may be able to come to grips with the tension between the liberal ideal of the ‘right’ and the communitarian concept of the ‘good’ as underlying tenets in Taylor’s account on freedom. As it were, the two ethical principles reflect two concepts of freedom: the liberal and the communitarian. Following Taylor, in the communitarian moral sphere, freedom may be depicted as a common good, as communal solidarity and responsibility; so as a relationship. In this way, freedom defined from a communitarian view point stands as freedom only in relation to a particular good, a good that binds human relationships. This implies that communitarianism takes the idea of the ‘good’ as defining criterion, hence a prerequisite for freedom. While liberalism, on the other hand, from its absolute emphasis on the idea of human dignity and rational choice takes the idea of the ‘right’ as a central criterion in its ethics, hence a precondition for freedom. From a liberal viewpoint, the ‘right’ stands as an unalienable claim for freedom, therefore a point of departure for any adequate definition of freedom. These conclusions may help in reinstating the position that Taylor’s work is an attempt to reconcile and bring to the fore the ideas of both positive and negative freedom; the liberal idea of freedom, on the one hand, which takes the ideal of freedom as a choice, as a moral duty; and the communitarian idea, on the other, which seeks the idea of freedom as a virtue, a way of existence.

Contending on the moral pledge of negative freedom which, in his view, ‘sees freedom as simply as the absence of external physical or legal obstacles.’ Taylor insists that this view ‘will have no truck with other less immediately obvious obstacles to freedom, for instance, lack of awareness,

\[441\text{Op. cit., p. 213.}\]
or false consciousness, or repression, or other inner factors of this kind.’ According to him, ‘[i]t holds firmly to the view that to speak of such inner factors as relevant to the issue about freedom, to speak for instance of someone’s being less free because of false consciousness, is to abuse words.’ Further, Taylor decries the fact that in view of negative freedom the ‘only clear meaning which can be given to freedom is that of the absence of external obstacles.’ In his view, this position ‘rules out of court one of the most powerful motives behind the modern defence of freedom as individual independence.’ But, according to him, ‘if we think of freedom as including something like the freedom of self-fulfilment, or self-realization according to our own pattern, then we plainly have something which can fail for inner reasons as well as because of external obstacles.’ In Taylor’s view, the idea of negative freedom in its emphasis on freedom as the absence of obstacles is not wholly convincing, for we ‘can fail to achieve our own self-realization through inner fears, or false consciousness, as well as because of external coercion.’

Freedom should mean discernment, liberation from fear, coercion, or otherwise. As it were, ‘self-realization’ and ‘opportunity’ concepts of negative freedom are somewhat misleading. According to Taylor, ‘[w]e cannot say that someone is free, on a self-realization view,’ if he or she ‘is totally unrealized by the fear of breaking with some norms’ which he or she has internalized but which does not authentically reflect him or her. In his view, ‘[w]ithin this conceptual scheme, some degree of exercise is necessary for a person to be thought free.’ Put another way, for Taylor, if we want to think of the internal bars to freedom as obstacles in view of the external ones, ‘then being in a position to exercise freedom, having the opportunity, involves, removing the internal barriers; and this is not possible without having to some extent realized myself.’ So, Taylor concludes that ‘with the freedom of self-realization, having the opportunity to be free requires that I already be exercising freedom. A pure opportunity-concept is impossible here.’

Reading between the lines, it seems, in Taylor’s view, that beyond the paradox surrounding the negative and the positive views of freedom, an adequate conception of freedom which may tend to do justice to both the negative and the positive conceptions may be envisaged in terms of ‘significance,’ in terms of the order of importance which both my goals and purposes in life may command. It implies that negative conceptions of

freedom cannot withstand the test simply by overruling totally the positive ones, not even the ennobling of the positive conceptions by merely relegating completely the negative ones. For, if, in Taylor's view, 'an opportunity-concept is not combinable with a positive theory; but neither it or its alternative can suit a negative theory, then one way of ruling out positive theories in principle is by firmly espousing an opportunity-concept.' In doing so, one 'cuts off the positive theories by root, as it were, even though one may also pay a price in the atrophy of a wide range of negative theories as well.' But what follows, in Taylor's view, 'is that the basic intuition within the negative conception of freedom is that freedom is a matter of being able to do something or other, of not having obstacles in one's way, rather than being a capacity that we have to realize.' 'Once one adopts a self-realization view, or indeed any exercise-concept of freedom, then being able to do what one wants can no longer be accepted as a sufficient condition of being free. For this view puts certain conditions one's motivation. You are not free if you are motivated, through fear, in authenticity internalized standards, or false consciousness, to thwart your self-realization. This implies that to be 'self-realizing' freedom should allow someone to follow one's real will, to be able to do what one really wants, or to be able to fulfill the desires of one's true self. Beyond this line, freedom in terms of significance implies that freedom is important to us because we are purposive beings. 'But then, there must be distinctions in the significance of different kinds of freedom based on the distinction in the significance of different purposes.' Since to be free is to be discerning, freedom means being able to discern which amongst our desires and purposes impel more command to us than other.

Therefore, as related to freedom, in my reading of Taylor's account on the making of modern identity, if identity cannot be without a space to form one's character it helps me to move into another dimension, a 'situational' dimension which is indispensable for one's dignity. Therefore I would humbly argue that behind Taylor's attempts to edify modern identity lies the concept of freedom as 'situated', the idea of situated freedom which can be developed from Taylor's view of the 'situated self;' or to use Taylor's word freedom as a 'space.' Therefore, inspired by Hegel, Taylor's elaboration of the concept of modern identity is in resonance with the communitarian idea of freedom as situated. If the self can only be situated

in a space in order to develop his or her moral virtue, and virtue as an attribute of moral experience, freedom as situated offers a reasonable moral argument to the ideal that freedom can only be real freedom when it becomes part of our moral experience. This moral discovery departs ways with the liberal conception of freedom. For liberalism, freedom is conceived as result of a conscious (individual) choice, something pensive that emerges only as a consequence of our moral abstraction.

Rawls’ contractarian theory in the *veil of ignorance* and the *original position* may go well with the above position. The Rawlsian self is an abstract self who is a historically and socially naked, though his or her space is found only in ‘the original position’ and behind the ‘veil of ignorance’ it cannot be known for certain. And but because the self stands behind the ‘veil of ignorance’ he or she cannot know anything of the sort, he or she lacks the knowledge of his or her origin, including the knowledge of his own space, identity, social, moral, and material contexts. Freedom for liberalism is therefore a moral construct. In communitarianism, the concept of freedom as being situated entails mainly that freedom is something of pragmatic that sensibly comes as a result of our moral experience and human effort. The aphorism of freedom as moral experience entails that freedom has to be experienced here and there, one cannot contemplate freedom but it comes as a living memory, and as costly human endeavour. The communitarian view on freedom departs ways with the liberal thesis which sees freedom as a product of our conscious choice, as an attribute resulting from our moral abstraction, thus a product of our moral contemplation.

Furthermore, Taylor himself seems to review the liberal communitarian debate on freedom in his analysis of the self in moral space on the account that the concept of freedom for communitarianism can only be situated in a space and time, as a practical moral wisdom. While his views on the making of modern identity are sensitive of both the liberal prelude of freedom as something abstract subject to our rational moral consideration, and to the communitarian idea of freedom as part of the social matrix, of our moral experience. In liberalism freedom results from ‘good’ moral will within the individual, therefore a choice. For communitarianism freedom is ‘structural,’ it results from a living experience inflicted to the individual from the context in which the individual stands.

In Taylor’s view, it is true the liberal contemplative ideal on freedom may hold merit in the sense that the individual needs to always strive for freedom so is to live a life which is humane, worthwhile, and fulfilling.

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450 *Op. cit.; Ch. 2.*
However, the individual may find it difficult or even impossible to do so without social and moral structures conducive for freedom. Therefore social and material conditions need to be created so that the individual may be able to exercise his or her potential for freedom. Again, the individual may see it practically hard to contemplate freedom in a situation of conflict and despair. When structures are evil freedom will always remain a costly endeavour no matter how contemplative the moral subject may be. Sad to say, may be, in a situation of evil where the moral subject may be unable to exercise his or her human potential, freedom may only be attained in religious terms.

In his discussion of the *self in moral space*, Taylor puts to test the interrelationship between *space* and *identity* as guiding principles enshrined in the architecting of his concept of modern identity, in both liberalism and communitarianism. Morally speaking, space here emerges, in my view, as a material, social, and moral conditions which are conducive for freedom. Here, moral space can be defined as a context that shapes identity and identity as a moral subject who strives towards the creation of a general wellbeing, ethically translated as a creation of better society conducive for human dignity. Taylor remarks that our belief to the fact that human beings are bestowed with rational choice which gives them the moral potential to aspire to some forms of higher life stands as an unalienable right that forms the basis of our moral creed that human beings are fit objects of respect, that their life and integrity are sacred within a sense of immunity that needs not to be attacked or taken away nor matter the circumstances.

Taylor goes on to say that our contemporary understating of what it entails to respect people’s integrity takes into view the protecting of their expressive freedom, to articulate and develop their own opinions, to define and carry out their own way of life, and to design their own plan of life. I take Taylor’s formulation as a prudent expression of the concept of freedom as situated, pragmatic, and part of human experience, since no ideal of human dignity may be completely possible without conditions for freedom. Depending on the circumstances in view, such conditions may be multi-dimensional, they may be social, moral, material, or political. Kant himself versed it well in his categorical imperative when he articulated that for one to be a dignified and full human being the prerequisite is freedom.

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451 As David Hume assert in MacIntyre: ‘Reason alone, say the emotivists, can never tell us how to act; it only informs us about the nature and consequences of our actions; it is only emotions that helps us to decide what actions to take: morality is determined by sentiment’ (cf. MacIntyre, Alasdair: *Whose Justice? Which Rationality?*, 1988, pp. 300ff.).


Therefore, beneath Taylor’s idea of the ‘self in moral space,’ the idea of freedom as ‘situated’ seems to emerge as a guiding ethical pattern, because it is only in freedom that the self may be capable of making sense of his or her own existence since the ‘space,’ if it is to be affirming, cannot be without freedom. When people are claiming for their own ‘space’ it is freedom they are claiming for. Different views of freedom arise only when we try to define the ‘space’ we claim, hence the context which shapes our view of being human, our different personalities.

Consequently a given definition of space will yield a different definition of freedom as opposed to another, and the line of definitions may be long. Therefore, Taylor’s moral space stands as a context of questions whereby the individual by looking at it may be able to respond to questions concerning the ‘self’ he or she represents. Simultaneously in tune with his ideal of modern identity, ‘space’ for Taylor suggests that the individual will always need the context in order to contemplate his or her own identity, thereby his or her ideal of freedom. So freedom, according to Taylor comes as one’s ability for one to know where one stands, without a critical understanding of one’s particular space one may lack the idea of freedom. This ability is traduced in turn as one’s moral standing or personal aptitude that defines the personhood. At the end, for Taylor, freedom and space seem to intertwine. He puts it quite clearly:

Perhaps the best way to see this is to focus on the issue that we usually describe today as the question of identity. We speak of it in these terms because the question is often spontaneously phrased by people in the form: Who am I? But this can’t necessarily be answered by giving name and genealogy. Who does answer this question for us is an understanding of what is of crucial importance to us. To know who I am is a species of knowing where I stand. My identity is defined by the commitments and identifications which provide the frame or horizon within which I can try to determine from case to case what is good, or valuable, or what ought to be done, or what I endorse or oppose. In another words, it is the horizon within which I am capable of taking a stand.454

The priority of context in defining identity in Taylor’s moral commitment is quite impressive and illuminating. Therefore with no intention to skyjack his major concern on the making of modern identity my sympathy with him springs from the fact that one cannot come to terms with one’s identity without freedom or liberty. My interest to elaborate the ideal of freedom from Taylor’s understanding of modern identity is encouraged by the belief that his notion is equivalent to speaking about freedom. Since modern

454 Taylor, Charles: Sources of The Self, 2004, p. 27.
identity in most modern nations entails freedom, the taking away or the denial of one’s identity entails taking away one’s freedom as freedom and identity are moral equivalents.

Further, elaborating from Taylor’s concept of modern identity and from his understanding of the ‘self in moral space,’ another concept of freedom within modern communitarianism emerges which suggests the idea of freedom as ‘orientation or framework,’ since the self stands in a moral space in order to orient himself or herself, to finding direction in his or her life projects. Taylor proposes that social institutions such as national, religious, cultural, or political, stand as an orientation for one to be able to dissect his or her own identity. Without these social institutions, Taylor suggests, the self may find himself or herself at loss, for he or she may no longer bear that orientation which is necessary for one to make sense of his or her own identity:

People may see their identity as defined partly by some moral or spiritual commitment, say Catholic, or an anarchist. Or they may define it in part by the nation or tradition they belong to, as an Armenian, say, or a Québécois. What they are saying by this is not just that they are strongly attached to this spiritual view or background; rather it is that this provides the frame within which they can determine where they stand on questions of what is good, worthwhile, or admirable, or of value. Put counterfactually, they are saying that were they to lose this commitment or identification, they would be at sea, as it were, they wouldn’t know any more, for an important range of questions, what significance of things was for them.\footnote{Op. cit., p. 27.}

However, whenever we speak about the concept of modern identity and freedom, in our contemporary context Kant’s \textit{categorical imperative} surfaces. But the ideal of freedom discussed here, by virtue of being situated, departs ways with the Kantian ideal, in fact with the Rawlsian one. Above all, in Kant’s view, being a moral subject implies that one is bestowed with a universal free will, the concept of universal free will entails that one is free to choose between alternative actions, from acting and abstaining from acting. For the will to be universally free, any action has to be free from any determination and from any external influences or phenomena such as social institutions or religious, or cultural traditions and injunctions. Therefore, contrary to Charles Taylor, for John Rawls and Robert Nozick, history, social conventions and habits, or even emotional inclinations and moral experiences, as discussed above, are ill moral resorts and misleading for the self to be completely free moral agent. Only human
rationality has the moral capability to provide direction for free moral action. Any other institutional foundation would hinder the moral subject from autonomy. For this moral orientation to be derived from human rationality, only their formal nature counts, not their substantive content. This formal nature of morality is implied in the so-called principle of universality expressed in Kant’s first formulation of the categorical imperative, known as the “Formula of Universal Law.”

As opposed to Rawls, Taylor moves on to say that to lose one’s orientation entails losing one’s identity, and losing one’s moral space is equivalent to losing one’s frame of reference, therefore one’s identity, and so freedom. As it were, losing one’s frame of reference or orientation entails losing one’s frame of freedom or liberty. For example, during the dark periods of Apartheid in South Africa, the people of the land felt to have lost their sense of identity given that the moral space whereby they could orient themselves with the view of expressing themselves as South Africans was taken away from them. They could not even articulate themselves on a ballot paper! They were forced to stand on the margin of society, turn out to be, for a long period of social and political uncertainties, as if were a non-existent people. They felt of themselves as people without identity, hence dignity! Since they had no moral space, they lacked a frame of reference and orientation. They had painfully realized that the loss of space was equivalent to loss of freedom, and without such freedom they could not live as dignified citizens of South Africa. Again, without space they lacked orientation, and without orientation they were deprived of identity, and without identity they were acutely dispossessed of freedom and dignity. This is utterly a distressing but sharp example that clearly portrays the link between identity, dignity, and freedom. Taylor makes a succinct remark:

To know who you are is to be oriented in moral space, a space in which questions arise about what is good or bad, what is worth doing and what is not, what has meaning and importance for you and what is trivial and secondary. The disorientation and uncertainty about where one stands as a person seems to spill over into a loss of grip on one’s stance in physical space.

I concur with Taylor that uncertainty over the moral space has the mental and the psychological bearings over the physical space. In the same way, the manifestation of freedom as something of realistic the loss of moral freedom...

457 Taylor, Charles: Sources of the Self, 2004, p. 27.
freedom has an impetuous bearing on the loss of social freedom as a central locus of one’s identity and dignity. Again the loss of social freedom can only manifests itself in the loss of physical space. Again, the loss of freedom as one’s physical space leads to one’s loss of bearing, hence the corollary is bewilderment and uncertainty that “seems to spill over into a loss of grip on one’s stance in physical space”\(^458\). Since moral space bears consequences on physical space, freedom is to be *situated* and it is something to strive for ‘situationally.’ For example, if the situation is one of injustice the individual should strive for justice, for his or her release from the situation of injustice.

Therefore, freedom as *situated* suggests that my quest for freedom ought to take into account the freedom of others, where my freedom ends begins the freedom of others. Put differently, to have my own freedom is to respect the freedom of others, in this way the concept of freedom is universally valid and can stand as an universal maxim, those who disregard the freedom of others for the pursuit of their own freedom are morally wrong in Kantian terms. But in terms of the self in moral space, within a context of injustice, to speak of freedom as an abstract ideal, as a task subject to our moral contemplation can easily be understood as spiritual escape from the worldly reality, while leaving the concrete person trapped in a dehumanizing political, economic, and social situations. This kind of approach may portray a kind of freedom which is not fully human in a final sense. Freedom should not be an escape from reality, but rather an event of reality transformation. It should not be a moral escape from the space in which the subject occupies but a practical attitude that challenges and affirms the space. Freedom should give us insights into our own situation, it ought to challenge and empower us to be more humans in the space we occupy, rather than to help us to escape from our own humanity which we cannot do without.

However, in Taylor’s view, we must recognize that, because this kind of freedom bears the length of our humanity and is experienced through our own human experience can also be a limited freedom. Freedom in a space and context, but that it is what it means to be a human freedom. Human freedom is historical, therefore situational trying to help us in a particular point in history, it only help us to be responsive in a particular moment of our lives but it provides no detailed answers to our human problem as the universal concept of freedom may imply, the rest we still need to accomplish ourselves as human beings in our given contexts. The understating of liberty as a human effort is experiential and progressive, as

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progress makes classical norms irrelevant, humans also develop new social ideals in order to meet new challenges, therefore the concept of freedom also changes and develops to fit new life patterns in social existence as human beings. Referring to the main ideas in his discussion of the making of modern identity, Taylor puts it this way:

In fact the discussion in chapter 2 suggests a connection between four terms: not just (a) our notion of the good (b) our understating of self, but also (c) the kinds of narrative in which we make sense of our lives, and (d) conceptions of society, i.e., conceptions of what it is to be a human agent among human agents. Our modern senses of the self not only are linked to and made possible by new understandings of good but also are accompanied by (i) new forms of narrativity and (ii) new understandings of social bonds and relations.\textsuperscript{459}

Taylor makes a contrasting remark between Locke’s conception of the self and his own understanding. He suggests that for Locke, ‘Personal identity is the identity of the self, and the self is understood as an object to be known.’\textsuperscript{460} The self defended by Taylor is a social self who cannot be defined apart from the social matrix in which he or she finds herself or himself. He remarks:

The self is defined in neutral terms, outside of any essential framework of questions. In fact, of course, Locke recognizes that we are not indifferent to ourselves; but he has no inkling of the self as a being which essentially is constituted by certain mode of self-concern – in contrast to the concern we cannot but have about the quality of our experiences as pleasurable or painful. This is what I want to call the punctual or neutral self – punctual because the self is defined in abstraction from any constitutive concerns and hence from any identity in the sense in which I have been using the term in previous section. Its only constitutive property is self-awareness.\textsuperscript{461}

As opposed to the Lockean view affirmed by Robert Nozick, Taylor’ idea of freedom can only be understood in a ‘relational’ dimension, since the moral subject can only be conceived in the space of social relationships while trying to build his or her own authenticity. One’s freedom is understood in terms of the relationships he or she holds with others. Freedom for Locke is understood as a representation of one’s self-awareness. Charles Taylor seems to elaborate an idea of freedom as one’s ability to develop his or her full human potential without however

\textsuperscript{460} Op. cit., p. 49.
\textsuperscript{461} Op. cit., p. 49.
relegating one’s relationship with the community at large. Taylor’s writing emerges as criticism against the procedural and egocentric tendencies of the modern understanding of the self whereby the social context that has ever played a major role in the shaping of the individual’s understanding of himself or herself, including his or her moral prospects, is by and large being relegated, being crushed, to the realm of insignificance. His aim is to reinstate the classical view of the self as substantially part and parcel of the social and cultural milieu in which the self finds himself or herself, without however relegating the impact of the changing circumstances bearing on our modern identity. Taylor’s substantial view of the self inculcates an understanding of the self in terms of the vision of the good life which society is to strive for and act upon so that the self may be able to achieve his or her own goals, and to become a dignified individual. This way of defining the self helps us to understand Taylor’s concept of freedom as a mean to an end with a bearing on the idea of ‘participatory freedom.’ As in Rawls, the individual may only achieve his or her freedom if society makes it possible the creation of a favourable environment for the self to rise to his or her full authenticity:

Briefly we can say that authenticity (A) involves (i) creation and construction as well as discovery, (ii) originality, and frequently (iii) opposition to the rules of society and even potentially to what we recognize as morality. [I]t (B) requires (i) openness to horizons of significance and (ii) a self-definition in dialogue. The understating of value as created gives a sense of freedom. Authenticity is itself an idea of freedom; it involves my finding the design of my life myself, against the demands of external conformity. In the end, authenticity can’t, shouldn’t, go all the way with self-determining-freedom. It undercuts itself.  

Similarly as in Isaiah Berlin’s elaboration of positive freedom, Taylor’s vision of the self cannot be defined apart from one’s social and material context. This also includes one’s inclinations, feelings, attitudes, interests, habits, customs, lifestyles, decision patterns, and the continuing line of actions which are taken for granted by the liberal moral tradition. Taylor insists that these elements are central in the understanding of the self since they emerge from specific contexts of space and time, transmitted, therefore, as a continuing narrative, from one earlier generation into another, in a dialectical process of continuity and discontinuity, or transformation. Taylor sees them as living visions within living traditions and living.

The agent seeking significance in life, trying to define him—or herself meaningfully, has to exist in a horizon of important questions. That is what is self-defeating in modes of contemporary culture that concentrate on self-fulfilment in opposition to the demands of society, or nature, which shut out history and bond of solidarity. Authenticity is not the enemy of demands that emanate from beyond the self; it supposes such demands.\textsuperscript{463}

To assert that the self invests itself in social activities and life projects in order to become conscious of it is the best formulation so far developed by Taylor which shades an adequate conception of the idea of positive freedom. This is an idea which Taylor tries to project in his understanding of the good life, since it creates and experiences self-esteem. Further, since the self is continuously engaged in ongoing moral dialogue with other selves outside and inside itself, Taylor defends that the self as relational and dialectical also stands as a text to be written by others as well as to be written by itself.\textsuperscript{464} Taylor’s elaboration of freedom may be seen in response to the present moral maze in the modern world which, according to Taylor, has become a flattered horizon and as a result the universe of meaning has also become much fainter. Therefore, the ideal of self-determining freedom, which Taylor contends, is increasingly taking centre stage and it is increasingly becoming attractively powerful.

Therefore, what is left, he says, is to device one’s meaning of life by resorting to freedom as a \textit{choice}. In his view, the exercise of one’s freedom as a choice, results in making one’s life a context of moral drama. Even when the going seems too hard to bear and when all other sources seem to fail, the moral subject, still, can only come to terms with himself or herself by his or her ability to exercise his or her life in the event of apparent choices. This position leads Taylor to criticize the ideal of self-determining freedom as an intensification of modern version of anthropocentricism which is quite subverting and depleting in its continuing sapping of meaningful human existence. Then, in his argument, Taylor stands in favour of the ideal of authenticity and the ethics of recognizing differences.\textsuperscript{465} He argues that freedom and liberty are important for one’s development to a full human potential, but he presses upon the view that the individual needs to develop his or her own ideals of liberty in relation to other human beings while striving towards the realization of his or her own capacities that will render him or her dignity which can be equated with the fulfilment of good life. He explains:

\textsuperscript{464} Cf. Van der Ven, Johannes: \textit{Formation of the Moral Self}, p. 157.
\textsuperscript{465} Taylor, Charles: \textit{The Ethics of Authenticity}, 1991, p. 69.
This is the notion of what I want to call self-determining-freedom. It is the idea that I am free when I decide for myself what concerns me, rather than being shaped by external influences. It is the standard of freedom that obviously goes beyond what has been called negative liberty, where I am free to do what I want without interference by others because that is compatible with my being shaped and influenced by society and its laws of conformity. Self-determining-freedom demands that I break the hold of such external impositions, and decide for myself alone.\textsuperscript{466}

Taylor goes on in underlining the most degrading and confusing aspects in the quest for modernity identity. Identity that wrestles in defining its own portable roots, this is to say, roots without any social or communal hub needed for any moral ideal to sprout. Therefore, he argues:

Not only should I not fit my life to the demands of external conformity; I can’t even find the model to live by outside myself. I can find it only within...Being true to myself means being true to my own originality, and that is something only I can articulate and discover. In articulating it, I am also defining myself. I am realizing a potentiality that is properly my own. This is the background understanding to the modern ideal of authenticity, and to the goals of self-fulfilment or self-realization in which it is usually couched. This is the background that gives moral force to the culture of authenticity, including its most degraded, absurd, or trivialized forms. It is what gives sense to the idea of ‘doing your own thing’ or finding your own fulfilment.\textsuperscript{467}

Notwithstanding the development of the ideal in the aftermath of enlightenment, Taylor asserts that the central moral force at the root of the ideal of human freedom and authenticity, seeking to help human beings to find their own answers from uncertainties of the unconscious moral demands meant to counteract human finitude by subjugating human beings under the yoke of divine conditions, \textit{reward} and \textit{punishment}, has been missed and transmuted into a sort of human freedom that could only define itself egocentrically, by divorcing itself from any social or moral references. He sees the ethics of authenticity as something new in the modern culture, arguing that one way of sketching the development of the ideal is to see its development in the context of the eighteenth-century understanding that humanity is bestowed with moral capacity to discern right from wrong as a way out in the context of human anxiety for reward and punishment in the realm of divine expectation. The notion, however,

\textsuperscript{466} \textit{Op. cit.}, pp. 27f.
\textsuperscript{467} \textit{Op. cit.}, p. 29.
was that ‘understanding right and wrong was not a matter of dry calculation, but was anchored in our feelings.’\textsuperscript{468}

The notion of authenticity develops out of a displacement of the moral accent in this idea. On the original view, the inner voice is important because it tells us what is the right thing to do. Being in touch with our moral feelings would matter here, as a means to the end of acting rightly. What I am calling the displacement of the moral accent comes about when being in touch takes on independent and crucial moral significance. It becomes to be something we have to attain to be true and full human beings.\textsuperscript{469}

Charles Taylor in criticizing the emptiness of the view of the self as defended by liberalism maintains that our freedom to question and preclude all our social roles in our moral thinking leads to both self-deception and self-defeat. Taylor vehemently argues that sheer freedom would render itself meaningless to the extent that nothing would be worthy of meaning and purpose in the context of human existence. He thinks that the self that comes to moral conclusions on the idea of freedom by relegating completely all that stands external on the way ends up as an uprooted and characterless self, with no orientation and defining purpose on road of human existence. As Kymlicka correctly puts it, for Taylor, ‘[t]rue freedom ought to be situated.’\textsuperscript{470}

Our attempt to scrutinize generally all aspects of our social existence under the dictates of our rational self-determining freedom is empty since the ideal of self-determining freedom that finds itself within the moral locus of any moral subject is also self-defeating, subjective, and indeterminate. As Taylor himself defends, it fails to specify any moral content to our human actions outside of a context which sets goals for us, which thus imparts a shape to rationality and provides an inspiration for creativity.\textsuperscript{471} Taylor insists that we ought to accept the moral framework and social goals that our situation ‘sets for us’ – if we reject, then the quest for self-determination can only lead to nihilism, the precluding of all communal values, religious and humanist included, as ultimately arbitrary and morally misleading.\textsuperscript{472}

Therefore, freedom ought to be freedom to apart from freedom from, since if we take our social horizons as arbitrary then they will stand as a

\textsuperscript{469} Op. cit., p. 2.
\textsuperscript{471} Cf. op. cit., p. 208.
\textsuperscript{472} Cf. op. cit., p. 208.
limit and impediment to our freedom and consequently our freedom will entail rejecting them. Following Taylor, as purposive beings, freedom in terms of significance, in terms of capacity to discern and devise our purposes, or even to revise or reject them, impels more meaning than the paradox and orthodoxies which both the negative and the positive conceptions differing tendencies excel. It is more affirming and ennobling to understand that freedom now entails my being able to ‘recognize adequately’ my more ‘motivational’ shackles, as well as my ‘way being free of external obstacles.’ In doing so, ‘I must be actually exercising self-understanding in order to be truly free. I can no longer understand freedom just as an opportunity-concept.’

Universalism and Contextualism

The question of freedom raises issues which are of concern at both universal and local levels. Consenting to a permissive approach on the question of freedom makes it seemingly difficult or impossible to find universal consensus on issues of freedom. Though at times a lack of consensus may not simply imply that the need for dialogue be surpassed or completely abandoned altogether, a pluralistic view of freedom might be unyielding to both universalistic and contextualistic consensus. Grenholm, reflecting on the idea of ‘sustainable development and global ethics,’ makes an important point when he observes that ‘[a]llowing for the variety of social and cultural contexts, it might be difficult to find values and moral principles that are universally accepted.’ As Grenholm writes, universalism defends that there are moral principles and values that should be accepted by all human beings and which also are universally accepted. There is universal consensus on some moral ideals – such as peace, welfare, sustainability, and social justice – which is shared by all human beings irrespective of their social and cultural contexts. Further, it is possible, according to universalism, to present arguments to justify these moral convictions which can be understood and accepted universally.

Therefore, freedom taken as an independent value whose meaning may be defined contextually, may give us perspectives on a critical reflection on issues concerning world peace and justice; it may give us a frame of reference on how to tackle world injustices and subjugation of the weak by the powerful, seeking to impose their views of freedom and justice. As such, a universal framework of freedom may give us recommendations on how can we deal with such inconveniences. The point being that there are some aspects of freedom defended by universalism enjoying substantial merit and complete support within contextualism. Take for example, individual’s rights to freedom of expression and privacy which are, among others, some of the moral aspects emphasized by the proponent of universalism but which are at home and finding their way within contextualism.

However, some philosophers and theologians have maintained that there might be a kind of universalism based on the common ideal of human dignity on the view that every human culture accepts the common understanding of human responsibility for peace, justice, and protection of nature. But this kind of universalism has been viewed with suspicion by some, as somewhat contentious on the grounds that it seems to fail to take into account the cultural diversity of humankind and ethical pluralism that prevails in the world. Some went to the extent of proposing a different sort of ethical universalism arguing in favour of ethical pluralism and cultural diversity seriously. However, some objections persist even against this modified sort of ethical universalism. For Grenholm, one of the objections is that ethical pluralism will make it difficult to attain a wide consensus on moral ideals across cultural boundaries. In his view, different religions and cultural traditions might agree that freedom, justice, and peace are moral ideals, but their perspective upon, and understandings of these moral ideals will differ. In as much that there are also different understandings of ethical rationality within various social and cultural contexts. A second objection is that ethical universalism often presupposes a view of humans that is too individualistic. The moral subject is often regarded as an isolated, rational individual who has to choose alone on spill over of moral possibilities.

As Grenholm himself points out, however, we are always part of a social and cultural community, and our moral conceptions are construed and developed within this context. ‘Thus there are reasons to prefer an ethical contextualism, according to which our moral conceptions are formed within particular social and cultural contexts.’ This position maintains that there are different moral convictions within various contexts. Every human being is part of particular context with its own morality, and even when we argue in favour of moral ideals they are interpreted in
different ways. Within various traditions there are also different ways of arguing in favour of moral principles and values. There exist several alternative theories of justification of moral beliefs. This means that even if we do not reach universal consensus a critical dialogue across different cultural contexts is feasible. We might have different understandings on what it implies to give a rational justification of justice and freedom, but this does not make critical dialogue impossible or even the subject of freedom meaningless.

As a result, contextually speaking, freedom may be justified by inference and appeal to principles already accepted within a context, institution, or system of thought. The conclusion here is that in the same way that universalism fails to bring moral clarity in the context of moral quandaries in a real situation, contextualism too commits the very same mistake by not proving a clear moral guidance in the event of moral conflicts. Which context is to be taken as morally valid in the realm of moral plurality? Again, the moral subject is left in awe with no moral answer. In the horizon of moral conflicts, the contextual moral rationale leaves open the question of how to define the context and which moral goals are to be served by it. Historically an interpretation of freedom from the perspective of universalism and contextualism remains a discourse of opposites. In the contemporary discourse a shift seems to be taking its course from the ‘I’ perspective of self-concern to the ‘you’ perspective of mutual and ‘other-concern’, especially towards the oppressed, alienated, and marginalized. It is Iris Marion Young who insists that when making choices of moral positions we are inevitably victims and captives of our own particular social contexts to know what justice means implying taking into account the perspective of the oppressed and their experiences of suffering and injustices. My inspiration here is kindled by Grenholm’s careful reading and interpretation of Young’s position.

To know what freedom entails intrinsically presupposes taking one’s responsibility seriously towards other groups. As Rorty claims, in Human Rights, Rationality, and Sentimentality, that Moral philosophy asks: ‘Why should I care about a stranger, a person who is no kin to me, and a person whose habits I find disgusting? The answer is that this person is a

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human being as I am that his /her human rights are to be taken seriously just as mine are. Why is that? The moral claim that I apply to myself is justified if and only if it satisfies the criterion of universality. This criterion implies that moral obligations should not only transcend the individual’s wishes, preferences, or needs but also the convictions, wants, and desires of specific groups, communities, or societies. They should go beyond the interests of ‘me’ and ‘us.’ Claims are morally just if and only if they can be accepted by everyone whom they affect. 481

Conclusion

What we have discussed points towards four theories of freedom. Firstly, the idea of positive freedom defended by John Rawls, where freedom as participation, redress, and capacity featured prominently; secondly, the ideal of negative or protective freedom taken by Robert Nozick where the idea of freedom as both a right, entitlement, and a protected square also featured; thirdly, the idea of positive freedom developed by Charles Taylor, where freedom stands as relationship as well as one’s ability to realize one’s own goals in life prevailed; and fourthly the idea of freedom as a practice, a virtue, as presented by MacIntyre was of interest. All in all, the four paradigms interrelate and fall within the concepts of positive and negative freedom, each view is important on its own way. Within universalism and contextualism we have realized that since people differ in terms of their social and cultural traditions, a view of freedom that may be universally shared by all is impossible, but such impossibility does not make moral dialogue impossible people may still consider the ideals of justice and freedom as universal moral values but people’s perspective about these values can only be understood contextually. People’s moral values are informed by the context in which they find themselves; even the very rationality the may propose may be informed contextually. We can have differences on what freedom entails across different contexts but that does not render critical dialogue impossible. At the end we came to seemingly basic conclusion that both the universal and the contextual thesis offer no moral clarity on how the self is to decide in the context of moral conflicts in a real life situation, since he or she is left in awe without knowing which context or moral autonomy is to be taken as valid when it comes to moral decision in the sphere of human relationships in the real world. In the analysis it became obvious that there are various

understandings of the idea of positive and negative freedom both within liberalism and communitarianism but the same freedom may be defined as participatory, rectificatory, relational, protective, capacitory, practice, and virtue.
Chapter VI: Conceptions of Freedom within African Political Theory

The present chapter is an attempt to critically reflect on the African moral experiences on freedom. In the course of this reflection, the three ideals of freedom as previously presented, within Western Liberalism and Communitarianism, by John Rawls, Robert Nozick, Alasdair MacIntyre and Charles Taylor, will be considered as analytical tools, namely: the ideal of freedom as capacity, the ideal of freedom as a protected square, and the ideal of freedom as relationship. Conscious of the fact that, contrary to Western Liberalism and Communitarianism, the African conceptual moral framework and epistemology, by virtue of their setting, may propose different approaches to liberty, these three ideals will be adopted with sensibility and tentativeness but without overriding their moral worth. Therefore, my main interest in the present study is to critically sketch the epistemological rationale behind the African ideals of freedom, and secondly try to delineate and clarify their philosophical and theological moral positions, and finally bring their moral justification within the framework of universalism and contextualism.

While the study will focus around the views of African scholars, in Africa, South of Sahara, it cannot claim to be an adequate analysis of the entire African morality, not even of one section of Africa. A work of such length still needs to be done by a well informed line of African scholars. In all aspects, Africa is a vast continent with a rich diversity in religious, cultural, and moral traditions. Any moral assumption which may attempt to look at Africa from a single sociological canopy may sound pointless and imperialistic. As African people differ in their social, religious, cultural moral traditions, and historical backgrounds, the attempt to claim for a common view of African morality seems misleading and self-contradicting.
John Mbiti’s Theory of Freedom

Mbiti’s idea of freedom can be articulated in the light of his understanding of community as a locus of individual existence. For Mbiti, community takes precedence over the individual and the individual can only be defined in terms of his or her relationship to the community. Therefore, in the light of this ideal, Mbiti elaborates his idea of freedom in terms of the relationships governing the individual and the community. Mbiti sees the individual as a product of society, as created by the community with no existence and identity outside the community. For him, to ‘be’ is to ‘belong,’ therefore to separate the individual from his social existence is to deny the individual the very freedom he seeks. Both the individual and the community are one. In this way, one cannot extricate the individual from his or her social environment without harming the very foundations of his or her freedom; without undermining the very social surroundings where he or she belongs. So to understand the context of the self is equivalent to understanding what one’s freedom entails or should be. Since on Mbiti’s account, the self is part of its social environment, the ideal of freedom which may follow is that of ‘situated’ freedom as contrary to the idea of freedom as autonomy, ‘choice’, or self-determination. Therefore, the ideal of social solidarity is a central concept in Mbiti’s justification of freedom. In his view, since to ‘be’ is to ‘belong’, this implies that to be ‘free’ is to ‘relate.’ In African terms, one’s freedom is correspondent to one’s ability to harmonize oneself with one’s own social surroundings. Any attempt to live apart from one’s communal existence is considered weakness, a threat to communal survival, and denial of one’s communal existence which is so important for individual’s self identity. Mbiti expresses it well:

Only in terms of other people does the individual become conscious of his own being, his duties, his privileges and responsibilities towards himself and towards other people. Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: ‘I am, because we are; and since we are, therefore I am.’ This is a cardinal point in the understanding of the African view of man[sic].  

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Mbiti summarizes his most deeply penetrating philosophical treatise on the African understanding of person as he eloquently defends: “The individual can only say: ‘I am, because we are; and since we are, therefore I am.’ This is a cardinal point in the understanding of the African view of man [sic].” Mbiti sees the social context as key element in the African understanding of person, thus any attempt to elaborate a concept of freedom from Mbiti’s own philosophical discourse should embody his conceptual view of the self as expressed in his formulation of personhood as socially centred. Mbiti’s social centeredness of the self permits us to locate Mbiti’s ideal of freedom in a societal context since in Mbiti’s own account the individual can only define her or himself socially.

Mbiti’s formulation of freedom from an interpersonal and social ethical context: ‘I am, because we are; and since we are, therefore I am’ inspires us to see freedom as tolerance and inclusion, it invites us to distinguish mere freedom from liberty, whereby freedom stands as being, as a natural endowment; since all human beings are born free. Therefore it stands as what a person is in the original stage; while liberty by being a process in itself it stands as a practical action into becoming, emerging in the context of social interactions, as one’s capacity or attempt to become free, it result in the context of human striving for freedom, in the context of one’s attempt to become free or to become a fully human. Ethically, in the ubuntu conceptual moral scheme liberty, thus defined, emerges as our human attempt to move from is moral universe into ought moral platform. Since liberty implies action into becoming, in the context of is it expresses what one ought to be, while in the context of act it illuminates what one ought to do. Thus, from this perspective liberty might embody struggle towards freedom. At least, in Mbiti’s view, freedom embodies what a fully human life should be in community, since in his view, what gives our lives meaning and purpose is our belonging and our capacity to exercise our own freedom in the realm of our human commitment and relationships. John Mbiti endorses the Communitarian contention against any attempt by liberals to relegate the social ethical premise which is seen by many communitarians as the motivating factor towards an understanding of the self as socially entrenched, hence devising a constructive formulation of the justification of freedom in communitarian terms. In endorsing the social ethical platform, Mbiti highlights and expresses the same view as that of other communitarians in the West, such as Charles Taylor, who laments the emptiness of our contemporary selfhood in the wake of our current moral maze as a result of our continuous attempt to subordinate all the presuppositions of our given social situation to our rational self-
determination, in the light of the historical and social predicament as an issue not only for Africa, but also across the world. To this Mbiti asserts:

Modern change has brought many individuals in Africa into situations entirely unknown in traditional life...The change means that the individuals are severed, cut off, pulled out and separated from corporate morality, customs and traditional solidarity. They have no firm roots any more. They are simply uprooted but not necessarily transplanted. The traditional solidarity in which the individual says ‘I am because we are, and since we are, therefore I am’, is constantly being smashed, undermined and in some respects destroyed. Emphasis is shifting from the ‘we’ of traditional corporate life to the ‘I’ of modern individualism.483

In Mbiti’s view, in the African moral experience, the communitarian affinity and its embodiment make the individual intensely ‘naked’ and by necessity such personal nakedness makes the very individual socially vulnerable, easily noticeable in the eyes of many. By virtue of its societal context, the African self as socially defined becomes an ethical premise for justifying the African view of freedom in terms of personhood as ‘socially naked’. In return it makes the essence of African morality as being more ‘societary’ than ‘spiritual’, a morality of ‘conduct’ rather than a morality of ‘being’. From here follows that freedom in the African context can only be understood as a principle of ‘conduct’ rather than a way of ‘being;’ as relational freedom; rather than protected freedom; as a shared space; rather than a protected square. In short, Mbiti stresses that the ‘societary’ dimension of African morality stimulates ‘ethical dynamism’ as opposed to ‘ethical stiffness, inflexibility, and aloofness’. Ethical aloofness, by consequence, seems to yield or to point towards a libertarian ideal of freedom, generally known as a negative concept of freedom, freedom which stands as a capacity to have a protected moral square; freedom as exclusion, as a capacity to exclude others.484 Therefore, by contrast, the persistence of ethical dynamism, within the African conceptual moral scheme, motivates flexibility and solidarity on both social and moral matters; as well as on philosophical and religious arguments, surging the ideal of freedom as a relationship and inclusion, freedom as a capacity to relate, belong, and participate.

From the present conceptual moral scheme, it appears possible to capture and maintain the view that alternatively the persistent of ethical

dynamism within the African moral experience seems to land the African understanding of moral consensus known, in the modern moral idiom, as the African ideal of social democracy.\footnote{See Rich, B. Paul (Ed.): The Dynamics of Change in Southern Africa. Macmillan Press, London 1994.} Therefore, in our search for method and justification of the African ideal of liberty, from Mbiti’s moral perspective, Mbiti’s ‘societary’ moral theory stands as a philosophical paradigm which may well be attuned within the moral position of “neo-Aristotelianism” and “neo-Hegelianism” for two important reasons: firstly for its positioned claim against the \textit{universalizability} of moral beliefs; secondly for its reliance on context as the starting point for defining morality. As a result, Mbiti’s notion of freedom bears resemblances with that of Charles Taylor in the West. It may well be understood as societal, situated, and hence contextual. It is framed within a concrete historical community as opposed to ethical formalism and universalizability of Kant and of many liberal theorists. Therefore, from an African perspective, if one is to justify the ideal of liberty, instead of applying the Kantian maxim of \textit{universalizability}, that is to say, instead of inquiring what a rational moral agent would will without moral self-contradiction, to remain as a universal moral maxim for all, one would start by saying: which norms, precepts, social institutions or religious would the members of an ideal or real community endorse as representing their common interest in their quest for an adequate ideal of freedom. Such a moral premise defies the silent voice or the egocentric moral tendency as defended by the Kantian universalistic moral text.\footnote{For a more detailed account on this ideal, see Benhabib, Seyla: \textit{Situating the Self. Gender, Community and Postmodernism in Contemporary Ethics}, 1992, p. 24.} This justifies why one would endorse social institutions as a norm for justifying moral beliefs, hence Mbiti’s justification of freedom as opposed to the liberal ideal.

Further, taking Mbiti’s ‘societary’ view of morality as guiding ethical criteria, we may also move into a more \textit{ubuntu} justification of freedom in two important ways: the justification of freedom from the perspective of what a person \textit{is} and the justification of freedom from the perspective of what a person \textit{does}. The justification of freedom from what a person \textit{is} entails the philosophical belief that it is in our distinctively given and shared humanity that a constructive ideal of freedom is to be found; here freedom is understood as a naturally endowed experience therefore part of our humanity, while the justification of freedom from the perspective of what a person \textit{does} presupposes that it is within our human attitudes and involvement that the best ideal of what freedom entails is to be found, here freedom does not come by chance, as a naturally given phenomenon, but it
comes as a result of our human effort. Within the ideal of freedom as what a person is, the material world is to be conceived as a universal humanity encompassing common ethos. This view articulates the fact that around the aspect of universal humanity in which *ubuntu* also centres itself; a major debate throughout the history of moral philosophy has been between the understanding of human person in terms of what he/she is and the understanding of person in terms of his or her actions.

The understanding of person in terms of what he or she is entails the belief that a person is an autonomous moral subject naturally entitled to freedom by natural or divine imperatives. Therefore freedom within this moral square entails what a person ought to be by fulfilling those human faculties, such as the exercise of reason, which will aid him or her to reach or maintain full humanity. Mbiti’s ideal of freedom rests situational; it emerges as the product of our human effort for self-actualization in the midst of human relationships. Our endeavour to realize our goals, in and along the web of human relationships is a driving motive in Mbiti’s constructive ideal of freedom. According to him, freedom is our attempt to relate, and to participate. Freedom, rather than being self-determining is objectively relational, is to be free for others. It is obvious that Mbiti’s justification of freedom is context sensitive, since freedom has to be situated; it has to be experienced here and there. Mbiti’s manner of appealing to African philosophical experience is crucial for the development of his constructive ideal of freedom which is found within his elaboration of African ethics as societary. He makes no interest in applying universal rules to the moral issues of his day, rather he sees philosophy and religion, in the context of the African ethical maxim of being, ‘*I am, because we are; since we are, therefore I am*’, as providing, above all else, principles that guide moral reflection, or at an even higher level of abstraction, ideal (for example love and kindness) from which principles (such as community, justice, and freedom) may be derived. For Mbiti, moral decisions, such as the ideal to be free ought to be made by deciding in a specific situation which actions or institutions may best correspond to the principles one undertakes to follow. The portrayal of the human being as caught in the dialectical tension, between finitude and freedom, between the capacity for self-transcendence or actualization and the inevitable pull of selfish self-assertion, is at the root of Mbiti’s account of his African religious ethic and philosophy, born within the context of African moral experience. His maxim “I am because we are” portrays profoundly Mbiti’s attempt to elaborate the ideal of freedom as relationship. Reason, tradition, and moral experience, are assigned major normative role in his ethics and the maxim he adopts constructively synthesizes the apparent relationship
which reason, tradition, and human experience my intrinsically play within human sphere in the shaping of individual morality and social consciousness.

Put at a political level, in Mbiti’s view, the continent of Africa continues to go through a great turmoil in all its spheres, with particular reference on the social and economic aspects. When colonial powers moved into Africa, they had in view to make of Africa a completely different world, if not possible, to make it resemblance their home country continents. Therefore, they either destroyed, suppressed or modified traditional political institutions. ‘Many peoples who in their history had never been subject under foreign rule, or only briefly, suddenly found themselves without political power. For many years, their political talents were kept impotent.’ When colonies were gradually returned to Africa, independence and the gradual effort towards self-rule and African nationalism meant the inheritance of the colonial political heritage and its social structures, with all that make of it, making it rather impossible for one to adjust such a ritual emancipation within the context of African traditional institutions. Therefore, taking into account such an experience, Mbiti sees Africa’s journey towards freedom and self-determination or towards completely relinquishing itself from the grips of foreign domination as a journey towards mere ‘ritual’ transition since, in his view, it will take time before Africa could be completely free.

Further, for Mbiti, the ‘immediate historical phase after colonial rule is the birth of African nations. These nations are composed of people of many cultures, histories, languages and traditions. Sometimes the points of unity on the national level weigh less heavily than points of disunity.’ As Mbiti sees it, ‘[t]ruly and rightly the cry of uhuru (freedom) has been sounded unanimously and with one accord. But isn’t a nation something deeper and more serious than just the uhuru chorus?’ For Mbiti, it ‘is certainly possible to evolve national solidarity which parallels or replaces tribal solidarity, but as yet we are too close to see a clear picture of evidence of it. Present structures of political, economic, educational, and Church life unfortunately favour the continuation, if not the perpetuation, of this illusion. Here, then, lies the dilemma and the tragedy of the rapid change in Africa.’

In Mbiti’s view, the ‘undermining or destruction of tribal solidarity does not automatically create a fully integrated and mature national solidarity.’ This is something myopic aggravated, in part, by an uncritically future

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oriented whim of progress over which even colonialism did not escape falling on the same trap. ‘Yet situation in Africa presents African peoples with great challenges and worthwhile responsibility, and there is no need for it to degenerate into a hopeless grim picture.’ In Mbiti’s view, on the surface tribal solidarity is disrupted but beneath lies the subconscious mind of the traditional African view of reality based on communal solidarity. ‘Nationhood scratches on the surface; it is the conscious mind of modern Africa.’ But the subconscious of the traditional African view of reality is only dormant, not dead. ‘The two levels do not always harmonize, and may even clash in an open conflict to the detriment of both sides.’ The tribalistic conception of African reality is a created new ‘phenomenon within and endangering ‘nationhood.’

Therefore, the above reflections epitomize the dilemma evolving Mbiti’s social maxim with the idea of freedom. The fact that the individual ‘is because of others,’ defeats the concept of self-determining freedom. Africa would need to fulfil so many steps before could reach the ideal of self-determination, and Africa cannot afford to do so on its own without the assistance of other continents. For Mbiti, the political atmosphere in which African peoples are caught in today ‘is just as dangerous, difficult and foreign as the situation under colonial rule. The spirit which ignited the fires of nationalism during the colonial days has not lost its power; it has ignited more fires since independence returned to the majority of African states; and it will continue to do so until its energy is harnessed and channelled in other directions. The political pot in Africa is still bubbling, and great is the man[sic] who can stir it without getting smeared or even scorched.’

Kwame Gyekye’s Theory of Freedom

Kwame Gyekye represents a new generation of African scholars in the field of contemporary moral philosophy. While keeping pace with Mbiti’s view of community and of African ethic as societary Gyekye defends a moderate view of the human articulated in his concept of moderate communitarianism. Standing within the position defended by many African scholars he agrees that the moral content of African society consigns great meaning on communal identity as the focus of individual existence, but he slightly departs ways with others on the understanding of the individual and

his or her position in the community. Gyekye maintains that the communal platform within the African context emphasizes a sense of community that has a bearing on social relations among individual members, and such feature has been a subject of study among African and non African scholars. However, he defends that the African communal moral structure by its insistence on community never precludes individual values including autonomy, freedom of choice, and moral expression.492 For Gyekye, the fact that the African community is the focus of individual existence springs from the moral understanding that the human person is a social and communal being by virtue of his or her nature which means that the human person cannot and should not live in isolation from the web of social relationships or from the rest of society. Further, he maintains, like many African scholars, that the common view in the African morality is that social relationships are vital and indispensable in the threshold of human existence for no one is spiritually or materially self-sufficient to lead a normal life in the social context as adequately as possible. For him, this moral imperative is at the core of our human condition as social beings and sustained by the belief that our capacities and talents, as human beings, are plainly limited and not fully adequate for the realization of individual potential, inspirations, and the fulfilment of basic needs. Therefore, the individual inevitably will always require the relationships of others and the cooperation of others in the pursuit of his or her own existence.493 Whatever the case, all these reasons have moral consequences and bearing on the African understanding, definition, and justification of freedom.

In his attempt to articulate the ideal of freedom within African communitarianism, Gyekye is sceptical on the notion of the communitarian ideal emphasized by many African scholars. Unless a typology is found, freedom may not be easily defined since any version of communitarianism has a bearing on the notion of freedom which a given communitarian ideal may affirm. He critically accepts the variety of descriptions offered by many African scholars on African cultural system as communitarian, but he challenges them to specify the notion intended:

(...)

These descriptions of African culture make clear its communitarian nature. What they do make clear, however, is what type of Communitarian notion is, or can be said to be, upheld in the African moral and political theory: radical or moderate? (...) It might be thought that in doing so, such an arrangement tends to whittle away the moral autonomy of the person –

making the being and life of the individual totally dependent on the
activities, values, projects, practices, and ends of the community – that
consequently, that arrangement diminishes his freedom and capability to
choose or re-evaluate the shared values of the community.494

The understanding of the nature of the communitarian notion as advocated
by African scholars is crucial in Gyekye’s articulation of the notion of
individual freedom in the African context. While accepting the view
defended by others on the understanding of the individual in the realm of
his or her social matrix and the role played by the community in the
shaping of the individual morality, Gyekye rejects the Mbitian thesis that
radically epitomizes the centrality of individual dependence to the
community as well as Ifeanyi Menkiti’s understanding of the ontological
primacy of the community over the individual as highly overemphasized
somewhat misleading and overriding the importance of individual rights to
the realm of insignificance.

Gyekye agrees that by virtue of our human condition any human being is
born into an existing human community or society, therefore born into a
human culture that is product of society, not by chance or choice but by
virtue of natural circumstances. The understanding that human beings are
born into a prevailing community or human society means that community
life can never be optional for the individual but a prevailing phenomenon in
which the individual finds himself or herself in beyond his choosing, and
such a phenomena makes the individual a social or a communal being by
virtue of nature, not by choice. This ontological derivation of sociality
implies that the individual will always need to be in sociality with others
and be afforded the social relationships s/he needs in order to live a
meaningful existence. The idea that the individual is born into a human
community not by choice but by natural circumstances seems to settle any
metaphysical attempt to define any primacy between the individual and
community. “Human beings have needs and goals that cannot be fulfilled
except through cooperation with other human beings. Our natural sociality -
and hence our natural relationality - provides the buttress indispensable to
the actualization of the possibilities of the individual.”495

I am of the view that seeing that the individual human beings by virtue
of their nature may not have a meaningful human existence outside the
community; since they will always need cooperation in order to make ends
meet, it seems that communities are the product of human making,
socialization and cooperation. Therefore, the ontological derivativeness

thesis of community cannot wholly be sustained. Kymlicka’s splendid formulation of three strands of communitarianism seems to epitomize the ideal of community as a product of human making, not as an end in itself, but a means to an end. When human beings reach the highest stage of their development social relationships are overtaken by machines or science, and community may not be needed anymore as essential, thereby becoming a choice but no longer a fate. Maybe it explains why individualism may only find fulfilment in a context where there is self-sufficiency in terms of scientific or technological progress. Enlightenment only anticipates this, therefore for everyone individualism seems to be painful because represents a way of life in which human beings assumes that they no longer need to rely on each other anymore to face the challenges of human existence, when the reality of human existence tells the opposite.

Kwame Gyekye’s articulation of the relationship between the individual and the community seems to point towards an ideal of freedom as equality. Gyekye seems to succeed in defining both the individual and the community in a more moderated philosophical language. Though he does not challenge radical communitarianism, in his view, the community nor the individual should override each other in terms of their claims to rights or to the ideal of the common good. Therefore the three concepts of liberty, capacity, relationship, and protected square seem to be given the same moral weigh; he avoids coming out with a specific moral position suggesting a particular view of the good life as worthy pursuing. Gyekye’s articulation is noble in opening up a moral platform for discussion and assessment of Kymlicka’s three concepts of communitarianism: conservative, radical, and moderate.

Gyekye defines moderate Communitarianism as implying, not a radical, conservative, or liberal, communitarianism, “a model that acknowledges the intrinsic worth and dignity of the individual human person and recognizes individuality, individual responsibility and effort.” In Gyekye’s view, recognition of one’s aptitudes is an essential ingredient for extending one’s freedom, identity, and personal outlook since human beings though mutual dependent possess individual will, personal initiative which ought to be exercised if one’s autonomy thereby freedom is to be expressed and fulfilled. Gyekye concludes that his views seem to represent a constructive attempt to come to grips with the natural sociality as well as the individuality of human person which no society can do without. The ideal of moderate communitarianism entails the recognition of the claims of both communality and individuality and the integration of individual

aspirations and social ideals, demands, accountability, and responsibilities on the other. For Gyekye, the claims of prominence between individuality and community expresses the view that no human society may stand absolutely communal or absolutely individualistic. In his view, the argument only suggests a matter of emphasis or of priority or of a basic concern or perhaps of obsession with one or the other. Gyekye concludes that the only way out in solving our moral quandary in the relationship between communality and individuality is granting of a common moral standing. Taking into account the way in which Gyekye tries to bring equilibrium between the community and the individual I come to the conclusion that his final remarks seem to fulfil my submission into his understanding of moderate communitarianism as shading light on a more moderate ideal of liberty as encapsulating the understanding of freedom as a capacity for self-actualization, freedom as relationship, and freedom as ability to have a protected square.

Gyekye’s justification of freedom should be analyzed in terms of his understanding of the relationship between the individual and the community. Gyekye’s moral proposal seems to harmonize John Rawls’, Charles Taylor’s, and Robert Nozick’s views on liberty. His reluctance in avoiding the granting of preferential moral status to both the community and the individual seems to satisfy the Mbitian axiom ‘I am, because we are; and sincere we are, therefore I am’; it shows that the community cannot fully achieve its end without its individual members and the individual cannot live meaningfully apart from the community. Even the most ascetic libertarian still need the community in order to live in freedom, and the most conservative of communitarians still need to express his own individuality in order to attain full freedom. There are different conceptions of communitarianism: liberal, conservative, and left these different conceptions may also suggest different understandings of liberty: liberty as capacity, as relationship, and as protected square. Therefore, Gyekye seems to have harmonized all the three concepts of liberty by choosing the middle ground, the moderate ideal of liberty. Gyekye’s attempt to emancipate both the community and the individual from moral and social quandaries is impressive. But has he succeeded in doing so? Will this suggest an attempt to create non communitarian or non individualistic society, where only freedom reigns supreme, is such a society possible in the material world? Gyekye seems to have a point, it seems impossible for human beings to choose plan of life at time or to correctly choose between alternatives. At times, one may need capacity in order to be able to be in a relationship; in the same way that one may need a protected square in order to fulfil his or her capacity as well as in order to have a meaningful
relationship, and one may need relationship in order to attain capacity as well as in order to acquire and maintain a protected square. For example one may need a home in order to raise a family, a private room in order to sleep or read friends in order to belong or an academic community in order to actualize him or herself, a country in order to be a citizen and to be recognized by others as a normal person. So Gyekye is right when he suggest that a complete extreme individualism or extreme communalism is not possible. Freedom is the ability to combine both; it can only be experienced in context.

Gyekye’s justification of freedom seems to challenge our traditionally held beliefs of seeing everything from the perspective of the universal, of emulating the equal or the common over the different. He invites us to transcend our moral horizons and to try to see the beauty in the desolate, and the desolate in the beauty. He seems to bring into fusion the classical moral gap between the concepts of the identity self and that of the relational self. In fact contemporary philosophers, from a more postmodernist feminist voice, are challenging the classically held view of promoting the identity self over the relational, elevating identity over difference, unity over multiplicity, permanence over change, the repression of difference, excluding of otherness, and the denigration of heterogeneity. Therefore Gyekye invites us to appreciate inclusion over exclusion, relationship of equals over subordination and domination, freedom as inclusion over exclusion.

Itumeleng J. Mosala’s Theory of Freedom

To start with Mosala’s concept of freedom is sensibly materialistic taking the role of needs and desert as a precondition, a means to freedom. In his view, the question of redress of past injustices, for freedom to prevail, should be understood within the context of social redress in terms of material needs as a starting point for freedom. For Mosala, South Africans are not only alienated from one another but more essentially from their own social existence, land, and all that the homeland and social environment provide for them as a material symbol of their existence. Therefore, in his materialistic reading of Micah and of Luke 1 and 2, which he calls the ‘case of Micah and Luke’, Mosala articulates his view of freedom by drawing a parallel analysis of the struggle in South Africa with the Old and New

Testament dramas as a living witness of a people struggling for freedom. Therefore, he justifies his theory of freedom from a Jewish Biblical concept of Salvation rooted, in his view, in a materialistic struggle of the people of Israel against the dispossession of their land by aristocracy. In this regard, in Mosala’s view, the social and materialistic struggle against dispossession in Israel is regarded as a central theological thrust for freedom within the perspective of Black theology of liberation rooted in Biblical faith. Mosala sees human struggle in a biblical context as a struggle against their dispossession, therefore a struggle over goods or property, such as land, cattle, water, dignity, identity, citizenship, and all the like. Mosala has the following to say:

Luke’s Gospel has been described variously as universalist, concerned about the poor and outcasts, and as a social gospel. The reason for such descriptions lies in the subject matter of this Gospel, which covers these areas of social life more extensively than do the other Gospels. No attempt has been made, however, to determine more precisely what the social-class perspective is from which Luke addresses these issues and how it determines the nature of ‘the historical’ in Luke. Such a process of inquiry would lead not only to the class position of Luke but also to the class and ideological interests that frame Luke’s discourse practice.

Mosala’s selection of Luke 1 and 2 comes as a theologically strategic in his hermeneutical attempt to relate the idea of culture and social struggle to the ideal of freedom today by suggesting that it is in culture where one’s notion of what freedom entails is developed and manifest. Mosala, taking culture as a point of reference and view of the world, argues that the dispossession of one’s culture means a denial for one’s freedom, since one cannot be free without a point of reference and orientation. Therefore, for him, a constructive understanding of freedom cannot be derived apart from one’s social context as part of one’s cultural heritage. Situating himself within the perspective of contemporary human struggle for freedom, particularly in the effort undertaken by Black theologians of liberation and by pioneers of theology of liberation in general, Mosala argues in favour of the outstanding relevance of African religious experience and culture over which African theologians may find an ethical platform for a more

499 Mosala, J., Itumeleng & Tlhagale, Buti (eds.): The Unquestionable Right to be Free, 1986.
adequate hermeneutical and epistemological tools bearing on the African moral experience. He insists that it is in realizing the ideal of culture as an act of liberation which gives a progressive understanding of the African religious experience as relevant in the understanding of freedom.

Further, for Mosala, African theologians by seeking a hermeneutical correlation with the historical African culture and the bible as a sight of redemption and struggle for freedom may apprehend a moral platform from which to oppose any oppressive culture or any form of tyranny from the dominant classes in the present day African societies. For him, human struggle for freedom emerges not only within social groups but also, in great part, within the material life. In his view, the concept of freedom as political, economic, and social question intertwines. All in all, claims for social and economic freedom cannot be sustained apart from their economic aspect. Therefore, claims involved within different spheres of freedom are intertwined: claims over property rights, and ownership, cannot be addressed apart from their relationships to the ideals of citizens, right of appeal, and equality before the law; in the same way, claims for recognition, right of assembly, cultural expression, and self-identity, cannot be achieved without reference to other claims about human needs. Then, for Mosala, claim for freedom entails freedom from alienation, poverty, deprivation, subjection, and oppression. From here, we can try to understand Mosala’s position when he asserts that African religion emerges as an expression of protest, a cry for freedom, within a society marked by a state of injustice or inequality in the distribution of social or economic assets. In fact, in many sections of the World today, most particularly Southern Africa, the reinstatement of justice and then freedom cannot be separated from the question of land allocation, distribution, and property rights. Freedom consists, therefore, in one’s ability to realize one’s own goals in life by achieving what is needed to realize such goals. As such, our attempt to understand what freedom implies should not confuse or undermine the need for reparation and redress whenever such claims are made. In the context of struggle for freedom, in South Africa, Itumeleng Mosala correctly perceived that black alienation in South Africa was, in the first case, not for from white people, but alienation from land, cattle, and labour. And therefore, freedom, then reconciliation with white people is bound up with the compensation of that which compensates living, human dignity, and connections with land.501 Returning to land is equivalent to returning to a space that gives meaning to one’s social existence; hence return to freedom.

Mosala makes a strong theological point by quoting Micah as an authentic prophetic drama that brings to life the images of toil and hardship over the people of Israel by a rootless aristocracy in B.C.E. Israel, and Luke 1 and 2 which also symbolizes the scars of injustice and oppression befalling on the people of Palestine, in the in C.E. First-Century Palestine, by the Roman Empire. Likewise, in the traditional African society, when inequalities took hold, overriding any justified distribution of assets, or when one’s possessions were ripped off unlawfully, or when adverse natural forces befell the community, the consequences were somewhat atrocious and disempowering, creating, as a result, a sense of despair and grief, translated in an apparent lack of freedom. At times, in the midst of such calamities when people assumed or believed that such misfortune could no longer be healed only by human means or effort, the result were that people would turn to religion as an expression of their anguish, thereby seeking the intervention of a powerful deity who could console or rescue them in their social or economic despair. To this point, Mosala elevates the relevance of African traditional religions in arresting social, cultural, and economic challenges. According to him, Religion has its central place within the African moral experience, in the context of social, political, and economic struggles of the people, as an expression of anguish, joy, or relief in their continuing quest for freedom. And, again, for him, religion, culture, history, and the very daily experience of self-actualization are permanently interconnected and constitute one face of the same moral currency.

Mosala asserts that to capture the importance of African traditional religion, the starting point is to capture the meaning of culture. He goes on to say that to articulate about the religion of a people is to give testimony to their history, and to give testimony to their history is to say something about their culture. Further he argues that care should be made not to create a sentimentalist impression that all aspects of African religion are progressive and fitting within our contemporary society. However he warns that without a creative or constructive apprehension of traditional African religions and societies, both African and Black theologies might build their houses on sand. African theology of Liberation should draw its cultural hermeneutics of struggle from a critical re-appropriation of African culture, just as an African theology should enshrine itself within the political hermeneutics which spring from the contemporary social struggle of African people under circumstances of injustice.\footnote{Mosala, J Itumeleng & Tlhagale, Buti (eds): \textit{The Unquestionable Right to be Free}, 1986, p. 99.}
Emphatically, Mosala considers culture as a context where freedom may be nurtured and developed. For him, without culture there is no freedom, since without culture, the individual may lack means for self-orientation. Without culture, one’s self-actualization cannot be entirely possible, because the lack of culture is equivalent to lack of freedom. Mosala’s ideal of freedom seems to be resonant with the ideal of freedom as a capacity to have a protected square as well as a capacity to have means for self-actualization. He dialectically combines the ideas of both positive and negative freedom; freedom as capacity for self-determination and self-actualization; freedom as a relationship: freedom to reconnect and freedom to embrace the other. Mosala criticizes African theology for its lack of an adequate epistemology rooted in the African heritage. He asserts that African theologians are trying to formulate African theology but because are using Western epistemological discourse the result is that their theology of liberation remains Western theology dressed in African cloths. He suggests that African theologians, philosophers included, should find new ways of defining freedom, hence, liberty, rooted in African experience of suffering, pain, and subjugation.

Drawing his discourse from the biblical faith, Mosala sees freedom as a claim of one’s rights on the means of production, which give sense to human dignity, hence freedom. Polishing his views from the book of Micah, Mosala comes to the conclusion that the Bible is a sight of struggle over land which he regards as a mean of production. He criticizes African theologians of liberation in their failure to see the biblical message as a living testimony of a struggle of a people for the requisition of their land. In his sharp criticism over some theological viewpoints defended by some Black theologians of liberation, where, according to him, interpreting the black experience in the light of the Bible rests theologically problematic as interpreting the Bible in the light of the black experience. For him, the starting point should be ‘context’ than ‘colour,’ the ‘experience of oppression,’ than the ‘experience of being Black’, even if the Black people has been suffering more from injustice than white people. To point and name injustices rather than colour would help many to experience and realize what injustice and oppression imply.

Mosala also criticizes the epistemological use of the Bible as the revealed word of God, saying that such an approach makes it difficult for African theologians to find their own epistemology and an exegetical starting point rooted in the African experience, since the word of God cannot be relativised or manipulated to serve human purposes. He suggests that African liberation theology, should have its starting point on the suffering of the African people or of any other who claims for his or her
rights to freedom. Mosala questions the integrity of the Bible as the word of God. He suggests that African theologians, specifically South African theologians, as he puts it, by their lack of a constructive contextual epistemology rooted in the African experience of suffering, subjugation, denial, and pain are not free from the slavish following of a universal epistemology which seems not to speak from the perspective of their own theological language and idioma. ‘South African black theologians are not free from the enslavement to this neo-orthodox theological problematic that regards the notion of the ‘Word of God’ as a hermeneutical starting point.’

Mosala is of the view that when it comes to the epistemological and hermeneutical discourses, the moral universe and circumstances of the reader, as well as the reader’s commitment towards a social or political ideal, and his or her theological position, should be of significance on his or her interpretation and formulation of the ideal of freedom. A reader should be a part and parcel of the context over which he or she tries to illuminate the best ideals for a political action. He emphasizes that one’s interpretation of the scripture from the perspective of the biblical hermeneutics of liberation is clearly conditioned and influenced by the political and social commitment of the reader. For him, the relationship between the interpretation of scripture and the scripture as an object of interpretation and as a world on its own signifies that not only is the Bible a result of struggle but is also a vehicle and drama of the class struggles, as well as a site of similar struggle faced by the reader. So if the reader is not prepared to interpret the scripture in the light of reason and moral experience and guided by his or her context may as a consequence miss the biblical message. So the scriptures alone are not the criterion for action, but our moral experience assisted by scriptures and illuminated by reason. Therefore, freedom for Mosala entails being part of the struggle or taking a particular political action from below, standing alongside the oppressed and fighting in their side. When we make our claims we are always prisons of our own social conditionings; therefore, to understand what oppression and injustice imply we should adopt the point of view of the oppressed:

Those, therefore, that are committed to the ideal of the struggles of the black oppressed and exploited people cannot ignore the history, culture, and ideologies of the dominated black people as their primary hermeneutical starting point. There can be no Black Theology of Liberation and no corresponding biblical hermeneutics of liberation outside of black struggle

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Mosala speaks in the context of a society under an oppressive regime, a society which is under a racial and ethnical segregation, where the dominant culture oppresses the rest of society. But how relevant is Mosala’s discourse in today’s South Africa and Africa as whole? My feeling is that what Mosala stood for almost two decades ago still afflicts his own society and Africa as a whole. Apartheid is no longer a norm, not even a racial issue anymore. But the fact that the word ‘apartheid’ has not yet gone out of our dictionaries might means that it is an issue that still need to be addressed, may be in a different form. Since the syndrome of the past still sap the majority of the people, it means that apartheid still manifest itself but in new forms, such as in the light of economic segregation, xenophobia against other Africans from other African countries who are pejoratively called aliens and accused of pulling South Africa with diseases, crime and many other issues which South Africa itself is unable to deal with.

So what was done to the South African black people by their fellows, the so called whites, is now being done to black Africans from other countries by their fellow South African blacks. Mostly because of the symptomatic virus of the past segregation, black South Africans cannot afford to see themselves as part of Africa, or to see themselves as related to the people of Africa. South Africa itself suffers from regional and social schizophrenia in the sense that because it is an economically strong country it cannot afford to be part of Africa, on the one side, but also because there are so many divisions inside in terms of social groups, as well as in terms of economic groups. South Africa finds it very hard to reconcile itself as part of Africa. All these issues make the message of Mosala relevant to me, because South Africa should learn to see itself as an African country and as part of Africa, and it must not look down upon its economically and socially weak neighbours as a consequence of past apartheid policies which had a very negative bearing on regional integration. In justifying his notion of freedom, Mosala argues in favour of the historical cultural struggles of the black people as a hermeneutical starting point for a Black theology of liberation. He suggests that in seeking to identify and examine the salient features of the black struggle for liberation, we should understand liberation in Amilcar Cabral sense, which means the liquidation of all kind of imperialist domination or colonial domination, and the taking back of one’s

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sovereignty, economic, cultural, social, and moral. Mosala sees this position as crucial in the definition of the struggle for liberation; as the liking of people’s destiny, history, and freedom, to the liberation, of their productive forces. He claims that people’s liberation is not purely moral or spiritual, but material. He insists that it is the pragmatic liberation of elements of material and social life that make for freedom both spiritual and material.

In general, Mosala deplores contemporary Black theology of liberation’s lack of historical, social, and epistemological grounds or insights by its sheer use of the very same epistemological motif used by the dominant theological discourse. For him command-like epistemology, such as the understanding of the Bible as the ‘Word of God’ relegates the specific context where the suffering African stands. The use of the Bible as an epistemological starting point can only be adequate as it intends to perpetuate its hegemonic universal criteria of a ‘contextualless’, ‘socialless’, ‘culturalless’, or even worldless standpoints. He suggests that epistemology and hermeneutics should be freed from the debilitating legacies of ‘idealism’ and purity principles which make most people’s moral life and contexts suppressed, dethroned, and meaningless.

Mosala’s appeal to scripture is represented as an overt critic of tradition as well as of the Black theological agenda by its lack of an adequate epistemology. For him, the Bible should not be read as a holy book silent to so much injustice being perpetrated in its sight, while we hold our breasts as we approach the importance of biblical legacy over many lives it brought to Christ through its message, it should be approached as a collection of stories that brings into our moral imagination the reality of injustice done to people it tries to portray. Mosala’s theological perspective is Protestant, he advocates a biblically informed faith as critical norm against which tradition should be brought to scrutiny. He places great importance on rational reckoning and on assessment of living human experience, for him it is reason and experience that should testify our understanding of the biblical message. In his view, while respecting the divine authority over scriptures, it is the pragmatic, the experiential, and the rational judgments that finally matter most as sources of our moral judgement.

In his analysis of Luke 1 and 2, Mosala insists that Luke’s ideological twists of the story of Jesus within the historical context of the first-century Palestine have made available a gospel that is acceptable to the rich and the poor of Luke’s community while curtailing the social reality of the poor and the exploited to the realm of a silent existence. The poor Jesus of Galilee representing the social aspirations of the poor, in Mosala’s view,
has been theologically hijacked into a symbol of aristocracy. In his account, Mosala insists that Luke, by concealing the experiences of the poor into ‘moral virtue’ of the rich, has successfully eliminated the poor from the Gospel making of such experiences a virtuous living, like decking oppression and subjugation with flowers. Mosala contends that Black theology should attempt to transcend the ideological and social limitations which Luke imposes in his particular portrayal of the Jesus story by resorting to history, culture, and struggle of the black people as hermeneutical tool and starting point. Mosala impresses that Black theologians should take into conscience that the very sham of political neutrality and complacency in view of some biblical texts like Luke 1 and 2 portrays in fact the persistence of certain political ends, to serve particular purposes.\textsuperscript{505}

Mosala maintains that Black theologians require an ideological suspicion in their approach to the Biblical texts as representing certain ideological position in the social struggle of a people, either vindicating the interest of the ruling class or of the poor and the dispossessed. For Mosala, in his community, Luke has both the rich and the poor but he chooses to represent the interests of the ruling class, by turning the symbols of the poor into symbols of aristocracy. Therefore, in Mosala’s view, in order to become properly situated within the wider horizon of power relations that Luke indicates ideologically in the stories of chapter 1 and 2 ‘black theology should retreat hermeneutically to black history, black culture, and black struggle as sources of concepts for decoding the text.’\textsuperscript{506} Black theology’s point of focus, Mosala concludes, ‘is an economically, politically, culturally, and morally dispossessed people. It carries with it the morality and social assumptions of a people who have suffered at the hands of the hypocrisy and supposedly superior civilization.’\textsuperscript{507} For Mosala, one crucial landmark of the struggle for the liberation of black people is persistent resistance to the ‘totalizing hold of modern capitalism as source of oppression and subjugation.’\textsuperscript{508}

Further, Mosala argues that the way in which the birth narratives have functioned in the churches of Western Christianity, including those geographically situated in the Third World, is a clear example vindicating Luke’s successful ideological suppression of the social reality of Mary, the Mother of Jesus. In Mosala’s view ‘she has been appropriated theologically more as the priestly ‘first lady,’ than as a key symbol of a revolutionary
movement to overthrow the dominant oppressive structures of church and society.\textsuperscript{509} For Mosala, ‘the hope that Mary might have inspired in the hearts of millions of single mothers under conditions of modern monopoly capitalism was first dashed by Luke in his Gospel.’\textsuperscript{510} Mosala concludes that such a hope ‘lingers on in this Gospel only by its effective absence.’ It remains, in his view, ‘for the questions of contemporary single mothers, given discursive articulation by a militant black theology of liberation, to reclaim the Gospel’s histories, cultures, and moralities of the oppressed.’\textsuperscript{511}

On the whole, similar to Luke, the question lingering on to Africa today, on the road to justice and freedom, is that in the endeavour for political, economic, and social freedom in Africa where do African leaders draw their source of inspiration for economic and social policies? Is it from the experience of rich or from experience of the poor? In most cases, the quest for economic progress and the legitimating of the interests of the ruling classes in African has, by and large, forced African leaders to dash the interests of the majority of the poor black population in favour of the small, economically, and powerfully rich African elites who control the destinies of millions of poor Africans. When an African leader succeed in vindicating the interests of the rich on the expense of the needs of the poor is elevated to the crown to functioning as symbol of progress and model of governance in Africa while people are dashed to despair and social agony. Political programmes and economic policies fruits of independence in African need to be rescued from the grip those who abuse them so that they can again function as instruments of freedom. Mosala, in his materialistic and Marxist reading of Luke presents us with a refreshing beginning to reclaim the stories of Jesus and of his mother Mary as a hope for justice and freedom. He insists that whenever we think about justice then freedom we should take into account the experience of the poor as our method and starting point.

\section*{John W. De Gruchy’s Theory of Freedom}

De Gruchy, as he puts it, writes as a theologian and ordained minister of the United Congregational Church of Southern Africa, a ramification of the Reformed family of churches. He does so, in the attempt to liberate the Reformed theological tradition from the grips of its theological twist which

reluctantly precluded it from playing a role which is both honestly prophetic and authentic, in a crucial moment over which different theological voices challenged the Church to engage itself more constructively in the struggle for freedom and justice in South Africa. Therefore, John De Gruchy saw it as theologically necessary to critically respond to such calls by recapturing and reaffirming the Protestant Reformation’s theological legacy, particularly in the light of John Calvin’s reforming ideals which have helped in the shaping of modern societies. His aim is to show that Calvinism by complicity with apartheid in South Africa seems to have lost its reforming and noble ideals framed in the biblical concept of *covenant, accountability, and authenticity*. As a theologian, De Gruchy assumes a prophetic position as he critically challenges the sanction of Afrikaner nationalism on religious ground by the Dutch Reformed tradition and its skewed theological use of scripture and Calvinism to legitimate racial segregation and oppression. And he sees such use as a blunt misrepresentation of Calvinistic faith, therefore, as a theological mistake and heresy. His central theological message is that, in order to respond to the prophetic voices of liberation theology, Calvinism should first refrain from heresy and reclaim its true reforming heritage so that it may make for freedom first before becoming an instrument of freedom itself.

Intrigued by phenomena of a racially and a culturally divided society and by his umbilical link to a Christian tradition that seemed to have sanctioned the political designs which enforced apartheid, while upholding an understanding of the Church as prophetic and bear of moral responsibility in society, De Gruchy takes it upon himself to carefully discern the ethos of the Reformation’s theological legacy in order to understand the Reformed theological tradition more fully so as to appreciate its strength and weaknesses, particularly in the struggle for freedom and justice. His major interest is to reaffirm the Reformed tradition’s theological heritage by distancing it from Afrikaner nationalism and by reinstating its moral content as catholic in its basis, evangelical in its principles, liberating and prophetic in its proclamation. In his theological reflection, De Gruchy challenges the Reformed theological tradition by dispelling its overwhelming and ambiguous theological agenda in making it apparent that the true conception of the Reformed theological tradition was never consistent with Afrikaner nationalism which has been an overt aberration of Calvinism in its true forms. He maintains the position that the

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effort to use Calvinism in order to legitimate Afrikaner nationalism by the proponents of apartheid has been resisted as a theological sham, as morally unacceptable; therefore repudiated by many Dutch Reformed theologians of good will not only in South Africa but also across the world:514

The creative and liberating possibilities latent within the central symbols or loci of Reformed theology are of vital importance not just for the Reformed tradition but for the church as whole. The problem is setting them free so that they can become once again the transforming, fermenting symbols they originally were rather than captives to myths of racial superiority and oppressive power. (…) Symbols that have been misappropriated or lost their potency in the course of history will only regain their transforming power as they are critically examined, redeemed from their ideological captivities, and employed by Christian communities engaged in obedient service in the world. This requires a critical theology able to retrieve, clarify, and give fresh substance to the symbols in the midst of the struggle for justice and transformation.515

De Gruchy’s theological stance stands within the context of political transition into a new society in South Africa. A more obvious example, in his commitment to the struggle for freedom and justice in South, stands in his recent involvement in the Truth and Reconciliation Commission in South Africa. Many of his theological reflections seem to anticipate this event. From a Reformed theological tradition he is trying to respond to the challenges presented by liberation theologians in the Third world and elsewhere, in general, and in South Africa, in particular. In his theological analysis, De Gruchy takes to pains to critically highlight the view that the Reformed Christian tradition, in terms of its prophetic message can well be conceived as a liberating theological stance that is catholic in its essence, evangelical in its moral principle, and socially grounded and prophetic in its message.516

I am applying De Gruchy’s critical analysis on the Reformed tradition as an analytical tool in the study of his theological stance on freedom. But on the whole, his theory of freedom is resonant with his theory of restorative justice as articulated in the light of his stance on the ‘grand-narrative’ as a covenant of reconciliation between God and humanity and between humanity to humanity. Further, his views on justice and freedom are rather

well illustrated in his other books *Reconciliation, Restoring Justice*\(^{517}\) and *Christianity and Democracy*,\(^{518}\) as well as in his various theological reflections on the life of the German theologian and martyr Dietrich Bonhoeffer. However, De Gruchy’s central position in his study of justice and freedom is that unless we are liberated as human beings we cannot reconcile ourselves as humans, or effectively play our constructive role in society. According to him, the programme of reconciliation and human freedom, though falling within the spectrum of the covenant should be seen dialogically, as socially and politically involving people with people inhabiting the same world, rather than people with God. For De Gruchy, ‘[t]he struggle for liberation from oppression achieves its immediate goal when those who have been oppressed have overcome the source of their oppression. The tyrant has been dethroned, the diving wall has been broken down or apartheid is no more.’\(^{519}\)

In this way, liberation precedes reconciliation, and reconciliation is a central prerequisite to freedom, since freedom implies harmony and renewal. Therefore, in his view, symbols and instruments of grace such as the Church need to be liberated and renewed in order to adequately play their prophetic role in society. Thus, John De Gruchy’s theory of freedom, viewed in the light of his theological mission towards the retrieval and renewal of the liberating symbols of the Reformed theological tradition, stands within the threshold of his idea of covenant and redemption as a building block for freedom and justice. In this way, John De Gruchy’s view of freedom may be attuned with the notion of positive freedom as a capacity to transcend and actualize oneself in the context of worldly and social challenges. This view is expressed in his belief that those who struggle for liberation, seem to demonstrate that despite their bondage they still more profoundly free than those who oppress or dehumanize them. For they have their freedom inspired from an awareness of ‘their God-given dignity and from their moral commitment to the struggle for justice irrespective of the personal cost involved.’\(^{520}\) Their freedom is demonstrated in ‘a commitment to living and acting as responsible human beings, and even loving their enemies.’\(^{521}\)

As such, the notion of positive freedom correlates well with De Gruchy’s theology of reconciliation as opposed to the idea of negative freedom which defends a view of freedom as seclusion and exclusion. The propensity to

\(^{520}\) *Op. cit.*, p. 244.
freedom in the claim for a protected square; a theory which might have been misused as politically and socially fertile for social and economic privileges by those who enforced the tyrannies of both social and racial segregations. Therefore, contrary to the idea of negative freedom, the idea of positive freedom seems to feature in De Gruchy’s understanding of freedom. For him, ‘the notion of freedom is not something which democracy itself can produce; it is a spiritual virtue of redemptive love which no political system can manufacture.’ In his view, Christianity should be critical to democracy which may encourage individualism free of social responsibility which may in turn produce an atomization of society completely false to the true nature of human existence. Taken this way, freedom as both social and spiritual highlights the ideal of the Church as a social and spiritual institution, expressed in its institutional and pastoral forms. The idea of positive freedom articulates the Church’s commitments to liberation, in addressing social challenges within the framework of the material world, while keeping pace with its eschatological journey. While in the world, the Church has a ministerial vocation to deal with the affairs of the world by involving itself within the businesses of the world. This anticipates, in De Gruchy’s view, Calvin’s views on vocations as assigned by God in the world, a theological belief which has candled the spirit of Protestantism and its shaping of the modern Western world.

However, in the context of the Reformed theological tradition in South Africa, the vocation of the Church as an instrument of liberation seems to have been lost or squandered by the proponents of apartheid, hence De Gruchy’s pledge in reclaiming it. De Gruchy’s theological commitment in redefining the ministerial shape of the Reformed theological tradition in South Africa articulates that in the same way that the individual believer may be liberated, capacitated, in order to believe and performs works of grace, the Christian tradition unless it is free, bestowed with capacity, it cannot automatically by itself become an instrument of freedom. The freedom of institution by virtue of its liberation, capacity, should by its influence impact on the freedom, capacity, of the individual believer. And by consequence the freedom of the individual believer, thereby capacity, should in turn impact on the shaping of society towards justice, peace, harmony. Still, the theological view of freedom, in the light of biblical narratives may be rather complex and difficult to settle in terms of its definition and justification of freedom on the basis of Scripture alone. Some theologians have argued that the theological justification of freedom

as immanent in the eschatological tendencies towards the realization of God’s kingdom in the world, at times, expressed in the commandment to love the neighbour as oneself, and in the sacrificial love of Christ, remains a vision which may not completely be accomplished within the horizons of human society. It remains, therefore, to use Reinhold Niebuhr’s words, an "impossibility possibility."\(^{524}\) However, De Gruchy, in his theory of freedom and justice, argues that one way of lessening the theological tension between eschatology and the course of human history is to see both in parallel as bearing meaning on one another. For him, eschatology attains its significance primarily in relationship to history, as both are mainly concerned with the will of God for creation.\(^{525}\)

According to De Gruchy, converted to Protestantism from a humanistic form of Catholicism, in an early age, John Calvin made of Luther’s reforming ideals as his own and slightly departing from Luther on Justification by grace alone. He saw Christian life to be a life of faith and faithfulness in response to God’s grace, he agreed with Luther that no human being may be able to attain salvation by his or her own effort but instead salvation is given to humanity by God’s grace alone. However, Calvin quickly added another element, the doctrine of predestination, a reformulation of Augustine’s doctrine of election. In De Gruchy’s view, Calvin accepted that indeed salvation is a gracious gift from God but God also chooses to whom to bestow his grace. For De Gruchy, this has been a bone of contention between Calvinism and those who criticize it on moral grounds in the sense that the doctrine of predestination may lead to moral complacency and injustice, therefore curtailing the very principle of Reformation. According to De Gruchy, those who disagree with Calvinism argue that the doctrine portrays a nature of a God who is unmerciful and arbitrary, who offers no clue for human beings to work towards changing their human fate; since God has predestined their social human condition already. Therefore, there is no need for humanity to rise up against any form of social injustice leading to oppression, since God has chosen already those who will be saved, while some will end in damnation.\(^{526}\) As such, the doctrine is seen as resting theologically ambiguous and misleading, as it seems to portray, an unjust and bias God, reading the Exodus metaphor in a more dehumanizing and oppressive ways, equating the liberation of the Egyptian slaves and their settlement in the promised land as a theological


\(^{525}\) De Gruchy, John, W: *Christianity and Democracy*, p. 205.

agenda that legitimates the Afrikaner nationalism and its plunder of land from the majority of the Black population in South Africa. However, De Gruchy has critically reformulated the concept of predestination in a more prudent theological language which seems to bring a new theological understanding of the doctrine which is more just, consoling, and liberating, it stands as a classical version of God’s preferential option for the poor, which seems to be inspired in Exodus event and by Mathew’s Gospel on the beatitudes. For the Gruchy, those who will be chosen are the poor not the powerful, for the poor know who God is.

I find De Gruchy’s theological critic and reformulation of the doctrine of predestination as crucially important in the understanding of freedom that is theologically authentic and affirming, a motif which has been at the centre and instilled the spirit of renewal in the Reformation programme of the sixteenth century. As such drawing from humanism, Reformation in Geneva had more to do with religious attempt to instil a sense of community in the minds of the individual believers, while creating aside a social sphere for personal freedom and responsibility. This was to be viewed as an expression of the ideal of personal identity that would gradually nourishes a sense of Switzerland nationhood over doctrinal reforms.\footnote{McGrath, Alister, E.: \textit{Reformation Thought. An Introduction}, 3\textsuperscript{rd} ed. Blackwell Publishing, London 1993, pp. 57ff.} Unfortunately, in De Gruchy’s view, by virtue of its Protestant religious twist such an endeavour enforced the spirit of liberalism, individualism, and personal piety. It was never consistent with the divine claim to legitimate the cultural hegemony of a particular group of people as divinely chosen. Sadly, as De Gruchy explains, in its attempts to translate Calvin’s reform framed on religious humanism of the Church that saw the consolidation of Switzerland nationhood and communal belonging, by contrast “Afrikaner Calvinism, in its legitimating of apartheid rejected liberal reformism and supported the radical restructuring of society on collective basis founded on cultural, ethnic, and national identity. Aligned to this has been an understanding of the church which, in its visible manifestation, is defined and structured by Afrikaner Calvinism according to race and nationality rather than individual piety.”\footnote{De Gruchy, John: \textit{Liberating Reformed Theology} 1991, p. 202.}

Despondently, as De Gruchy expresses it, religious segregation seems to have gone beyond the moral square of the Dutch Reformed church, as other churches seem to have functioned within the context of this racial segregation. Although, apart from the Dutch Reformed church, different people could share Communion beyond racial or ethnic lines, deep within,
the geographical mosaic of the Church in South Africa seems to express even today the sad sequels of this racial divide and its memory. Up to this day, it appears as if little has been done to reverse the situation or to discourage what apartheid has left as a moral legacy. While the gift of cultural diversity should be affirmed in Christ, it appears as if the Church has done little to transcend the social and the racial divide. Language, race, ethnicity, or nationality should not be left alone to shape the moral dictums of the Church. The endemic legacy of apartheid still configures the spiritual and the physical shape of the Church in some parts of South Africa, and the Church seems to have found it hard to function beyond social, racial, and linguistic lines. Different social groups still see the Church in terms of their race, ethnicity, or language. De Gruchy highlights this painful drama in his analysis of the Church struggle in South Africa some years ago.

South Africa, like many other countries, presently stands at a critical turning point in its history, a period of fundamental change and transition. As in the past, so in the present the Reformed tradition has a contribution to make to the process, a contribution catholic in substance, evangelical in its proclamation, and prophetic in its witness, and thus potentially liberating in its mission. There is no reason, then, why the liberating symbols of the past should remain the sole property of those who misuse and abuse them to sanction injustice or tyranny, there every reason why they should be set free and reclaimed so that they might provide direction, vision, and empowerment for transformation in the present. For this, it is ecumenically incumbent upon those within the Reformed tradition not to squander their heritage but to retrieve it for the sake of the church and society as whole. Part of this task will have to be the identification and retrieval of liberating symbols within the Reformed tradition, within its spirituality and theology. But it should be kept continually in mind that such a task is not simply academic but it is primarily one that, like the Reformation itself, is undertaken in the struggle for renewed church and a transformed society.529

De Gruchy’s commitment in seeing the Church as plying its prophetic and reconciling missions across denominational and cultural lines has assisted him in remaining critical against the tedious and skewed theological practices of the Reformed theological tradition and its Calvinistic misunderstanding of the Word and sacraments, as compared to the spirit underlining the central motif of Reformation. He claims that Reformation proclamation of the Gospel and its emphasis on justification by faith alone

induced commotion and excitement on the believer, in the years following the reformation of the Church’s religious practice and spirituality. Because it translated into practice the central message of the Gospel as that of healing the sick, of restoring sight to the blind, and of letting the captive go free. Indeed, as he correctly puts it, “It set people free from ecclesiastical tyranny and enabled them to live life on the basis of personal faith and responsibility.” But, in his view, such did not mean that the Church or sacraments were no longer of central importance for the Reformers, on the contrary, and in principle, their theological and religious meaning were substantially more enabling and redemptive. Since, as De Gruchy points out, it was through the Church’s faithful and gracious proclamation through the Word and sacraments that the Gospel of grace could be received, faith sustained, and the world transformed through the glory of God.

According to De Gruchy, Calvin’s major concern was never to replace the mother Church, the Catholic Church, so to speak, by creating a religious sect constituted by individuals attached by their evangelical zeal and pietism. His aim was to reform the Church from within so that it could become a fellowship of believers in order to fulfil its central mission in the world. De Gruchy reaffirms the view that Calvin viewed himself as part of a reform movement within the Catholic Church and understood his primary task as that of reclaiming the Church from the grips of the “tyranny of tradition” which continually sapped its Catholicity and undermined it from following the liberating Word of the Gospel. As result, as De Gruchy asserts, Calvin would have found it abominable and horrifying the variety of schisms in which the Church finds itself engulfed today, within the Reformed movement, and also he would have found the mushrooming denominationalism intolerable. Even more painfully, he would have been more horrified by seeing that most of the divisions and schisms which the Church faces are beyond religious or confessional grounds but instead are merely based and justified on personal, political, and social reasons contrary to the teaching of the Gospel.

According to De Gruchy, liberation theology critically has challenged the Reformed theological tradition by calling it back to its biblical roots and on the grounds that it insists on the reign of God as having to do with God’s redemptive project and justice within the confines of the real world, this is to say, as De Gruchy maintains, “with God’s liberation and justice here and now in anticipation of what is to come.” Therefore, De Gruchy thinks

that liberation theology has reshaped the catholicity of the Reformed theological tradition by inducing the Gospel of the poor within its social realm, a dent that will change for ever the Reformed tradition religious outlook and complacency in shaping its liberationist proclamation. So, there is no doubt, according to De Gruchy, that liberation theology challenges the Reformed theological tradition’s understanding of the kingdom in a more sectarian, spiritualized, and de-historicized forms. As he explains, while the kingdom will always remain God’s gift of grace that ushers our anxiety beyond our human understanding, it is always a gift concretized as we make our human demand upon our divine obedience in relation to life in the material world.

De Gruchy thinks that the main theological problem in South has not been Calvinism quite essentially, though with some exceptions, but the ‘absence of truly Reformed theology,’ one in which ‘prophetic critique’ and evangelical transformation combine to serve the liberation of those in agony and crying out for life. It is in taking such challenges with seriousness that the Reformed tradition will once again begin to serve the interests of the kingdom of God and therefore the interests of all, the poor and the oppressed at the periphery, while serving the interests of those at the centre of society. Therefore, De Gruchy adds that in order for the Church to accomplish its mission of redemption as the sign of God’s reconciling love and sanctification of the world, it can neither stand neutral to the issues of oppression and injustice nor stand alongside some ethnic or class ghetto. It should, by divine necessity and its zeal to the sacrificial love of Christ, reach out and embrace the all of humanity and the injured of society in such a way that the dividing and dehumanizing strongholds are not only transcended or overlooked but also defeated, dismantled, and completely removed. Yet the Church it is called to be in this way, not from the position of the powerful, as was the case with the Constantinian Church, but as a Church that stands as a fellowship of the victims of society, a Church that is truly for the people. It should embody the human strife for freedom as God’s representative so that the whole of humanity might be transformed by the gospel and brought under the reign of God.

De Gruchy’s justification of freedom is theological. It should be understood in the light of his theology of covenant. His major undertaking, within the Reformed theological tradition is to critically reclaim the symbols of redemption dormant within the tradition so that it could once again regain its strength as an instrument of liberation. From the standpoint

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of its theological statement of faith bearing witness in the spirit of Reformation as both catholic in its substance, evangelical in its moral principle, and socially engaged and prophetic in its proclamation. Since the theological and the prophetic integrities of the Reformed tradition have been stained in the light of its historic ties with apartheid, the tradition, as a moral community and God’s tool of redemption, needs to be transformed so that it could therefore be able to perform its prophetic mission, in critical solidarity with the victims of society and with all those who long for justice, beyond racial, ethnical, and national lines.

The practice of baptism as an expression of God’s covenant and reconciliation, in which people of different ethnical groups or race are baptized into the same Christ and become part of the same body in Christ, bestowed with privilege to share in the same Eucharist, was seen as sight and symbol of division under a culturally, socially, and spiritually divided Church. Therefore, De Gruchy’s theological critique and his commitment towards a Church that is open for all, as a fellowship in the body of Christ, symbolizes therefore that in a new society there can no longer be any theological grounds for legitimating segregation in society. In De Gruchy’s view, in the new dispensation, both in the Reformed tradition and elsewhere, the sacrament of baptism which has become for some times a private ecclesiastical affair should once again be given its rightful place to become a public event and a momentum for confession and reconciliation with far-reaching social implications. In his view, the Reformed tradition knew it well that within the history of the Church the baptism of slaves meant an occasion for freedom, since it necessitated that a slave should be set free through baptism, being given its real freedom. So the Reformed tradition had it in view that baptizing a black person did not only mean to set the black person free but also to be given due permission to participate not only in the “body of Christ” but also in the political and economic realms. According to him, this has been a spiritual and social dilemma in the heart of the Reformed theological tradition which made it difficult for it to engage constructively through its prophetic mission in the struggle against any form of social injustice. Since baptism remains a sign of human solidarity redeemed in Christ, a true conception of baptism not only should challenge apartheid within the Christian community but also at the level of society.536

In the attempt to discern De Gruchy’s justification of freedom one should take into account the fact that the Reformed tradition in South Africa has been functioning in a rather spiritually crippling theological

form, therefore in need of a critical renewal. In De Gruchy’s view, ‘social relocation of theology does not imply in the first instance a new theology, but a new way of doing theology, which may, in turn, lead to a new theology.’ According to him, what differentiates various strands of liberation theology from other kind of theologies is not the inclusion of new methodical themes, but the manner in which such themes and ethical norms are reinterpreted within the struggle for liberation. Therefore, theology becomes a socially committed discipline from the side of those who are oppressed and socially and economically disadvantaged. So the methodological shift within the spectrum of a liberated Reformed theology entails that engagement in the struggle for justice and liberation should become fundamental in its dogmatic concern or way of engaging in theological discourse.

According to De Gruchy, liberation theology has so far enabled the Reformed theological tradition to rethink that the liberating proclamation can only be found in Jesus, the poor, who becomes the liberating “Canon within a canon,” the one to whom the Scriptures bears witness and source of inspiration, but at the same time the one in whom and through whom we are able to engage biblically. Therefore, what liberation theology assisted Reformed theology to discern is the fact that this Christological “canon within the canon” should be conceived in the light of the prophetic and liberating project of God’s gracious redemptive love and mercy for both are intertwined and share a common coherence and fulfilment in Jesus Christ. The poor enjoys an epistemological privilege because Jesus Christ is the victim of society, the despised and rejected person of Galilee, the despised and rejected person of sorrow, and agony, and despair crucified by Judea and Rome, he is the meaning of the Scriptures, the gracious, liberating Word through whom we attain life and released from despair and through whom we interpret and evaluate Scriptures. De Gruchy’s justification of freedom is entirely theological; inspired, in part, in the ‘grand-narrative’ of redemption as expressed in the Exodus. In his view, ‘[f]reedom is not freedom from others, but freedom for others. It is a covenental freedom of rights and responsibilities a freedom which proves itself in love.’

Conclusion

In the light of the ubuntu axiom, ‘I am, because we are; and since we are, therefore I am,’ defining the degree and sphere of individual freedom, Mbiti’s social theory of community is seen as primary and locus of individual existence, shaping individual outlook and personal identity. Therefore Mbiti’s theory of freedom is defined and justified as relationship matched with a strong sense of social solidarity. In Kwame Gyekye we have a notion of freedom as equality justified in the light of his commitment in favour of equal moral status between the individual and the community. For Gyekye, freedom should be seen as a relationship binding equal persons. He favours the idea of moderate communitarianism which guarantees individual rights, dignity, autonomy, and freedom of choice. With Mosala, we have a notion of freedom as liberation from oppression and redress, elaborated in the light of his theological hermeneutic of liberation in Black theology. For him, persons need to be liberated in order to live freedom; he favours an idea of freedom as capacity for self-actualization. Finally, John De Gruchy elaborates his theory of freedom as reconciliation, from his theological stance of covenant. For De Gruchy freedom is a process of reconciliation and renewal, one’s freedom is understood in terms of embracing the other.
Chapter VII: Towards A Constructive Theory of Community, Justice, and Freedom

The present chapter is constructive. It aims at sketching a general but succinct overview on the prospect of the present study in the realm of community, justice, and freedom within the framework of liberalism, communitarianism, African philosophy and theology. When I undertook the present study, my purpose was to address three central issues: firstly, the analysis of different theories of justice and freedom as related to different views of human within Western political philosophy, African philosophy and theology. Secondly to see how justice and freedom could be adequately articulated and justified in the light of different views of human within Western political philosophy, as well as in the light of different theories of community within African philosophy and theology. This enquiry was to be illuminated by three questions: How can we adequately understand the relationship between the individual and the community? What is the meaning of justice; and how can we justify the principle of justice? What is the meaning of freedom, and how can we justify freedom as an ethical ideal? Drawing my own experience from the perspective of my Christian background, as well as from my own social context; the third issue had to do with my own formulation of a constructive (reasonable) view of community, justice, freedom in the light of the ubuntu moral experience, so as to adduce the African contribution to political philosophy as well as the contribution of liberalism and communitarianism to African political theory. Having dealt with the first level of my study; the present enquiry, as constructive, should try to elaborate its constructive framework by addressing four basic issues, as follows:

1. How can we critically evaluate different theories of justice and freedom as related to different theories of human?
2. Which of the theories could be adequately adduced as the most reasonable?
3. What can be learned from liberalism and communitarianism from an African perspective?
4. What is the contribution of African theology and philosophy to political theory?

Taking the above issues into account, as I formulate a constructive approach on community, justice, and freedom I will try to enhance the arguments given by different ethicists both in the West and in the African context, starting with the understanding of community. Different views of community, justice and freedom were given. In the African context different ideas of community were adduced, namely the understanding of community as solidarity; community as a sphere for equality; community as freedom, capacity, and redress; community as reconciliation and fellowship; community as a battled field for justice, equality, and redress. Within the realm of justice different propositions were adduced by both African scholars and Western ethicists: namely justice as a relationship, compassion, and empathy; justice as equality; justice as a need, justice as right, justice as capacity; justice as restoration; justice as liberation from oppression; justice as entitlement; justice as a desert; and justice as a virtue. Within the realm of freedom, beginning with the views of positive and negative concepts of liberty; different positions were presented: such as freedom as relationship; freedom as capacity; freedom as equality; freedom as reconciliation; freedom as liberation from oppression; freedom as a protected square, freedom as a right; and freedom as desert.

Therefore, in the attempt to elaborate a constructive argument, my own position is that within the realm of community I should consider the view of community as liberation from oppression, capacity and redress. My argument is that the liberation model includes equality, capacity, reconciliation, and redress as crucial in the justification of its own conceptual framework and practice. Within the realm of justice, I should opt for the model of justice as liberation from oppression, because with liberation equality, restoration, capacity, and redress may follow. Within the context of freedom, I should suggest the notion of positive freedom as an adequate political ideal because it includes freedom as liberation from oppression, freedom as equality; freedom as self actualization; freedom as capacity; freedom as reconciliation; and the notion of freedom as one’s ability to realize one’s goals in life.
Community as Liberation from Oppression

Community as liberation from oppression is fairly constructive in its philosophical and theological contexts because it is within the context of a liberating community within which individuals may be able to build their sense of freedom, claim for right relations, justice, equality, reconciliation, and redress. Therefore, one cannot speak of reconciliation without liberation; the two terms intertwine as two faces of the same currency. Reconciliation or any other social ideal is only possible within the framework of a liberating or liberated community; as such, it is not possible within an oppressive community. De Gruchy is correct when he points out that the downfall of apartheid has opened up new possibilities for an urgently needed dialogue between prophetic and culturally focussed theologies. For him, without the cultural there is no creative engagement. 

‘In both cases the dialectic between Christian faith and creation of African democratic culture breaks down. For the sake of democratic transformation, that dialectic is needed to be sustained.’⁵⁴¹ A culture that is not liberated, liberating, and authentic cannot be able to prophetically engage with any sort of Christian theology and no kind of creative engagement, dialectic, or democratic transformation is possible in a hostile and oppressive political and social environment.

Therefore, the notion of community as liberation stands in critical opposition against any oppressive social system is it political, economic, religious, or cultural dimensions. Without a space that is free, affirming, and authentic; reconciliation is not possible. The individual may not be able to come to terms with his or her own personhood without a context which may make such a goal, desire, or ideal realizable. Nor endeavour for self-actualisation, capacity to attain one’s goals in life are possible, in an encroaching and repressive social and political environment. Terms for justice, equality, self respect, and redress are impossible to be adduced in a situation of oppression and deprivation. Therefore, liberation from oppression whether political, social, economic, religious or cultural brings the individual to the centre of his or her personhood; hence to the point of framing his or her own goals in life, because he or she is free.

To cite a few comments, for example, one central issue which John Rawls seeks to address in his theory of justice is the basic structure of society as the subject of justice. For him basic social structures ought to be just in order to be able to treat human beings as free and equal. As such, one may say without doubt that Rawls’ project requires an environment that

⁵⁴¹ De Gruchy, John, W.: Christianity and Democracy, 1995, p. 192
is not only liberated but liberating in its political and social outlooks. Though Rawls is not directly speaking about community, his commitment in seeing the basic structure of society as the subject of justice may point to the idea of community as the subject of justice and deliberation, be it religious, cultural, political, or philosophical. At minimum, for Rawls to launch his theory of justice in a liberal moral lottery, the first requirement he presupposes is the existence of a premise or social structure that is free and unhindered from any traditional conceptions. For example, hierarchy, patriarchy, or paternalism may be seen as some of the examples characterising a feature of an oppressive regime or social system. Rawls defends that the idea of original position ‘is introduced in order to work out which traditional conception of justice, or which variant of one of those conceptions, specifies the most appropriate principles for realizing liberty and equality once society is viewed as a fair system of cooperation between free and equal citizens.’

Rawls’ position alone articulates the critical priority for justice to take its course as an establishment of liberated and liberating community. Justice alone is not sufficient. Instead, the existence of communities which are free and liberating should be the starting point. Without a community which may instil the ideals of justice into its members and in which its members may be able to live in justice, equality, and self-respect it is not possible to speak about justice. I should not intend to bring the subject of justice here, but the moral and the philosophical claims my argument would want to present is that the idea of community as liberation from oppression is not only good in its own terms, it is good in so far as it makes provision for other social ideals, such as justice and equality, to take their course. For example, we may need freedom for an ideal of social democracy to prevail but it may not succeed wholeheartedly in a totalitarian or fascist state. My second thought, as I reflect on Rawls, in the light of community as liberation from oppression, has to do with Rawls’ own understanding and relationship between the ‘original position’ in *A Theory of Justice* and the idea of ‘reflective equilibrium’ in *Political Liberalism*. The two backgrounds are distinctively different in terms of their principles of reasoning as affirmed by their own specific contexts.

Firstly, in the original position, the individuals stand as parties, in an extremely liberated and individualistic social environment. Driven by self-interested motives and aspirations with no ties or attachments with the social world, the individuals are in an asymmetric position, relating only by the principle of rational choice; yet, worst of all, because the context is so

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abstractly designed, the place of emotion which forms and displays what is essentially human in ones’ being is completely disqualified. However, the point at stake is that such is a community, but a different kind of community which at least enjoys the foundations of freedom, such as autonomy, equality, rationally, and liberty as essential components in the original position for a possible process of deliberations to its counter. Still, without a kind of community or society which may be enshrine on freedom or take such ideals as noble pursuing, one cannot speak of justice as Rawls does. The only difficulty I have with the original position is the fact that parties in the original position are not situated in a real world, they stand behind the veil of ignorance, to reach that world only when the veil is lifted. Their principles are, so to speak, not founded on the ideal of community or society that exists. So they do not need society as their starting point, they will enter it once they have chosen a view of justice they see fit. Society or mutual affections do not compel them, they may do as they like, provided are rational, free, and equal beings.

Society is not the case at their present moment, and they may meet in the airplane, in the Galaxy, in mars, or elsewhere. But, even though, whatever may be the case, without a context that is liberated, free, and liberating the original position may not prevail. Therefore, a position of equality as envisaged in the original position will always require a kind of context that is liberated, liberating, and affirming. Secondly, within the context of reflective equilibrium, we have a different philosophical position stipulating and defining the principles of reasoning in a totally different environment. While, in a Theory of Justice, Rawls sought to address the basic structure of society, like social institutions, as the subject of justice; in Political Liberalism, Rawls has in view the idea of society, that is to say, of a well ordered society, as a fair system of cooperation between free and equal citizens. This political project forced Rawls to insert the idea of reflective equilibrium in his theory. As different from the original position, in reflective equilibrium we have a reasoning of citizens in a well ordered society. These people live in a society and social relations occupy centre stage in the process of their mutual cooperation, reasoning, and argumentation. As such, reflective equilibrium appeals to social attachment, critical thinking and mutual engagement in the light of what the citizens see, experience, and take as their considered judgement. This is a context in which as individuals, community, or communities our considered judgments and our different principles of arguing in favour of certain moral beliefs may be harmoniously adjusted. Therefore, ‘the point of view of you and me,’ as Rawls emphasizes becomes the guiding impulse in our relationships as human beings. Rawls puts it quite succinctly: ‘It is
important to distinguish three points of view: that of the parties in the original position, that of citizens in a well-ordered society, and finally that of ourselves – of you and me who are elaborating justice as fairness and examining it as a political conception of justice? Further, Rawls clarifies his position by arguing that ‘the first two points of view belong to the conception of justice as fairness and are specified by reference to its fundamental ideas.’ While in his view, ‘the conceptions of a well-ordered society of citizens as free and equal might conceivably be realized in our social world, the parties as rational representatives who specify the fair terms of cooperation by agreeing to principles of justice are simply parts of the original position.’

Therefore, John Rawls’ theory of justice presupposes two contexts with distinctively two ways of reasoning: One comprised of parties in the original position functioning as devices of representation; while the other is a reasoning of citizens in a well-ordered society. As it were, both the original position and the view of persons in a well ordered society require that persons be free and equal in order to device views of justice as they may see fit. They stipulate that moral subjects can only be able to reflect in a community which is free, liberating, and affirming. Therefore, seeking reflective equilibrium in Rawls’s theory has also to do with having just and affirming relations, suggesting, above all, the idea of social democracy. Unlike the original position, reflective equilibrium may be extended beyond Kantian and Rawlsian lines; since in the light of reflecting equilibrium as shored by our considered judgments various theories of justice may be brought to trial including the idea of justice as fairness which is completely Rawls’ and Kant’s, and our own sense of justice as informed by our own specific social contexts. As such our sense of justice may not endure drastic change since that may mean the violation of Rawlsian claim in favour of our considered judgment. We may choose to narrow our reflective equilibrium in order only to include those conceptions which are mostly attached to us, but we opt for a more widely reflective equilibrium we may embrace those of other as well. Therefore, Rawls theory of reflective equilibrium advocates a life lived in harmony and cooperation with others, a life of mutual consideration and assistance and of interdependence, a life in which one shares in the fate of the others, bearing one another up, ‘a life that provides a viable framework for the fulfilment of individual’s nature and potential.’ This is somewhat in tune

with Gyekye’s restricted or moderate view of community. For Gyekye, human aspiration and struggles have been aimed at eradicating inhuman social relationship.’ This view is shared by many African scholars, with specific reference to Mosala whose views are behind my choosing of community as liberation from oppression.

Charles Taylor’s ethics of authenticity seems to advocate an understanding of community that is relationally affirming, liberating and authentic. The individual can only exercise his or her authenticity within a social sphere that is able to affirm the individual’s potential, as well as the individual’s self identity. For Taylor, ‘individualism as a moral principle or ideal must offer some view on how the individual should live with others.’546 In Taylor’s view the idea to see human society as a contract is somewhat misleading, for individuals are born within it already. For Taylor, dignity, equal recognition, rather than honour should be the underlying criteria governing human relationships, for we all share common human dignity as human beings. For him, the ‘concept of dignity is the only one compatible with a democratic society. Person’s identity cannot be fixed by his or her social position, but by virtue of being human.’547 In Taylor’s view, the wind of democracy not only has unleashed critical demands on human equality but also on the need for the ‘equal status of culture and genders.’ The idea of authenticity cannot be defined or fixed by virtue of one’s social position in society, it should be inwardly derived, but not in monologue and solitary circumstances, it should be in solidarity and dialogue instead. As Taylor puts it, one’s discovering of one’s identity cannot imply that one works it out in isolation, it should be negotiated through dialogue, ‘partly, overt, partly internalized, with others.’ One’s identity crucially depends on one’s own dialogical relations with others.548 This epitomizes the idea of community, as affirming, liberating, and authentic. Without communities which may instil the ideas of freedom, justice, and equality individuals alone cannot make it by legislation they have to be lived and instilled from within. The idea of community that is liberating and affirming should be able to make room for equality, self-respect and mutual bonding by meeting everyone’s need and desires to live one’s humanity as authentic as possible.

Justice as Liberation, Equality, and Redress

The notion of justice as liberation from oppression, equality, and redress takes its thrust within the context of justice as a need. The question of justice as a right, need, and desert has dominated the area of both philosophical and theological discourses. Nevertheless, one’s right, needs, and desert cannot be adequately addressed within the context of oppression. No matter how noble the ideals may be, no equality, restoration, and redress are possible in situations of social injustice; social, cultural, and economic deprivations. This means that the denial of one’s freedom is equivalent to denial of one’s sense of justice and sovereignty. Many theorists dealing with the subject of justice have been unanimous in saying that to understand what justice means we should start with the sad stories and experiences of injustice. Of common feature in Africa as in many parts of the Third World nations has been the fact that the road towards justice implied the struggle against injustice, oppression, and deprivation. Yet, the puzzling events of situations and understandings of injustice in most African nations has been the experience of social, cultural, political, and economic dominations by foreign powers. This, in turn, implied that to reverse the situation of injustice entailed the struggle for self-determination. Worst of all, the claim for self-determination implied the unfortunate struggle for freedom without a nation. Since most Africans struggling for justice, under the situation of colonialism, their effort involved overthrowing their colonial rules first. This is how the spiral of a situation of social injustice and oppression may be situated with particular reference to Africa. Though many African nations may have so far gained their independence and self-determination the sequels of injustice are far from being over as Africa still battle with the aftermath of foreign domination, lacking any enduring capacity in adequately providing basic needs to its people. As such the line of events requires that an adequate reflection on a theory of justice should take this context as its starting point. Charles Villa-Vicencio’s reflections on Steve Biko’s articulation of the sad circumstances surrounding the oppressed epitomize the concept of justice as liberation from oppression:

All in all the black man[sic] has become a shell, a shadow of a man, completely defeated, drowning in his[sic] misery, a slave, an ox bearing the yoke of oppression with sheepish timidity … The first step therefore is to make the black man come to himself[sic]; to pump back life into his empty shell; to infuse him[sic] with pride and dignity; to remind him of his
complicity in the crime of allowing himself to be misused and therefore letting evil reign in the country of his birth.\textsuperscript{549}

Whatever the glory any adequate account of justice may bring, before any distribution may be set in terms of justice, the first and crucial step, as Steve Biko might have thought, is to unloosen or completely remove the yoke of oppression, emptiness, humiliation, and degradation, and then infusing the sense of dignity to the oppressed as a precondition for an adequate account of justice. Thus understood, the theme of justice as liberation from oppression can only be adequately articulated as a clamour on behalf of the oppressed under their different circumstances, as a voice of the powerless in the social and political world they face. In applying the present theme, the suffering of so many people in the world can no longer be conceived as having only spiritual causes but also as bearing structural components deeply rooted in some of the social institutions we belong as human beings, either unaware or aware. Therefore, the theme articulates that social and structural changes, with all the risks which may involve, should be considered necessary to the social order which may prevail. It is on the basis of this point that rather than starting with the understanding of justice on the level of distribution, ‘merits’ and ‘deserts,’ the present theme begins with a different approach, with a critical review and judgment of the existing social circumstances and situations of injustices as well as with a different thought of what may be aspired when the yokes are removed and of what may be risked in the attempt to achieve such a goal. So, as it were, it starts with the realities and stories of injustice as a realistic understanding of what justice should imply as informed by the historical suffering of millions of people in the world. As such, it comes as alternative to the classical conception of justice that our human heart may well be changed while inequalities of any sort could on the whole be left unbroken; that poverty could be ended or alleviated without any attempt to address its structural causes; that social justice could be achieved without the redress and redistribution of power. Therefore, the persistence of justice as liberation from oppression takes into view the fact that, while human sinfulness may bear structural roots which make it impossible for an adequate theory of justice to be as sound as it could be, social change requires a cautious, experiential judgment of the existing circumstances in which claims for justice are made and the possible consequences of a variety of options for change. So, it argues that social justice may require,

at time, radical restructuring of social institutions, as well as the redistribution of power, social relations, and opportunities. As such, a model of justice such as this cannot merely start with the hypothetical context of ‘the State of Nature’ or by moving behind the ‘veil of ignorance’ in the ‘original position’ as proposed by both Robert Nozick and John Rawls; it would aim, instead, to begin within the context of social relations in history by looking at the realities of injustices as real problems afflicting humankind in the real world. It would concur with Charles Taylor’s approach to distributive justice that a social view of person is one which holds that an essential constitutive condition of seeking the human good is bound up with being in society. And in my view, social reality should offer us the background and the clues to decide on what justice imply. Further, Taylor argues that a person cannot even afford to stand as a moral subject, and as it were, candidate for the realization of the human good, outside of a community of language and mutual discourse about the good and bad, just and unjust. As such, Taylor disqualifies all atomist views of human person as pointless; since, for him, what a person may derive from society is not merely some aid in realizing his or her own good, but, instead, the very possibility of being an agent seeking that good.

Therefore, considering the African context as the subject of justice, in spite of the understanding of justice as a right and desert, one alternative I find commendable is to try to articulate the understanding of justice as liberation from oppression, equality, and redress as a critical approach to the distributive paradigm of justice as impacted by society. However, given the fact that people may hold different needs as a result of their different conceptions of the human good and social circumstances, the principle of justice as need is more commendable than that of justice as a right or desert. For instance, Aristotle, in his study of justice, defines the subject of justice in two important ways as both commutative (rectificatory) and distributive. Commutative or rectificatory justice, in Aristotle’s view, is a sort of transformative, reformative, or restorative justice. As such, it stands within the account of justice as restoration, desert, and redress; while the distributive account of justice may be located within the framework of justice in terms of human needs. Put differently, though in Aristotle’s account, distributive justice may appeal to ‘whole to whole as each part to each part,’ Aristotle also offers some exceptions, given different circumstances in which humans may find themselves in terms of their

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different needs. So, given the variety of circumstances in terms of human needs, Aristotle gives different options in articulating distributive justice as proportionally geometric. In his view, what is geometric cannot be arithmetically justified, since it implies the combination of different segments in the line of transactions, either voluntary or involuntary. He argues that in geometrical proportion ‘what happens is that whole is to whole as each part is to each’. He also asserts that ‘this proportion is not continuous, since there is not single numerical term for person and share.’

What is just in this sense, then, is what is proportionate. And what is unjust is what violates the proportion: one side becomes too large, the other too small, which is actually what happens in practice, since the one who acts unjustly gets more of what is good, while the one treated unjustly gets less.

The other kind of justice is rectificatory, which is found in both voluntary and involuntary transactions. For the just distribution of common property is always in accordance with the proportion stated above (...). What is just in transaction is nevertheless a kind of equality, and what is unjust a kind of inequality, in accordance, however, not with that kind of proportion, but with arithmetical proportion. For it makes no difference whether it is a good person who has defrauded a bad or a bad person a good. The law looks only to difference made by the injury, and treats the parties as equals, if one is committing injustice and the other suffers it – that is, if one has harmed, and the other being harmed. So the judge, since this kind of injustice is inequality, tries to equalize it.

Therefore, the term geometrical justice or justice in the public domain is adduced to articulate the complexity of transactions in the area of distributive justice; since people, in the life span, may pursue different interests both voluntary and involuntary. Aristotle understands by voluntary transactions all kind of transactions made at will, whose first principle in the transaction is voluntary, like ‘selling or buying, lending at interest, pledging, lending without interest, depositing, and letting.’ Involuntary transactions, are, according to Aristotle, ‘either secret – such as theft, poisoning, treacherous murder, procuring, and false witness – or involve force, such as assault, imprisonment, murder, robbery, maintaining, slander, and insult.’ In Aristotle’s view, whatever the case, ‘injustice is part of injustice as whole and similarly particular justice a part of justice as whole.

And since rectificatory justice deals with redress of imbalances or inequalities in the public domain, Aristotle speaks of rectificatory justice as a particular kind of justice, hence arithmetical which functions as equalizer or means of redress between inequality and equality:

(...) when people are in dispute they turn to a judge. To appeal to a judge is to appeal to what is just, because a judge is meant to be, as it were, justice personified. They seek the judge also as an intermediary (...). What is just, then, is intermediate, since the judge is so. The judge restores equality. It is as if there were a line divided into unequal parts, and he takes away that by which the greater segment exceeds the half, and adds it to the smaller segment. And when the whole has been equally divided in two – when the parties have equal shares – then they say that they have what belongs to them. It is for this reason that it is called just (dikaios), because it is a division into two parts (dicha), just as if one were to call it divided in two (dichaios), and the judge (dikastes) is a divider in two (dichastes). What is equal is a mean between the greater and the less according to arithmetical proportion (...).556

As it were, in the course of my analysis on justice, community, and freedom, various proposals were made in the area of justice by scholars whose works have inspired my reflection. Reformulated from the historical concept of justice as right, desert, and need, ideas of justice as liberation from oppression, in terms of restoration, equality, entitlement, and redress were articulated by different scholars in the light of different views of human. As it stands most issues afflicting present Africa have to do with how Africa deals with the legacy of past injustices, while being able to overcome the challenges of the present. It requires a synthesis rooted in its past yet being able to deal with the challenges of the present age. Therefore, looking at Africa’s present challenges in the light of some theories of justice as proposed by both liberalism and communitarianism within Western political philosophy one would suggests that one possible position would be to relate the African dilemma to the different positions of Robert Nozick, John Rawls, Alasdair McIntyre, and Charles Taylor, their views though somewhat foreign to the African environment have won scholarly merit and are, indeed, of major social importance touching on issues afflicting the African continent.

The understanding of justice as equality falls within the bounds of justice as redress. John Rawls elaborates his theory of justice on the

principle of equality by emphasising that material resources should be
equally distributed unless an unequal distribution is to favour the least
advantaged, this is to say, to alleviate the plight of the poor. Therefore, if
Rawls’ principle of equality may be accepted; provided we see ourselves as
one world within the framework of United Nations’ declaration of universal
rights touching on the universal understanding of justice, Rawls’ theory of
justice may provide the basis from which to tackle the world’s problem
with specific reference to the Third World, in particular to Africa. From
this perspective, Rawls’ theory may be applied to foster relations among
nations especially to redress imbalances in the distribution of resources
between the rich and the poor nations. On the other hand, the theory may
also be constructively devised locally to promote solidarity amongst poor
nations themselves, in terms of utilizing their own resources at the local
level to meet local and urgent needs. For example it may be made to adjust
within the context of African Union, to assist the poorest nations and
communities at a continental scale. To be adequate, the theory may also be
articulated to include not only cooperation in terms of material resources
and goods, but also to include people in terms of their cultures and social
traditions. If Rawls’ principle of rational choice may be accepted, world
leaders may adopt this approach in addressing their social and economic
challenges in their forums at the local and international levels.

Indeed, Rawls’s theory provides a reflection for an adequate
reformulation of justice at both regional and global levels, whereby his
principles in the original position and in the veil of ignorance may be
extended to include other nations and communities provided the ideal of
rational choice is softened to include other recurrent challenges, other
considerations such as emotions which in a situation of injustice may
prevail. However, in Rawls’s view, justice is more than a just distribution
of material goods, it may also include the distribution of power, social
positions, and merits, and this is why Rawls himself has emphasised quite
clearly the structure of society as the subject of justice. In his view, since
the structure of society seems to play an important role on how justice is
framed, articulated, and justified, Rawls suggests that, an adequate account
of justice as fairness between equal and free persons in a well ordered
society we would need to start from another premise, a premise that may be
partial and neutral. Different from Rawls, some philosophers, MacIntyre
being the major proponent, have argued that theories of justice differ from
culture to culture and from context to context, that our views of what
justice means are influenced by our particular cultural contexts and
traditions. Therefore, to understand what justice means we should start
from the situation of injustice. This position seems somewhat challenging;
viewed from Rawls’s understanding of justice in the context of the original position in which social circumstances and history may appeal, provided are defended by universally valid reasons. Indeed, though reason may be taken as central, what is thorny in embracing Rawls’s position is the fact that, at times, it is difficult to appeal to our most considered moral judgments on the premise of reason alone in a situation of oppression, subjugation, and deprivation; other factors should be brought to bear, such as social circumstances and other considerations.

John Locke elaborating his theory of justice on the basis of property rights has argued that an adequate theory of justice should be framed in the principle of just acquisition and just transfer. He saw the world as unowned, as a Divine drama enshrined on equal rights and dignity amongst human beings. As it were, in his view, the world was designed on the principle of human solidarity, mutual respect, and accountability. On the basis of this theory, Locke argued that human beings are equally entitled with rights and dignity to use the resources of the world provided enough is left for others. Locke’s appeal came to be known as the Lockean proviso. Locke’s theory has been at the centre of controversy in the justification of private ownership and the state’s account as the legitimate and sole holder of national assets bearing on the public, such as land and other important assets. Ironically, if we were to elaborate a principle of justice as liberation from oppression and redress; and we were to take the relationship between oppression and colonialism in the light of Lockean proviso, we may be led to assume that the present state of Africa recapitulates the need for reassessment of the Lockean proviso since it seems, as though, that no enough seems to have been left for Africa and other parts of the Third world by colonial powers. Because, in some of its foisting, colonialism meant dominating by force, theft, plunder, and pillage.

Elaborating from Locke, Robert Nozick, in devising his theory of justice as entitlement, proposes three premises: the ‘principle of acquisition,’ the ‘principle of transfer,’ and the ‘principle of rectification.’ From these three principles, he stipulates a principle of redress in history on the account that whatever might have been justly acquired and justly transferred may be deemed legitimate; while whatever may have been unjustly acquired and unjustly transferred may be deemed illegitimate. Paradoxically, since it seems that most of what might have been acquired in Africa under the condition of oppression and colonialism might have been acquired by force, theft, plunder and pillage; ironically, applying Robert Nozick’s principle of redress can be the only way to go, it seems to fit in the context of a theory of justice as liberation, restoration, and redress. With this in view, we have an accurately critical aspect of Robert Nozick’s philosophical thought
which may permit us to elaborate the concept of justice as liberation from oppression and redress. However, the difficulty in using Robert Nozick’s theory resides on the fact that one should try to trace the historical labyrinth of ownership. And the fact that those who might have had the power to plunder and oppress might have had or had the prerogative to write their own history and the terms regulating such property rights, which may only render the redress impossible and pointless. Robert Nozick’s theory is built on extremely libertarian premises. It incurs into some flaws, the attempt to define justice in terms of property rights not only is problematic but misleading, justice is more than rights; it also include how people may relate, it is more a way of life than a construct, it may have to do with belonging, relating, than one’s right to own or possess. The plunderer, having had the power to define principles of justice in his or her own hands may not return the property unless the claimer may also show how just in history he or she might have come into acquiring such a property. As it were, the story of redress is likely to go on while the poor succumb.

Most of Africa’s situations of injustice have mostly historical roots, the theory is only made to undermined the course of justice and the weak to the advantage of the powerful: ‘no injustice can be claimed, however, miserable the poor or however great the gape between rich and poor, so long as exchanges were made fairly.’ Robert Nozick takes history as the pillar of his theory; while failing to provide an historical synthesis and method on how the circumstances of property right might have come into being. The situation of injustice alone should be the starting point for defining justice rather than property rights and freedom of choice. Current situations of injustice should be taken as the beginning place for defining principles of justice. We should look at the harsh realities of history as they are right now in order to understand what justice implies. However, both John Rawls and Robert Nozick have worked very hard in providing theories of justice with rectificatory premises. Of course, any theory of justice should take into account the necessity for redress and restoration, this is what Rawls and Nozick have been able to provide. But the fact that their theories are built on historically unfounded premises only suggest that universality rather than particularity should be the guiding procedure in their moral deliberations, when contexts and circumstances are different.

Contrary to Robert Nozick’s thesis, in our ranking of justice, the question of solidarity, rather than any sheer pursuit and claim of ones rights

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as an individual should be the starting point, one view is that defended by some communitarians in the West, like Charles Taylor and Michael Sandel, who argue that even if liberals seem to present a well sustained position in the sphere of individual’s capacity for moral agency, freedom, autonomy, and choice, they seem to relegate the fact that the individual’s capacity for choice can only be nurtured and articulated in society, in a context of social solidarity, interaction, and interdependence. Given the importance attributed to the position of rights, individual freedom, autonomy, dignity, and choice, defended by liberalism, as Robert Nozick does, they also see the significance of one’s rights in the light of what is good not only for oneself but for others as well. However, they still maintain that the liberal defence on the primacy of rights, individual choice, and neutrality to the disregard of social premises from which any choice may be adequately framed is misleadingly atomistic.\textsuperscript{559} For them, an adequate conception of justice should also take into account the social, the historical, and the particular. In their views, as human beings, though our situated contexts in the world may be marked by particularities, such particularities are not just a mere configuration of individuals hovering without society, without correlation of any sort, which is impossible in any human society. In their view, every particularity should be understood as an ‘overlap.’\textsuperscript{560} Justice as redress cannot be completely articulated within the confines of the ‘loss’ and ‘gain’ principle, it takes a more horizontal dimension than vertical, as a theme it replicates one’s necessity for dialogue and reconciliation. As it were, the horizontal dimension is relation driven, the other driven; while the vertical remains individually focus, self driven and egocentric.

My own personhood is negotiated; I realize my own personality, as a person, in the process of dialogue with the other, without the fear of losing my own moral space. My own particularity should be seen as affirmative, as an affirmation of the particularity of another. Of course affirming the other may incur into the displacement of my own particularity and that of the other leading into further particularization. But this is the line in which human relationships are couched and framed; and the idea of justice as liberation from oppression, equality, and redress implies that we seek it within the context of our dialogical encounter as human beings. It should be understood as mutual affirmation, uplifting, soothing, rescuing, re-establishing, and redress, rather than any desire to recant or disavow the other to my own affirmation and moral certitude. My own identity is critically dialogical; I affirm my own identity, in the difference, as I

\textsuperscript{559} See Kymlicka, Will: \textit{Liberalism, Community, and Culture}, 1991, p. 74.

\textsuperscript{560} See Milbank, John: \textit{Theology and Social Theory}. Blackwell, Oxford 2003, p. 289.
recognize and reaffirm the identity of another. Charles Taylor is rightly true when he argues that authenticity implies creation and construction as well as discovery; originality and at times opposition to the rules of society and even potentially to what we recognize as morality but at the same it requires openness to horizons of significance, lest the creation loses the background that can save it from insignificance and finally a self-definition in dialogue. In his view, these demands should live by integration to regard one on the expense of another can only be the cause of their common down fall. For Taylor, authenticity is itself an idea of freedom; it involves one’s finding the design of one’s life by oneself, against the demands of external conformity. However, for Taylor, in the end, authenticity cannot move along alone, it should not go all the way with self-determining freedom lest it undercuts itself.561

In a flattered world, where the horizons of meaning become fainter, the ideal of self-determining freedom comes to exercise a more powerful attraction. It seems that significance can be conferred by choice, by making my life an exercise in freedom, even when all other sources fail. Self-determining freedom is in part the default solution of the culture of authenticity, while at the same time it is its bane, since it further intensifies anthropocentrism. This sets up a vicious circle that heads us towards a point where our major remaining value is choice itself. But this … deeply subverts both the ideal of authenticity and the associated ethic of recognizing difference.562

Taylor sees the present predicament and our attempt to adjust and create meaning within a silent universe as the major strains and weakness within the cultural streams of authenticity, which along with the pressures of an atomizing society precipitate it on its slide. However, for Taylor, ‘authenticity points us towards a more self-responsible form of life. It allows us to live (potentially) a fuller and more differentiated life, because more fully appropriated as our own.’ In his view, authenticity, framed within such an endeavour, though cannot, at its best, without peril, may allow a richer mode of human existence.563 Now, in reading Charles Taylor within the context of African ethical experience, the best way to integrate his philosophical thought would be to relate his idea of ‘authenticity and the associated ethic of recognizing difference’ with the ubuntu maxim of

mutual belonging, that a person is because of others, as expressed in Mbiti: ‘I am because we are, and since we are therefore I am.’ The fact that a person recognizes his or her existence in the realm of others, within a societal realm, does not imply a lack of individual autonomy, dignity, and freedom of choice; indeed what is expressed here is the fact that the individual by affirming the autonomy, freedom, and dignity of others he or she affirms his or her own autonomy, freedom, and dignity in return. One’s notion of autonomy, freedom of choice, dignity, and the very meaning of one’s sense of justice may only be well expressed by recognizing the difference in a social universe, by affirming the integrity and choices of others, by respecting the boundaries of one’s autonomy and freedom as constrained by society rather than by seeking refuge in a social Galaxy. As in Taylor’s notion of the self, authenticity in ubuntu ethic is affirmed relationally, dialogically, by recognizing and affirming the integrity and autonomy of others as human beings bestowed by virtue of being humans with equal moral status like one’s own.

Therefore, the ubuntu ideal defends that the individual needs not to live in a lonely planet in order to be able to acquire a sense of justice and freedom; such are ideals which can only be articulated, adjusted, and lived in society either by combining individuals’ different preferences as defended by liberalism or by submitting one’s choices into a common but rather moderate social scheme as informed by advocates of the ‘soft communitarian tutelage’ by giving equal moral status to both the individual and the community. As it were, the ubuntu axiom recognizes and affirms the boundaries of individual choice, autonomy, freedom, and dignity but it argues that such are ideals which can only be adequately articulated and lived in a well established social climate which shades history and foundations to one’s sense of identity and personal outlook. Therefore, justice as liberation can only be sufficiently articulated in a social atmosphere in which particular needs of individual members are essentially given their due regard, weigh, and attention. This can only be done as we liberate each other as individuals; first by extending the boundaries of liberties and our sense of existence as we recognize that though we are one we are also different by virtue of our different preferences, needs, and choices. This implies that claiming for justice only attains meaning when, more than our self-regarding; we regard and treat others with dignity and justice. So, for justice to be liberating requires respect for the rights and dignities of everyone, with particular reference to those who have been wronged, it requires accountability for changing social structures deemed

oppressive, humiliating, and dehumanizing. In this way, liberation may join with redress and rectification to provide for political emancipation, social equality, and economic restructuring.\footnote{Lebacqz, Karen: \textit{Justice in an Unjust World}, 1987, p. 149.}

While within the arena of moral philosophy ‘giving to each what is due’ has been a central theme in the analysis of justice; to ascertain or determine what is ‘due’ has been a thorny question within both theological and philosophical discourses. In the present discourse, to take justice as liberation from oppression requires a different emphasis which may shift from the understanding of justice in terms of desert or in terms of ‘giving to each what is due,’ to realities of injustice. As it were, the concept of justice as liberation from humiliation, dehumanization, and degradation should start with the realities of injustice and oppression. As it stands, its official claim should not only be about giving to each what is ‘due’ but instead it should encompass the rectification and redress of injustices. As I have argued before, Rawls’s emphasis on \textit{A Theory of Justice} that takes the structure of society as the subject of justice seems to give impetus to the notion of justice as liberation, redress, and rectification; by laying its claims on the critical review of social structures and roles which may seem demonic and oppressive.

In elaborating a theory of justice as liberation from oppression, while I may find Rawls’ theory of justice appealing, that justice may be made complete when the plight of the poor has been reversed, rectified, or redressed, the fact that the individual may only listen to himself or herself within the premise of rational deliberation and choice governed by his or her self-interests, where history and social circumstances over which such deliberations and choice should take their cue are neglected to the realm of insignificance makes Rawls’ position weak, since claims for justice in many parts of the world bear historical roots which cannot be adequately uncovered only by resort to rational calculus and deliberations. Justice cannot only consist in lessening or in alleviating the plight of the poor or in making oppression seems more docile and meek; the chains and the yokes of oppression should be completely removed and dismantled.

On the other hand, given the fact that liberation from oppression is a basic concept in my approach to justice, one may find fascinating Robert Nozick’s emphasis on freedom of choice and the existence of a free exchange as the starting point for an adequate theory of justice amongst equals. Indeed, for Robert Nozick, justice consists in the honour we may render to human freedom, a point which makes Robert Nozick’s position come closer to the understanding of justice as liberation from oppression.
However, while Rawls considers the least fortunate as the subject of justice, for Robert Nozick what counts in his theory is the elevation of human freedom, the protection of one’s capacity to choose freely over any understanding of whether one is oppressed or not. Robert Nozick is not interested in seeing whether any current distributions may have been premised on the basis of injustice or not. His commitment is to honour and defend the ideal of individual rights and freedom of choice. He takes human relationships and history not as one of his main interests. But one may say that Robert Nozick seems to be quite right in doing so; because he cannot succeed in applying any social language in his view of justice, since his theory was never designed to function in a real world of human relations as it was build on the foundation of ‘the State of Nature’ with no human beings inhabiting in it. So, provided the exchange is free, what concerns him most is the protection of individual rights, personal autonomy, and freedom of choice as it was in his ‘State of Nature.’ As it were, the desire to build a theory of justice on the account of human being as a social animal supplemented by extremely individualistic premises and conclusions make Robert Nozick’s attractive position weak and misleading.566

Contrary to Robert Nozick and John Rawls, I find Karen Lebacqz’s and Iris Marion Young’s approaches commendable that if justice begins with the rectification of injustices, then the most central analytical tools for understanding justice will be the stories of injustice as experienced and retold by the oppressed and the methods of social and historical analysis that help to clarify the process by which such historical injustices might have come into being including their meanings in the lives of the victims.567 For Lebacqz, an adequate theory of justice cannot then be primarily dependent upon philosophical or theological reasoning. Philosophical reasoning, as well as theological play a role, in so far, as they assist us in locating and defining the nature of injustice, but they may not provide their full picture. Rather, Lebacqz proposes that we should ‘use the tools from social sciences to analyze what is happening and to locate the present injustices.’ For her, injustices may take different forms in different parts of the world: sexism in one place; racism and xenophobia elsewhere; economic oppression in one horizon of the Globe, while political repression lingers rampantly elsewhere, the line of events may loom endlessly with each kind of injustice claiming for a specific kind of redress suitable to the historical and social environments in which such claims arise. In her view,

forms of injustice do reign at different times and in different places.’ In this way, ‘the form of justice and a theory of justice will remain different’ depending on which forms of injustice are at work.

Iris Marion Young’s account that to understand what justice implies we should listen to the stories of oppression and injustice seems to follow Lebacqz’s suggestion that beginning with a theory of justice by discussing whether justice requires distribution on the basis of ‘needs’ versus ‘merit,’ ‘effort’ versus ‘contribution’ is not only misleading but also inadequate. As Lebacqz asserts, though these values may linger as classically foundational in any argument in favour of justice they cannot be fully sufficient as premises for an adequate account and justification of justice. In her view, ‘if racism is a reality in our world then justice cannot consist simply in giving to each according to ‘need.’ Again, ‘if sexism is a reality in our world, then justice cannot consist simply in giving to each according to ‘merit.’ For example, in her view, racism and sexism bring claims in justice which, in their intricate complexity, seem to move beyond ‘determinations of need and merit.’ Therefore, an adequate theory of justice, cannot, as it were, begin with philosophical or theological arguments on the realm of what is ‘due’. In Lebacqz’s account, ‘[w]hat is ‘due’ is not due in the abstract but in the concrete. And the concrete is determined by history - by exchanges made, by contracts forced, by covenants broken, by disrespect, by exploitation, by the entire myriad ways in which human beings violate the fundamental covenant of life with life. Violations of the covenant of mutual responsibility result in the need for correctives, rectification, and redress. Relationships in history create demands in justice. ‘A theory of justice must be historical.’

Therefore, the concept of justice as right, desert, and need is intertwined, justice as a right cannot be wholly understood in isolation from the concept of justice as desert or need; while at the same time both the theory of needs as well as that of desert cannot be wholly understood where rights are disregarded as important components of justice. For example, in Young’s view, though the concept of distributive justice may remain crucially important as the bedrock for elaborating the understanding of justice, in most cases claims about justice raised by the excluded ‘concern not so

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570 Italics mine, while Lebacqz emphasises that we cannot begin with philosophical arguments I argue that theological arguments as well cannot be the starting point; we need to start with the realities of injustice and then seek philosophical and theological tools in order to locate and understand such circumstances.
571 Lebacqz; op. cit., 1987, pp. 150f.
much the justice of material distributions as the justice of decision-making power and procedures.’ As it were, Young thinks that when the excluded voice their concerns such have to do with the injustice not only of material distribution, but ‘of cultural imagery and symbols.’ In her analysis, ‘a focus on the distribution of material goods and resources inappropriately restricts the scope of justice, because it fails to bring social structures and institutional contexts under evaluation.’\textsuperscript{572}

The Idea of Freedom as Relationship, Capacity, and Self-actualization

The idea of freedom as relationship, capacity, and self-actualization stands within the framework of the concept of positive freedom. Contrary to the notion of negative freedom as freedom \textit{from}, as independence from society, my approach is consistent with the idea of positive or participatory freedom; as freedom within the bounds of society. So, my central interest is to show that freedom can only be adequately understood as freedom \textit{to}, as freedom within the context of social relationships, as freedom which both shapes and is shaped by society. Or put differently, as negotiated freedom, as freedom in dialogue. As such, my argument stands in favour of a notion of freedom that renders oneself the ability to realize one’s own goal in life, a freedom that affirms the individual the potential to master his or her own personhood, self-consciousness, and destiny in the light of his or her capacity to realize such aspirations. On the whole apart from being a sequel of Isaiah Berlin’s ‘Two concepts of liberty’\textsuperscript{573} - \textit{negative and positive} freedom - the idea finds its inspiration in the African understanding of person as expressed by Mbiti that a person is a product of society. As Mbiti himself emphasises, that only in terms of other people does the individual become conscious of his or her own being, his or her duties, his or her privileges and responsibilities towards herself and towards other people. So as Mbiti puts it: ‘Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: ‘I am because we are; and since we are therefore I am.’’ Mbiti takes this axiom as the cardinal point in the understanding of the African view of person.\textsuperscript{574}

\textsuperscript{574} Mbiti, John: \textit{African Traditional Religions and Philosophy}, 1990, p. 106.
Therefore, the understanding of freedom in the African moral theory, more particularly, in the ubuntu ethic is squarely defined corporately, in terms of mutual interdependence, communal solidarity, and personal responsibility. As such, it is delineated within the structure of the relationships shaping and defining the individual; where autonomy is, by and large, viewed in terms of the individual’s responsibility towards the community; as well as in terms of his or her ability to integrate, synthesize, and consolidate such relationships. Kwame Gyekye’s emphasis on freedom as ‘equality’ articulates the need for justice in the symbiotic structure of such relationships. The need for the individual to frame and affirm his or her own identity and life plans, to pursue his or her own goals in life, while remaining within the bounds of society, and the need for society to make such realizations possible, or, at least, feasible. As it stands, in the African worldview, since society is what defines and shapes one’s personhood, freedom cannot be entirely articulated outside the bounds of society; it is only freedom in society. By itself, liberation is what affirms the individual to relate, understand, and actualize herself in freedom in the context of her own social environment, to reconcile herself with her own cultural heritage and social surroundings. In this way, the idea of negative freedom that seems to suggest individual surrender and escape from social constrains or otherwise, or from society at large seems to have no roots in the African view of reality. Freedom does not wholly consist only in the absence of obstacles or constraints, both physical and otherwise, but in one’s capacity to recognize that they exist and how one should come to terms with such constrains. This is the central idea of positive freedom as discussed in earlier chapters, a notion consistent with the idea of personal autonomy and the exercise of one’s human potential to the full. At the core, the idea of positive freedom implies that autonomy is only autonomy in society; when one is able to choose between different options; outside society one may need no autonomy since there is nothing to choose or to opt for. A person is autonomous only if she has a variety of acceptable options available to her to choose from. Thus, her life becomes as it is through her choice from some of the available options.575 As it were, contrary to the liberal position, the ubuntu axiom that ‘I am because we are, and since were therefore I am’ defines the parameters into which the African view of freedom and autonomy should go. But it also represents, in Mbiti’s views, the critical dilemma befalling the African concept of identity in modern societies: ‘The traditional solidarity in which the individual says ‘I am because we are, and since we are, therefore I am,’ is consistently being smashed, undermined

and in some respects destroyed. Emphasis is shifting from the ‘we’ of traditional corporate life to the ‘I’ of modern individualism.\textsuperscript{576} As Mbiti further points out, the individual simply discovers the existence of her individualism but she cannot know of what it consists in. She is void of any meaningful relationships and she has no language and capacity with which to perceive its nature and its destiny.\textsuperscript{577}

Reading between the lines, Mbiti’s position articulates the costs and pains of freedom afflicting the modern individual. Yet Charles Taylor claims that freedom ‘involves my being able to recognize adequately my more important purposes, and my being able to overcome or at least neutralize my motivational fetters, as well as my way being free of external obstacles.’\textsuperscript{578} Further, Taylor asserts that ‘social views see some forms of society as essentially bound up with human dignity, since outside of society the very potentiality to realize that wherein this dignity consists is undermined.’\textsuperscript{579} As it were, Mbiti’s axiom and Charles Taylor’s view of freedom seem to correlate, a position I find commendable for an adequate account of freedom. So, freedom as relationship, capacity, and self-actualization entails that the individual’s ability to relate, understand, and actualize her views of the world within the bounds of her society is what constitutes freedom because such ideals are not possible on the margin of society. The best formulation of this concept is Mbiti’s portrayal of the modern individual at shackles in the contemporary African society by her inability to adjust and find meaning in the contemporary and pluralistic society. The individual is unable to relate, understand, and discover the codes of modern existence; as a result sapped by the inability to relate and function in modern society she turns into her own self universe, yet devoid of any meaningful existence. In Mbiti’s view, contrary to a more societal setting, modern society imposes its own code of existence. For Mbiti, in a conventionally communal society the individual remains ‘naked’ to everybody else, in the modern society the ‘individual is one in a loose conglomerate of men and women from different peoples and languages, races and nationalities’ joined or related not by bonds but by ‘professions, places of work, clubs, factories, associations, hobbies, trade unions, sports, political parties, Church denominations and religious ties.’\textsuperscript{580}

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\textsuperscript{576} Mbiti, John, S.: \textit{African Traditional Religions and Philosophy}, 1990, p. 219.
\textsuperscript{580} Mbiti, John, S.: \textit{African Traditional Religions and Philosophy}, 1990, p. 219.
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So to speak, the idea of freedom, positive, negative or otherwise, feeds, consolidates, and articulates itself within the transient matrix as depicted by Mbiti. As such, while the negative notion of freedom may tend to identify freedom in terms of ‘opportunities,’ in terms of individual sovereignty beyond any social connection and restraints; the idea of positive freedom may involve putting into effect the individual’s inner faculties, it may entail to all intents and purposes the exercise of control over one’s life. To this point, one may be free only to the degree in which one has successfully determined oneself and the shape of one’s life and existence. As we have seen, Mosala’s notion of freedom as liberation from oppression and Steve Biko’s sentimental lament on the plight of the Black person as a ‘shell, a human shadow completely defeated, drowning in misery, a slave, an ox bearing the yoke of oppression with sheepish timidity’ that needs to be infused with pride and dignity articulates the purpose of positive freedom. Our capacity to define our identity, our sense of being in the world from ‘within’ constitutes one of the noblest achievements humanity has ever conquered so far; and society that makes such ideals possible is considered a free society.

However, the understanding of human dignity raises serious questions whenever a debate over freedom is brought into view, as related to different positions of what it means to be a human being under different circumstances. As it were, since freedom has to do with affirming one’s identity by affirming one’s view of existence, a given view of human will always lead to a certain view of freedom. As a result, as long as people may hold different life purposes; there will also be different purposes of freedom for different aims in life. On the one hand, the fact that without any historical identity one cannot define one’s own present identity seems to imply that one’s freedom can only be adequately understood in terms of one’s social history and existence. Contrary to the liberal view of freedom, in the African context one’s conception of freedom is, by and large, defined in reference to a specific relationship not on the basis of one’s autonomy alone. In African terms since to ‘be’ is to ‘belong’ to be ‘free’ is to ‘relate.’ Taken from here, the ideas of self-determining freedom, independence, and self-rule cannot be adequately understood without reference to African social experience, so far they remain concepts so difficult to understand in the African context.

Reflecting on the African experience from the perspective of positive freedom, one may say that unless Africa is able to exercise control over

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herself in many spheres of life she is not yet free; she will only be free to the extent in which she has successfully been able to determine herself and the shape of her life and destiny. Here I will once more recall De Gruchy’s position that “[d]emocracy in Africa has to grow from within in ways appropriate to Africa and each nation’s particular history and political tradition. Africa will only solve its problems if they are seen as human problems arising out of an African context.”582 While the existence of opportunities may be necessary for an adequate account of freedom, positive freedom has the propensity of laying heavy strain on our human lot because it goes beyond what we may expect to accomplish as human beings, into a much deeper sense of freedom, than the search for occasional and transient opportunities, it tries to bring the individual to the core of her full human potential. Freedom is only significant to us because we are, by virtue of our humanity and our capacity to transcend, beings with purpose, or to use the language of Charles Taylor, ‘because we are purposive beings.’

Therefore, as beings by virtue of our human rationale, the idea of positive freedom seeks to meet our human purpose. It offers us a sense of freedom as based on self-discerning, self-seeking, rather than on escapism, avoidance, or mere search and seizure of physical or ephemeral clues for liberation. This is why, to be authentically free, Africa should endeavour in liberating herself from within, by addressing the challenges of the age through her inner much richer faculties and channels laying dormant on the African soil. Here stands, so far, one of the central challenges of positive freedom, the attempt to determine oneself from inside. Taken from the perspective of positive freedom, the real-world equivalents of the theory of freedom as both relationship, capacity, and self-actualization is that African leaders may use this theory in framing their economic, political, and social policies for mutual benefit and social equality at both local and continental levels. On the basis of this point, they may begin to see the problems affecting one country or one section of the continent as challenges affecting the entire continent. On the whole, basing their continental relations on the framework of this theory, African leaders and the entire African community may also consolidate relations and exchanges not only in terms of flow of goods from one country into another, but also of people, human resources, scientific programmes, cultural imageries, and religious ideas. My approach also seems to respond to some of the concerns as raised by both communitarianism and liberalism, specifically by MacIntyre and Charles Taylor, Robert Nozick, and John Rawls as well as by African Philosophers

582 De Gruchy, John, W.: Christianity and Democracy, 1995, p. 188.
and Theologians. I have so far reflected on their work in the present study, on the necessity of community and freedom for the existence of a viable and conducive society.

However, though MacIntyre’s splendid critical approach on the need for virtuous communities as a solution to some of our contemporary challenges, the uncompromising perfectionist fallacy defended by him and others, articulating the need for a return to an Aristotelian virtue for an adequate account of freedom, though tempting is somewhat ragingly misleading in two important ways: Firstly, that within the idea of positive freedom we cannot afford to do what we truly aspire, or trail our own authentic will, outside the bounds of a society of a certain canonical structure. Secondly, that we can only aspire to freedom in a society of virtue; and that being free implies governing ourselves collectively in the light of a certain canonical precept. I find the two positions unhelpful in our contemporary and pluralistic context; the world is squarely within our own social borders and our canonical view of identity has been so far expanded that even the term African is beginning to be somewhat misleading. I am of the view that the quest for a social situation completely devoid of restraints cannot be sustained, it rests incoherent and misleading. Freedom, some authors have said, is a kind of constraint by virtue of being freedom. The fact that I pronounce the word freedom I have already put myself into chains, since it implies having to undergo the costly experience of governing my life from the inside. MacIntyre is right, reference to virtue is essential because it permits us to make critically explicit our principles for judging the kind of people we are, which in turn allows us to look back and forth and ask whether changes may be called upon in our social practices and institutions. Our commitment to freedom, democracy, justice, or otherwise, cannot entail the rejection of our communal practices. To the contrary, it entails that we should mutually take responsibility for critical appraisal and renewal of our practices towards justice in the sphere of our social and political arrangements.

I will always keep my sympathy with MacIntyre, but I find Charles Taylor’s position within my construct of freedom appealing. His argument stands within the same line as Mosala’s view of freedom as liberation from oppression. Charles Taylor splendidly argues that a modern view of freedom centres on the goal of liberation. By considering the dignity of human beings as consisting in their directing of their own lives, in their

deciding and affirming for themselves the conditions of their own existence, as against falling prey to the domination and subjugation of others, or to impersonal natural or social mechanisms which they fail to understand, and therefore, cannot control, change, or transform. As Charles Taylor asserts, the inner obstacles inflaming their fears are: ignorance, or lack or courage, or falsely self-depreciatory images of the self; but these are, according to Taylor, connected with external obstacles in many variants of modern liberation theory. Of particular note, in Charles Taylor’s view, is that self-depreciating images are seen as inculcated by others who benefit from the structures of domination in which subject groups are encased, and perpetually dehumanized. In fact oppressive social structures and bad relations both at home, place of work, and abroad may become perpetual hindrances to one’s freedom.

How then can one relate this theory to libertarianism and liberalism, more specifically to Robert Nozick’s and John Rawls’ conceptions of freedom? Beginning with Robert Nozick: His defence of market freedom and scepticism towards any concept of distributive justice that may preclude free exchange is fascinatingly intriguing. As such, his stress on the idea of protected freedom and individual rights though noble would be incompatible with my notion of freedom as relationship, capacity, and self-actualization as it places emphasis on common effort and human interrelationships. Nozick’s approach takes seriously the freedom of individuals as locus of rights but detached from any interpersonal relations, he chooses not to take into account the fact that individual life, as it is, is only life when lived in relation to other individuals. His idea of freedom is not relationally based on the principle of human solidarity but instead it puts heavy emphasis on the principle of rights, individual autonomy, and freedom of choice. On my view, he seems to feel more at home within the idea of negative freedom. This is a view of freedom, centred within a certain protected square, as an idea of freedom implying doing what one wants, a notion which precludes motives and inspirations, among the most essential components of freedom, and associating freedom with doing what we actually desire, or with obeying our own real will, or with truly and individually leading our lives beyond any physical restrain. The limitation of this position resides on the fact that though physical restraints may be a hindrance to freedom they cannot be the only ones; since we may lack the inner drive to exercise our own freedom not only due to external forces but also due to internal fears, unemployment, solitude, and lack of courage,

false beliefs, oppression, submission, and ignorance. So claiming for a physical space or for any foreseen opportunities is not so sufficient for one’s freedom: both the physical and the emotional restraints should be brought to bear one another as prerequisite for freedom.

I have found Rawls’s theory of justice impressive, since any adequate account of freedom as relationship, capacity, and self-actualization requires right relations: that we stand in a position of equality as human beings, mutual respect, and self-worth. Therefore, Rawls’ theory of justice underlines his idea of positive freedom as a precondition for deliberation in the original position amongst free, equal, and rational persons; though his argument on the priority of individual liberties seems to shift the emphasis of freedom, thereby making of liberty an instrumental value, the use of freedom for the sake of something else, like casting one’s vote, equality before the law, immunity against coercion, and the like. The individual only needs freedom as a right so as to justify her claim in the share of society’s resources, among other things. As it were, though freedom, in Rawls’ view, may play a participatory role, like rendering the individual the ability to participate in the high decisions of society; Rawls’ commitment in seeing liberty as a priority within a wider range of other goods only reduces freedom to a mere instrumental value, functioning only as a right within the context of other rights. Freedom cannot supplement us with all we need, unless we have come to terms with this freedom from within and direct it accordingly.

However, I find Rawls’ idea of public reason in Political Liberalism highly appealing in my construct of a theory of freedom. Africa as a pluralistic society with so many diversities across religious, political, social, economic, and cultural lines should reconsider John Rawls’ theory of justice and his idea of public reason quite seriously. The idea is in fact constructively plausible, the search for common position over which people may stand together despite their immense historical, cultural, social, moral, and religious differences. In Rawls’ view, the idea of public reason implies that any political decision or any constitutional essentials with bearing on the majority of the public should be made known by common consent and deliberation. Therefore, the idea of public reason is not just one political value in the middle of other values as is the case with his ideal of the ‘priority of liberty.’ The idea of public reason involves all the differences and conflicts people may have which in turn embodies, synthesise, and consolidate the ideal of constitutional democracy, in most modern states, for it governs ‘the political relation’ in which we ought to stand shoulder to shoulder with one another as citizens. Therefore, I find the idea consonant with the ubuntu ethic of mutual belonging: that ‘I am because we are, and
since we are, therefore I am.’ Its concern, as it is within *ubuntu*, is the very basis of our communally binding decisions, obligations, and aspirations. We honour *public reason* as we bring our own reasons and commitments into accord with the reasons and aspirations of others, adopting a common point of view for settling the terms and prerogatives of our political life and common wellbeing. It underlies the concept of justice and common destinies by which we ought to regulate our lives are then a conceptions ‘we endorse,’ not for the ‘different reasons we may each discover,’ and not merely ‘for reasons we may happen to share,’ but instead for reasons that ‘count for us because we can affirm them together.’ This spirit of solidarity and reciprocity as in *ubuntu* ethic is the foundation and precept of freedom, democratic society, and communal living.586

As we have seen in the previous chapters, the constraints of the original position which have been at the centre of so much controversy are thus epistemological and moral rather than metaphysical; they reflect Rawls’ central commitments to justice, ‘that justice requires that people be treated as equal and as free.’ Rawls’ theory of justice is consonant with the theory of positive freedom, whose purpose is to assist us in dispelling our fears and anxieties, on two important ways: Firstly, because, Rawls’ theory implies that respect for persons’ *equality* may be ensured by refraining people from any knowledge or consideration of any morally ‘arbitrary’ inequalities resulting from natural, social, or accidental ‘lottery,’ thereby ‘ruling out reasoning or deliberation that may possibly make reference to such inequalities or impairment. Secondly, because, in Rawls’ view, respect for persons’ freedom may be insured by refraining people from any knowledge, consideration, or tendency towards their particular conceptions of the good, thus ensuring that they are motivated and encouraged not to endorse any particular conception but to defend their common capacity and vision to critically frame, pursue, and revise such conceptions.587

One of the central components of the axiom of *ubuntu* ethic is that it considers a person as a human being not by virtue of any consideration of honour, gender, social position or otherwise, but from the context of one’s given humanity, it never precludes anyone on the basis of any social endowment a person may have. Its ethic is enshrined on human solidarity, it is essentially humanely grounded and may be applied in a range of contexts in the light of particular history and social aspirations of that

particular context, hence its affinity to Rawls’s theory of justice. Reflected
from this position, the idea of positive freedom challenges us to move
beyond our fears, stand against any sort of domination and be open to the
world, use our human potentials to the fullest both external and internal.
The only difficulty is that ubuntu ethic is bred on the African soil while
Rawls’s theory of justice bears aspirations and is suited to the North
American environment, and any society embracing the ideals of social and
constitutional democracies. But the fact the we share a common world
implies that what affects one section of the Globe effects the entire Globe,
therefore it is our common responsibility to build a better world wherever
we may happen to find ourselves.

Anglican Social Ethics and the Ubuntu Ideal

One interest in this study has been to relate Anglican social ethics and the
ubuntu ideal in the light of William Temple’s Christian social principles of
freedom, social fellowship, and service.\textsuperscript{588} In my view it could be possible
to integrate these principles in the context of ubuntu axiom: ‘I am because
we are, and since we are, therefore I am’, as expressed in John S. Mbiti’s
articulation of the African view of person. Methodologically, to end with
William Temple’s theological analysis is strategically significant in two
important ways: Firstly, because, in my own approach to the analysis of the
idea of community, justice, and freedom I have resorted to Isaiah Berlin’s
Four Essays on Liberty as analytical tool. Secondly, the idea of ubuntu, ‘a
person is because of others,’ as enshrined within the Xhosa context of
South Africa came, by and large to be expounded in its affinity to John S.
Mbiti’s philosophical articulations of the African concept of person in his
position as an Anglican theologian and philosopher, whose work has been
the subject of my analysis in the present paper. I have not used Mbiti as a
theologian because that would mean to encase him within a particular
theological tradition, thereby limiting his views. Instead, for theoretical
reasons, I have opted in using him as a philosopher since much of his ideas
are seminal to Africa’s philosophical setting and constitute the bedrock of
Africa’s moral experience, both social and religious.

As I have said the idea of ubuntu constitutes the African sentiment in its
philosophical, religious, cultural, historical, political, and social aspects.
Though in the present study its reference goes back to the Xhosa social

\textsuperscript{588} Temple, William, Late Archbishop of Canterbury: Christianity and Social Order. SCM
context, part of the ‘Nguni’ linguistic family, it cannot be said to be entirely located only within the Xhosa context, to do so would mean to miss the African common heritage. What is true then is that each particular context expresses it in ways which are specific and suitable to the particular history and social aspirations of the particular context in which the idea is expressed or within the context of a particular school of though both theological and philosophical in addressing particular issues or in conveying meaning to a particular theme under study. My analysis of John Mbiti, Kwame Gyekye, Itumeleng J. Mosala, John W. De Gruchy, and Mercy Amba Oduyoye presenting different views of ubuntu reflects this position. For Mbiti *ubuntu* implies a symbiotic relationship bestowed with a strong sense of social solidarity surrounding the primacy of community as a locus of individual existence; while for Gyekye *ubuntu* means ‘equality,’ and for Mosala implying ‘liberation from oppression,’ while for De Gruchy the idea means ‘covenantal living and reconciliation,’ and for Amba Mercy Oduyoye *ubuntu* is equivalent to ‘justice and redress.’ For example as I have indicated earlier there are strong affinities between *ubuntu* and the number of proverbs depicting the views of human within the Igbo and Yoruba social contexts of Nigeria, and the line of affinities my linger persistently across Africa South of Sahara.

History reminds us that theologically, William Temple, Archbishop of York, and later Archbishop of Canterbury, has played a major role in the planning and architecting of the organization of the World Council of Churches though, as a result of his sudden death, did not live long to see the realization of his own dream. However, his noble contribution remained influential not only within Faith and Order but also within the field of social ethics, his candid but succinct book *Christianity and Social Order* has been highly celebrated for its major influence not only within the Anglican ethical tradition, but also within the ecumenical movement and beyond. Therefore, as I consider the centrality of William Temple’s social ethic, my own position should be seen only as a humble attempt to tentatively relate the idea of ubuntu and Temple’s social ethic of freedom, fellowship, and service. It is an attempt to practically address the three critical questions underlying my constructive theory of community, justice, and freedom. Specifically on how could we critically evaluate different theories of justice and freedom as related to different theories of human; as well as on what can be learned from liberalism and communitarianism from

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590 Temple, William: *Christianity and Social Order*, 1950.
an African perspective? Combined to ubuntu, I see Temple’s position as being able to adequately address these questions.

Of great theological significance in William Temple’s social programme is the fact that in his theological formulations, in *Christianity and Social Order*, Temple was clearly able to express the Anglican sacramental view of the world, epitomized in his call for the Church to take responsibility over the social, political, and economic realms. As such, he became prominently courageous in formulating a significant theological argument in favour of the Church’s political responsibility in society. To do this, Temple elaborates four lines justifying that political responsibility belongs to the mission thrust of the Church. The first line concerns the ‘claims of sympathy for those who suffer;’ in his view, ‘the suffering caused by existing evils makes a claim upon our sympathy which the Christian heart and conscience cannot ignore.’ The Church which cares for the well-being of humanity cannot be indifferent to the fact that human beings suffer due to ‘bad housing, malnutrition and unemployment.’ 591 Secondly, ‘the educational influence of the social and economic system.’ In his view, it ‘is a fact that the structure of the social system influences the personal development of the individual.’ The Church, whose central task is to be responsible for Christian moral development should therefore take responsibility for the social system with effect on the wellbeing of every individual citizen.592 Thirdly, William Temple saw the prevailing system of his day as a challenge to justice on moral grounds. But the belief that all human beings are the children of one and the same God leads to a demand for equality, and church must therefore criticise the injustices which have arisen due to the present social system.593 The fourth and last argument which William Temple proposed had to do with ‘the duty of conformity to the ‘Natural Order’ in which is to be found the purpose of God.’ This point marks the Anglican sacramentalistic view of the world. The fact that God may be found in the realm of his Creation is a call to proclamation. For him, the task of the Church is to preach God’s purpose with His creation, a programme which combines a purpose for how the social order should be structured.594

Having justified the Church’s political responsibility as something immanent in the Gospels and the Creeds, Temple then moves to lay down the precepts of how the church should exercise her social and political pledges. The Church should announce Christian principles and point out

where the existing social order at any time is in conflict with them. Therefore her approach should be threefold: (1) its members should fulfil their moral responsibilities in a Christian spirit; (2) its members should exercise their purely civic rights in a Christian spirit; (3) the Church should equip its members with a systematic statement of principles to assist them in achieving their commitments. On the whole, the role of the Church should be suggestively directive rather than prescriptive. The Church may tell the politician what ends the social order should promote; but it must leave the politician the devising of the precise means to those ends. This may extend to imply that the Church should leave the individual to decide which means promote his or her best interests which cannot be obtained by Christian faith alone.

Now let me modify my approach by drawing a critical analogy between Temple’s Christian social principle of ‘freedom,’ ‘fellowship,’ and ‘service’ with the ubuntu social principle ‘I am, because we are; and since we are, therefore I am’, an African principle of solidarity which, according to Mbiti, ‘creates or provides a sense of security, a feeling of oneness and the opportunities of participating in corporate existence.’ In the same way that Temple’s social principles embodies a view of human person in need of freedom, fellowship, and service, Mbiti’s commending approach also envision a view of human person in need of autonomy, fellowship, and belonging, which in Temple may be understood as Christian social principle of service. So what in Temple may be conceived as ‘freedom’ in ubuntu is taken as ‘I am,’ an expression of autonomy and freedom; while Temple’s idea of ‘fellowship’ may be equivalent to ‘because we are,’ an ubuntu’s expression of identity as imparted in ‘fellowship;’ in the same way that ‘and since we are, therefore I am’ is equivalent to ubuntu’s idea of justice informed through acts of beneficence which in William Temple may be understood as Christian social principle of ‘service.’ Put another way, the parallels may be present as follows: ‘freedom’ in William Temple may be expressed as ‘I am’ in ubuntu; ‘fellowship’ translated as ‘because we are’ in ubuntu; and ‘service’ articulated as ‘since we are, therefore I am’ in ubuntu.

For William Temple, Creation inaugurates the Divine mandate for humanity willed in ‘freedom,’ ‘fellowship,’ and ‘service.’ In his view, ‘these are the three principles of Christian social order, derived from the still more fundamental Christian postulates’ that a human being is a child of

God and is destined for a life of eternal fellowship with God. This implies that freedom is a divine prerequisite for humanity. Every human being is created in the likeness of God bestowed, as it were, with both an infinite value and a personal responsibility for his or her fellow human beings. Because of this divine mandate freedom is something worth striving for, in order that the individual as the child of God may develop his or her full personality. For William Temple, freedom is what renders the individual a sense of personhood by the exercise of deliberate choice. So freedom here is meant that freedom which is coupled with personal responsibility. As William Temple himself explains, ‘one of our first considerations will be the widest possible extension of personal responsibility; it is the responsible exercise of deliberate choice which most fully expresses personality and best deserves the great name of freedom.’

Similarly, what ubuntu affirms is freedom, but not freedom as a consequence of a deliberate choice but freedom as a fellowship, freedom in fellowship, affirmed by community. The axiom ‘I am, because we are; since we are, therefore I am’ epitomizes this; the ‘I am’ stands as an expression of autonomy in fellowship, without fellowship individual autonomy is not possible. In the same way that in Temple’s understanding of freedom ‘society must be so arranged as to give to every citizen the maximum opportunity for making deliberate choices and best possible training for the use of that opportunity;’ in the ubuntu ideal individual freedom is something affirmed by the community, the individual cannot have freedom outside community. Positioning himself within the doctrine of creation, Mbiti says it well that ‘just as God made the first man[sic], as God’s man[sic], so now man[sic] himself makes the individual who becomes the cooperate or social ma[sic]. It is a deeply religious transaction. Only in terms of other people does the individual become conscious of his own being, his own duties, his privileges and responsibilities towards himself and towards other people.’ Further, for Mbiti, ‘in traditional life the individual does and cannot exist alone except corporately. He [sic] owes his existence to other people, including those of past generations and his contemporaries. He is simply part of the whole. The community must therefore make, create, or produce the individual; for the individual depends on the corporate group. Physical birth is not enough: the child must go through a rite of incorporation so that it becomes fully integrated

598 Temple, William: Christianity and Social Order, 1950, p. 73.
601 Mbiti, John: African Traditional Religions and Philosophy, p. 106.
Mbiti’s statement shows that in African terms complete autonomy is not possible, autonomy can only expresses itself in community as something affirmed by community. The individual is the product of society, made, and created by society; therefore society bears full responsibility for individual progress.

The second social principle is ‘fellowship’, for William Temple no human being is fitted for an isolated life, everyone has needs which he or she cannot supply by himself or herself, but he or she needs not only what his or her neighbours contributes to the equipment of his or her life but their actual selves as complement of his or her own. ‘Man [sic] is naturally and incurably social.’ The principle of fellowship epitomizes the point in which William Temple and Mbiti meet, coming from the same Christian tradition their theological concepts intertwine only to depart ways in terms of their social contexts. Mbiti reflecting his theological views from an African experience while Temple writing as a theologian in the British context. Mbiti will agree with William Temple that human being is created as a social being to be incorporated in a family and nation. That for this reason alone one ought to aspire to social fellowship, a network of fellowships and grouping in society. Therefore freedom can be justified ‘only when it expresses itself through fellowship; and free society must be so organized as to make this effectual; in other words it must be rich in sectional groupings or fellowships within the harmony of the whole.’ For Temple, a ‘democracy which is to be Christian must be a democracy of persons, not only of individuals. It must not only tolerate but encourage minor communities as at once the expression and the arena of personal freedom; and its structure must be such as to serve this end.’ Further, William Temple moves on to say that every person is an individual; but his or her individuality is what marks him or her off from others; whereas personality is what is social, and only in his or her social relationships can the individual be a person. Indeed, for the completeness of personality, there is needed the relationship to both God and neighbours. The richer his or her personal relationships, the more fully personal he or she will be. Mbiti uses a similar axiom to express that ‘Whatever happens to the individual happens to the whole group, and whatever happens to the whole happens to the individual. The individual can only say: ‘I am, because we

603 Temple, William: Christianity and Social Order, p. 62.
are; and since we are, therefore I am.’ This is a cardinal point in the understanding of the African view of man [sic].607

The third and final social principle William Temple considers is that of service. For him, ‘the combination of freedom and fellowship as principles of social life issues in the obligation of Service.’608 In the light of William Temple every human being is created to be a steward of God’s creation, and thereby in his [sic] stewardship to serve his or her fellow-beings. In this way, one should strive for human beings to be accorded the possibilities of experiencing their work as a vocation and through this serve his or her fellow-beings. Society should be formed in such a way that such a possibility to serve is embraced by the work offered to the individual. The three social principles of freedom, fellowship, and service represent according to Temple God’s will over creation embodying the content of the Natural Order. Mbiti too follows this position in his elaboration of ubuntu since serving is at the heart of the African ethics of ubuntu. The ubuntu axiom ‘I am, because we; and since we are, therefore I am’ can only be well expressed in acts of service. Society should so be arranged so that the ethics of ubuntu is made possible when the individual not only realize himself in freedom but also in responsible service towards his or her fellow beings. That can only be possible, according to William Temple, when the cause of freedom in political freedom is fulfilled in economic freedom. This is true for Africa where in most cases the cause of freedom in political freedom finds it hard to translate itself in economic freedom.

Conclusion
An adequate theory of community, justice, and freedom should try to integrate William Temple’s social ethics with the ubuntu ideal. The ethics of ubuntu expressed in the axiom ‘I am, because we are; and since we are, therefore I am’ correlates well with Temples’ four arguments in favour of Church’s involvement in politics as proper business of the Church. The fact that the Church that cares for the wellbeing of humanity cannot be indifferent to the fact that people suffer due to bad housing, malnutrition, and unemployment implies that the Church in Africa can adopt this argument as a policy for action in its fight against slums, lack of proper housing and sanitation afflicting so many African cities. It can also adopt

607 Mbiti, John: African Traditional Religions and Philosophy, p. 106.
608 Temple, William: Christianity and Social Order, 1950.
this argument as a programme for action against various endemics such as malaria and HIV/AIDS, also unemployment and illiteracy are major challenges in Africa. It is also true that the structures of the social system have a bearing on the personal development of the individual, as such the Church whose task is to be responsible for a Christian personal development should therefore take responsibility on the social system. This argument may also be adopted within the ubuntu ideal as a programme for action in reviewing the social system affecting the lives of so many people in Africa. Thirdly, the belief that all human beings are children of one and the same God leads to a demand for equality, and the Church therefore should challenge injustices which might have arisen as a result of the prevailing social system. The Church in Africa can also adopt this argument in the context of ubuntu in its commitments to stand against prevailing injustices in Africa be it racism, discrimination on the basis of nationality, gender, religion, tribe, moral beliefs, or otherwise. Finally, the three principles of freedom, fellowship, and service as equivalent to the African understanding of ubuntu ‘I am, because we are; and since we are, therefore I am’ may be adopted as a programme for action in the struggle for a more democratic and united African continent in which individual citizens and nations are not only realizing themselves in freedom, but also in fellowship and responsible service to one another.
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