



A Critique of Consensual Democracy and Human Rights in Kwasi Wiredu's Philosophy

Ademola Kazeem Fayemi

Department of Philosophy

Lagos State University

Badagry Expressway, P.M.B 1087

Apapa, Lagos State, Nigeria

Kcaristotle@Yahoo.Com,

ABSTRACT

The paper is a critical examination of consensual democracy and the political problem of human rights in Kwasi Wiredu's philosophy. In one of his philosophical works, Wiredu establishes the thesis of a non-party system, based on consensus, as a central principle for political theory and democratic practice in Africa. The imperativeness of this, among other reasons, is to forestall, if not all, but certainly the causes of the political problem of human rights in contemporary Africa. Taking off from Wiredu's positions, this paper examines the problems and flaws arising from his thesis. The paper argues that while his discovery of some harvest of human rights is an enviable contribution to African jurisprudence, his proposal on non-party consensual democracy, is however, a theoretical farce. As a consequence, the paper concludes that the difficulties in Wiredu's notion of consensual democracy necessarily stifle the possibility of it being a *sine qua non* to the reality of his much vaunted political right to decisional representation in the 21st century Africa.

INTRODUCTION

Discourses on democracy and human rights are polemically complex and pervasive in contemporary politicking. Scholarly contributions are sporadically on the increase on the necessity of democracy as a political messiah for many of the seemingly unending socio, economic and political problems facing humanity in the 21st Century. Amidst this trail of thoughts and concerns, is the clamour for recognition and observance of human rights. While the twin issues of democracy and human rights are fundamentally held as universals, the underlying assumption is that both are complementarily exigent in contemporary political world. Democracy here is understood within the context of majoritarian democracy.

Giving concession to Africa's historical predicament and the dismal conditions of human life and other spheres of existence in the continent, the

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trend of events appears to be one of a shift of political paradigm from autocratic structures to that of majoritarian democracy. In the drive towards democracy in Africa, African dictators and rulers, that is, the military and the civilian, have for the most part, been under imperialistic influences and forces to adopt the multiparty system of democratic governance. While it is arguable that such democratic system has brought with it some gains, the fundamental question is, how substantial are these supposed benefits, and to what extent has this majoritarian democratic model built on the strengths of the indigenous institutions of politics in Africa?

The popular predominant assumption in our political sphere is that with the full enthronement of majoritarian democracy together with its institutions in African State, many of the problems bedeviling the continent, (violation of human rights inclusive) will be effectively challenged and perhaps solved. While reacting to the above popularly held view on the viability of majoritarian democracy to the African condition, and its promises for human rights, Kwasi Wiredu critically maintains a particularistic deviation from these universally held political themes.

Contrary to popular opinion on democracy as a *sine qua non* of human rights and sustainable development, Wiredu insists that Africa's political salvation cannot come from the presently known model of majoritarian democracy. By extension, he posits that the supposedly held universal human rights ideals are not all there is and should be for contemporary Africa. The fundamental questions are: what then are the arguments of Wiredu in support of his positions on consensual democracy and political problem of human rights? What does he consider as the political problem of human rights? To what extent can his philosophical postulates translate into reality and lived experience in 21st Century Africa?

These questions are central to the discussion in this paper. Our aim in the paper is to critically examine Wiredu's perspective on consensual democracy and the political problem of human rights. The discussion in the paper is organized in four parts. In the first section, the paper presents a general analytical exposition of the above referred concepts. Following this, the paper presents the perspective of Wiredu on the two themes, consensual democracy and political problem of human rights. The third section of the paper is a critical appraisal of Wiredu's perspective on these issues, with some concluding remarks.

Conceptualizing Democracy And Human Rights

Without doubt, human rights and democracy have become two of the most burning issues of contemporary national and international politics. The promotion, practice and vicissitudes of democracy in different parts of the world have exposed the concept of democracy to some definitional haze and diverse forms of interpretations¹. The concept of democracy is pervasive in modern values and political system, but elusive in definition. By the same word, different theorist and ideologists mean many different things. The

multi-dimensional nature of the meaning of democracy is not unconnected with its various typologies. Types of democracy include liberal, socialist, popular, direct, indirect or participatory, non-party, consensus and deliberative democracies. In view of this pool of democracies, it is no surprise that, it is elusive providing a clear-cut definition that will cover all these variants of democracy.

However, the attempts by scholar at encapsulating some set of principles and elements of democracy are more instructive in overcoming the various problems in explaining and understanding the concept of democracy. These elements are more or less central to these typologies of democracy. These elements include: free and fair elections, open, accountable and responsible government, civil and political and human liberties, and democratic society². For a state to be democratic there must be a free, fair and uninfluenced election carried out by an independent electoral body. Open and accountable government involves openness to information relating to government policies, and the need for the government to be responsive to the citizens both at the level of policies formation and implementation. Democratic Society involves strengthening democratic institutions, rule of law, judicial autonomy and public spheres. Fundamentally, in any of the models of democracy, lies the respect, recognition and observance of liberty, equality, equity at all levels and justice in all aspects of humanity. It is on this note, that we see democracy as essentially a social principle, which emphasizes that values should not be forced upon any people against their will; it recognizes liberty, separation of power, majority rule, and the sovereignty of the people as core values of human social organization and existence. Democracy gives primacy to political and moral values of equality, reciprocity, and respect for the views of others.

Be that as it may, there is an impressive body of jurisprudence on the complex, intriguing, fluid and controversial subject of human rights from period of great antiquity to contemporary times³. The idea of human rights stresses the universal humanity, which man enjoys and shares with his fellowmen. Human right is the expression of the rights of man. These rights have been variously defined, explained and justified from one historical epoch to another with shifts and modifications here and there⁴.

Human rights may be defined as those rights, which all human beings enjoy simply by virtue of their humanity, the deprivation of which would constitute a grave affront to man's natural sense of justice. According to Osita Eze, human rights represent demands or claim, which individual or groups make on society, some of which are protected by law and have become part of *lex lata*, while others remain aspirations to be attained in the future⁵. In similar vein, U.O.Umozurike conceives of human rights as claims, which are invariably supported by ethics and which should be supported by law, made on society, especially by its official managers, by individuals or groups on the basis of their humanity⁶.

The thrust of the above is that human rights are innate in man and cannot be alienated. These rights are immutable and not capable of being abrogated or

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abridged by positive law. They are not claims to parochial interests or charity. Rather, they are fundamental rights of human being, which are inherent and imprescriptibly universal in application. Human rights, when recognized and respected, enable man to fully develop and use all human qualities, intelligence, talents and conscience to satisfy both spiritual and mundane needs⁷.

There are several ways of classifying human rights. These rights are generally grouped under five sub-headings: Civil, Political, Social Economic and Cultural rights⁸. It must be noted that while these rights are best observed and recognized under a democratic setting than any other forms of government, all these rights have been recognize and enshrined in numerous international conventions. The most important of these conventions is the international Bill of Human Rights, proclaimed and adopted at various times by the General Assembly of the United Nations. Significantly, human right is not merely a matter of a specific state; it is rather a common cause of concern for all governments and all peoples of the world community. Though, in recent times, this claim of universality of human rights has been a subject of controversy as there is the argument on the particularistic characterization of these rights⁹. It is on such presupposition that we have the various regional charters on human rights such as the African Charter on Human and Peoples Rights.

While undoubtedly, there are certain peculiarities in human rights that make particularism possible and meaningful, the supposed dilemma between the two perspectives become insignificant when we realize that human rights in both are geared towards the same goals respect for cultures, human values and dignity, tolerance of ideas and beliefs, promotion of peace and human development. Human rights at the universal level spell out the highest ideals, while the multicultural diversifications give the universal standards a regional flavour that eases their acceptability and implementation.

Democracy And Human Rights In Kwasi Wiredu's Philosophy

Human rights, as earlier clarified, are claims that an average human being is entitled to make simply by virtue of their status as human being. Kwasi Wiredu attempts an analysis of the fundamental of human rights. In doing this, he firstly examines the Akan conception of a person. According to him, the Akan conception of a person has both descriptive and normative aspects that are directly relevant not only to the idea that there are human rights, but also to the question of what those rights are¹⁰. A person according to the Akan thoughts is a composition of three elements, which are the life principle (*Okra*), the blood principle (*Mogyā*) and the personality's principles (*Sunsum*). *Okra* is a divine element from God, which everybody possesses. It is the same in all men and makes all persons to have an intrinsic value. Associated with this value is a concept of human dignity, which implies that every human being is entitled in an equal measure to a certain basic respect.

Explicating on the relevance of *Okra* aspect of a person to human rights, Wiredu says *Okra* is the right of each person, as the recipient of a destiny, to pursue that unique destiny assigned to him by God¹¹. In other words, with *Okra*, everyone has the right to do his own thing, and be ready to accept responsibilities of one's own choices. Through the possession of *Okra*, *Mogya* and *Sumsum*, a person is situated in a network of kinship relations that generate a system of rights and obligations.

Of first appearance in the world; one is totally defenseless, dependent and need care and protection of others. During this early childhood days, Wiredu noted that one has the greatest right to receive help, care, love and affection. All these can be said to be the right to be nursed. *Mogya* (literally blood) is held by the Akan to come from the mother and is the basis of lineage. There is a right attached to it, and this is the right to land, at least a plot, from the ancestral lineage holdings. These human rights are entitlements of every Akan by virtue of being a human being. Though Wiredu noted that in traditional Akan society, there was no state backing in terms of sanctions for violators of the rights. However, they were deeply felt and complied with by member of the society.

Moreover, Wiredu observes some other veritable harvests of human rights in traditional Akan society. These include “the right of any well-defined unit of political organization to self-government, the right of all to have a say in the enstoolment or destoolment of their chiefs or their elders and to participate in the shaping of governmental policies, the right of all to freedom of thought and expression in all matters: political, religious and metaphysical, the right of everybody to trial before punishment, the right of a person to remain at any locality or to leave”¹², among others.

The observance, recognition and strict adherence to all these rights were, according to Wiredu, facilitated by the Akan democratic political system. However, these ideals are no longer the order of the contemporary world, as there are apparent and severe violations of human rights. Human rights abuses are of many kinds and causes. Violations may come from individuals or from governments. The former may be rightly termed private transgressions; the latter constitute political oppression. While both are condemnable, the latter is what principally engages contemporary concerns with human rights. As Wiredu notes, “it is a multi-facetted problem, but it is quite clear that the greatest part of it comes from the ways of governments”¹³. On the basis of the above, Wiredu noted and considered one general kind of human rights abuse in African political world. This human rights abuse, he called denial by governments, the right to decisional representation of citizens. Many African governments have been in the forefront of this abuse of right to political representation. Wiredu argues that the majoritarian democracy, which is routinely recommended and even practiced by most African states have been responsible for many of the violations and abuses of human rights.

In order to forestall this situation, Wiredu explores the alternative plausible democratic system, called consensual democracy. Using the methodological

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approach of conceptual decolonization, Wiredu explores the hypothesis that a non-party and consensual democracy might be better in forestalling, many of the causes of violations of human rights, and other social political problems, in Africa. According to Wiredu, a non-party system based on consensus as a central principle of political organization in Africa could avoid the evident problems of both the one-party system and the multi-party system, which he said were imposed by the West.

According to Wiredu, the traditional Akan practices of political decision-making did reflect an idea of consensus, which was conducive to the securing of an important human right¹⁴. In fact, he succinctly called the Akan, a 'culture of consensus'. The attribute is also shared by some other African traditional systems of government, such as the Zulu and Swazi of Southern Africa. But what is consensus? Kwame Gyekye, as cited by Kaphagawani, defines consensus to mean "taking into account, individual person's views and opinions before all-important decisions are made, the esteem and promotion of mutual tolerance and patience and attitude of compromise"¹⁵. Defined in this sense, consensus presupposes an original position of diversity of people and opinions. Wiredu characterizes consensus using such terms as 'faith', 'reconciliation', 'restoration of goodwill', 'moral opinions' among others.

However, through consensus, dialogue can function to produce compromise that are agreeable to all or at least, not obnoxious to any. As a political decision procedure, consensus, Wiredu tells us, requires in principle, "that each representative should be persuaded, if not of the optimality of each decision, at least of its practical necessity, all things considered"¹⁶.

Akan traditional political system was based on kinship. Every lineage in a town or village had been elected by consensus on grounds of seniority, reputation of wisdom, and rhetorical abilities. Lineage here means all the individuals of a common ancestry. The associations of all the lineage heads form the local government council, which was presided over by the *Ohene* (Chief), the natural ruler of the locality. A local council had authority only over local affairs. But representative of a number of councils constituted a regional council presided over by a paramount chief.

Irrespective of the level, deliberation was the most important feature of the traditional system of decision-making. Deliberation here has two methodological aims: first to elicit differences of opinion and, second, to iron them out in search of consensus. In reaching consensus, Akan political system, as a matter of principle, discredits the idea and practice of majority as an adequate basis for decision-making. Though, decision by consensus is a much more difficult process than decision by majority vote, yet they preferred the former to the latter. The latter subordinates the will of the minority to that of the majority in the matter of a given decision, by the simple act of voting. That is what the former avoids by seeking the goodwill of all members through sincere dialogue¹⁷.

Representation under the Akan political system involved two things— first, the representation of each lineage in council, second, the representation of

each representative in the making of each decision. Both representations were secured through consensus. The implication of this is that the people have a right of representation by having their consent factored into every decision, through their representatives. In other words, consensual political system as practiced in traditional Akan society recognized and observed the fundamental human right to be represented in any political council in which decisions are made on the people's behalf. This type of human right, right to decisional representation in government, is the hallmark of consensual democracy, and arguably, is conspicuously lacking in majoritarian democracy.

By majoritarian democracy, Wiredu means a multi-party system of politics in which the party that wins the most seats at an election is normally entitled to form the government. In such a set up, the losing party or parties become(s) the opposition, singly or compositely¹⁸. Under this majoritarian model of democracy, one still finds the minority representatives casting votes. But the point is that they will be overridden by the votes of the majority. This means that the right of the former and of their constituencies to be represented in the actual making of decisions is rendered nugatory. This makes the struggle for power to be fierce and confrontational. Thus, rather than promote consensus and cooperation, the multi-party system generates conflicts and disaffection¹⁹. The above alienation of right of being well represented can be argued to be one of the most persistent causes of political instability in Africa. In many contemporary African states, certain groups of people and ethnic groups have found themselves consistently in the position of the minority both numerically and politically, and this means that they will consistently found themselves outside the corridors of power. This situation has led not only generated enmity in the society; it has also culminated into a condition where the fundamental human rights of decisional representation of this category of people are permanently denied with impunity.

As a rescue to the above, Wiredu believes that the alternative is not the one-party system because that is even worse to human promotion and sustenance of social order. The plausible alternative, he opines, is to build on the potential for democracy based on the culture of consensus and non-party politics in some African traditional political systems. Wiredu, therefore, makes plea for a non-party consensual democracy in contemporary African. A non-party democratic system, is one in which parties are not the basis of power. People can form political associations to propagate their political ideas and help to elect representatives to parliament. But an association having the most elected members will not therefore be the governing group. Every representative will be of the government in his personal, rather than associational capacity²⁰.

In the areas of filling top legislative and executive positions, Wiredu believes that the elected representatives may elect a leader and charge her/him with the responsibility of forming an administration reflecting the consensus principle. Under this democratic arrangement, the merit of ideas is the driving force, which promotes not jus formal representation but

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substantive representation of people. Hence, the possibility of being marginalized in the process of decision-making is unlikely.

He argues further that this type of political arrangement will make it possible for all concerned to participate in power and it has the benefit of reducing the adversarial political practices and post-electoral conflict that is characteristic of multi-party system in Africa. This non-party consensual model of democratic representational government, Wiredu concludes, is an African alternative to the Western multi-party democracy; it is the antidote to the unending crisis of fundamental human rights abuse in Africa. Wiredu envisages that the citizens' right to representation will be respected under this political arrangement where governments are not formed by parties, but by the consensus of electoral representatives.

A CRITIQUE OF KWASI WIREDU'S NOTIONS OF CONSENSUAL DEMOCRACY AND HUMAN RIGHTS

Wiredu's intellectual concerns and passion for the emergence of an alternative paradigm of democracy that will promote better human right on the continent in 21st century Africa is quite appealing and worthy of appraisal. at least, working within the interstice of his program of conceptual decolonization, Wiredu has attempted in looking inwards towards some of our indigenous democratic ideals and values with the view to showing that traditional Africans had a system of democratic arrangement that is quite different from the western model and, which can be built upon in contemporary Africa.

it is within this deictic understanding that he proposed a non-party consensual democracy as a plausible political messiah to many of the problems bedeviling contemporary Africa, especially that of political problem of human rights in 21st century Africa. however, we should critically note here that this attempt by Wiredu is externally induced by the urge to demonstrate that some traditional African societies had a similar experience with such western states where consensual democracy is the adopted model (such as New Zealand and East Timor), even though, this is not disclosed by Wiredu. nevertheless, Wiredu deserved some commendations for his intellectual unraveling of one of the most fundamental aspects of human rights, which he called right of decisional representation. of course, one may be prompted to ask whether this type of human rights is new such that it is not included in the lofty documents of international and regional declarations on human rights. the universal declaration of human rights asserts in article 21 that "everyone has a right to take part in the government of his country directly or through freely chosen representatives." but does this mean Wiredu is saying nothing new?

on the contrary, the point Wiredu is making, and with justification i think, is that this declaration is not as instructive as might have been hoped, because it is possible for citizens to have freely chosen representatives without real decisional representation. and this is exactly what happens in majoritarian

political system where in principle; there is consent without consensus²¹. it is on the basis of his distinction between human right of representation as evident in either the united nations declaration on human right and the more stringent right to decisional representation that I believe Wiredu's intellectual acumen deserved to be commended.

the major strength of Wiredu's analysis of consensual democracy is that he succeeds in exposing how one-party dictatorial and multi-party democracies in many African states have been very repressive of oppositions. this political repression, for Wiredu has a fundamental effect of an abuse on the right to decisional representation of the citizens.

however, in an attempt to provide a way out of this abuse, Wiredu offers an alternative mode of non-partisan consensual democracy. this is where i think, Wiredu's work is becoming conceptually flawed. the question may be asked: to what extent can the citizen's be truly represented even in consensual representative democracy? how is the interest of a dictator for instance, reconcilable with that of the dominated and oppressed? is the whole idea of consensual democracy as canvassed by Wiredu not pretentious? Wiredu thinks the major problem confronting majoritarian democracy in Africa has to do with multi-party politics and the aftermath alienation of human right of representation. while the latter is indisputable, it is not totally correct on the part of Wiredu to have considered non-party consensual democracy as the perfect antidote to the former, multi-party majoritarian democracy. consensual democracy is as problematic as majoritarian democracy.

Wiredu's critique of the multiparty system and his claim that there was none in traditional African politics can be vitiated. while there were no formal political parties as we have in today's democracy, we cannot deny that people of like minds will always identify with one another and come together to discuss how their interests can be articulated and promoted. besides, in parts of Africa with heavy presence of monarchism, they did have preliminary plans on who to succeed the reign of power among the different royal candidates from the established ruling houses. political parties in majoritarian democracy function primarily in like manner. and as such, it can be argued that there was still an informal political association in traditional African political settings, which in no way means total absence. in fact, party politics is not as inherently evil as painted by Wiredu, and his advocacy for non-party democratic polity in contemporary Africa does not in any way foreclose the impossibility of recurrence of those internal factors that make multi-party system problematic in non-party system.

moreover, to be able to sketch out an adequate perspective for politics in post-colonial Africa, it might be necessary to avoid such generalizations of Wiredu on majoritarian democracy as a system that does not secure a reasonable system of democracy anywhere and in Africa in particular. while agreeing with Wiredu that majoritarian democracy has some inherent problems, that notwithstanding, its internal system supports some other variants of human rights. the fact that it does not favour right to decisional representation, which Wiredu defended as most fundamental, should not

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warrant a total condemnation as depicted by Wiredu. in fact, suffice to note that Wiredu's defense of consensual democratic principle in traditional Akan society, nay other African traditional societies borders on a utopian veneration of a past that did not actually and evidentially exist.

in all societies, including traditional Africa, there are always conflicts and tension, which are either resolved by stronger party having their way or the weaker being realistic enough to concede²². if indeed we have the type of consensus that Wiredu is venerating in African culture, we would not have had cases of intra-ethnic wars, civil uprisings and migration of certain segments of society to other locations. cases of these abound in pre-colonial African history. documentations of the Yoruba experiences, for specific instance, can be found in the historical and anthropological writings of Johnson (1956), Fadipe (1970), Akinyogbin and Ayandele (1980) among other related literatures.

the above is, at least, an exception to and attestation to Wiredu's accounts that statecraft in many parts of traditional Africa was based on the principle of consensus. even if we take for granted the existence of this democratic element of consensus in traditional Africa, we may perhaps ask: do agreed notions mean agreed actions? does consensus in principle mean consensus in practice? Wiredu characterizes consensus with terms such as 'faith', 'reconciliation', 'reconciliation of goodwill', etc. the question as aptly put by Emmanuel C. Eze is, to what extent do these ideas and notions make sense for the vast majority of traditional Africans without unnecessary appeal to ancestral, religious and mythological scaffoldings? is the ability of the Akan to arrive at consensus actually a product of their fundamental belief in the power of reason or is it the power of their belief in a shared and common past and future (carried forward in the myths of origins) that leads them to the employment of reason and rational discussion as a means of achieving and sustaining this shared life-form?²³

Wiredu's response to Eze's queries suggests that it is the logical power of the ideas presented through rational discussion that is responsible for the culture of consensus among the Ashantis. in view of this, Eze's critical knot against Wiredu is that if the traditional mythological origins, which Eze concedes to be the primary justifications of consensual politics as against Wiredu's power of reason can no longer hold today (due to the influences of secularism and religious pluralism), and it is held by Wiredu that what we need today is consensual politics, then Wiredu will need to drastically reconstruct the origin and basis of consensual democracy. besides Eze's critical conclusion, the question can still be asked, is the consensual democratic principle emphasized by Wiredu still retrievable to cope with the complexities of contemporary societies? bearing in mind that traditional African societies were relatively small which could warrant the idea of consensus, the reality of the ultra complex state of human relation in contemporary Africa, can hardly leave room for that kind of wide consultation and dialogue required of consensual democracy.

Superficially, consensual democracy seems to be a rectification of the problems inherent in representative democracy, especially, with respect to the necessary and perennial exclusion of the minorities and the strict competitive and adversary nature of multi-party politics. But upon further critical examination, we would realise that these supposed attractions of consensual democracy are questionable within the contemporary African context. The principle of consensus, according to Wiredu, was the ideal of social and political ordering in many traditional African societies, and suggestive of Wiredu, he recommended that contemporary African societies should adopt this model as a viable alternative to the current Western model of representative democracy.

We should note that what actually facilitated the adoption of consensus principle in some parts of traditional African societies was because of the need for collective labour in the then agrarian economy, which demanded cooperation, mutual assistance and shared decisions. Because of this economic motive, consensual procedures were not usually questioned as they became part of a commonly accepted tradition of those communities. But this economic condition that facilitated the spirit of consensus among traditional Africans is no longer there in our today's world. While political democracy in our world today has its own economical ideological correlate, which is capitalistic and individualistic in character, it is quite difficult, if not impossible to return to the agrarian mode of economic and societal organization in contemporary Africa.

Luis Villoro captures this in his remark that "it is not possible to go back in times; we cannot resurrect, within a society, forms of life that are much less complex and belong in agrarian societies"²⁴. The simple implication of this analysis on Wiredu's proposal is that his plea for a non-party consensual democracy in contemporary Africa is at most, a farce.

Also inadequate in Wiredu's analysis is his emphasis on the clan as a basis of leadership, an arrangement which required "the establishment of a hierarchy of clans". In consonance with Mahmood Mamdani, this type of leadership arrangement is now archaic. Contemporary Africa is a cosmopolitan society where different people with different and diverse cultural and historical background co-exist. Contra Wiredu, what is now needed is the democratization of leadership and governance in a manner that allows all citizens to become equal members of a single political community²⁵.

In the main, let us take for granted, that Wiredu's proposal should be given a free hand of operation as he has envisaged in contemporary African democratic process. That is, even if consensual democracy were to be adopted in contemporary Africa, despite the forces that militate against it, Wiredu failed to provide in his work, concrete outlines by which consensual democratic model can translate in reality, and how it will overcome the problems of abuse and violations, which have always been the faith of human rights in many parts of Africa. To actually address the political problem of human right as opposed to mere paying of lip services, Wiredu ought to have spelt out the kind of structures, measures and policies that would be required

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to make a consensual democracy work in today's Africa. This is an evident shortcoming in Wiredu's analysis.

We may ask further the extent to which people be truly represented in consensual representative democracy? Contrary to Wiredu's view that the major problem confronting the present model of democracy in Africa is multi-party politics, I think the major problem of democracy in Africa is that of how the true will of the people will reflect in the results of elections. Wiredu clearly neglected this without knowing that the underlying principles and goals of consensual and non-party democracy, as he advocates, is bound to fail as long as it involves elections. What Wiredu should have concentrated on and which he did not, is the problem of how to ensure true political reforms in contemporary African states such that will allow for a truer reflection of the will of the people in elections, and consequently, governance. If this could be achieved in line with the true spirit of federalism, it will be a good foot-hold to realizing the right to decisional representation of citizens in African politics.

In the light of the foregoing flaws and antimonies in Wiredu's notion of consensual democracy, the apparent conclusion is that these problems stifle the plausibility of his idea of human rights, its realization and promotion in the 21st century Africa. While this paper is not totally discrediting Wiredu's discovery of right to decisional representation, rooted in ancient African tradition, and which currently is lacking in both the Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights, the stance of the paper is that Wiredu's exploration of the necessary interconnectedness of consensual democracy and the right to decisional representation must be critically revised.

No doubt, his systematic application and extension of the methodological ideal of conceptual decolonization to the category of human rights has led to a discovery of some harvest of human rights within the indigenous understanding of the Akans. His exploration of the rights to care, love, and affection in early childhood days, right to land from the ancestral lineage holdings, based on the Akan conception of person is indeed, an enviable contribution to African jurisprudence. However, in spite of the loftiness of his concept of human rights, the problems which his notion of right to decisional representation has to do basically with its necessary interrelationship with the consensual principle of democracy.

Given the string of problems, which his notion of consensual democracy is fraught with, it *ip so facto*, stifles the possibility of the latter being a *sine qua non* to the reality of his much vaunted right to decisional representation in contemporary Africa. This throws up the critical question of whether there cannot be the existence and observance of the right to decisional representation without consensual democracy in practice. Contrary to Wiredu's strict analysis of a necessary and symmetrical relation between consensual democracy and right to decisional representation, I think there could still be a right to decisional representation without a consensual democratic framework.

As a consequence of the above, the crucial task now, is to avoid the inadequacies and shortcomings in the proposed model of Wiredu's consensual democracy through seeking an alternative democratic theory. This is important in order to provide a sound theoretical foundation of democracy that will give credence to, and foster the respect, observance and promotion of the right to decisional representation in contemporary African politics.

While Wiredu has made his own contributions to indigenous African understanding of human rights and democracy, the challenge before contemporary African philosophers is to continue and further expand the discourse beyond Wiredu's wall. This will be done with no other aim than to reflect on how to emerge a viable, strong and better model of democracy, *sin qua non*, for the promotion of the right to decisional representation in 21st Century African politics²⁶.

END NOTES

- ¹ T Adediran,. Democracy and the rule of law: History, concepts and contending ideas. In Nigeria: Democracy and the rule of law. Edited by A. Ajomo (et al). Lagos: Obafemi Awolowo Foundation, 1996, p.47.
- ² D. Beetham, & Boyle, K. What is democracy? Eighty questions and answers. Paris: UNESCO, 1995, p. 7.
- ³ O.C. Eze, Dissent in a democratic polity. In Democracy and the law. Edited by Osibajo, Y. and Awa. K. Lagos: Federal Ministry of Justice, 2001, p.3.
- ⁴It is not intended here to embark on historical excursion of idea of human rights. For a comprehensive review of the historical development of the concept, see: A. Rosenbaum (Ed.) The philosophy of human rights (London: Ardioych Press, 1980).
- ⁶ U.O. Umozuke, Human rights and democracy in the 21st century: The African challenges. In Law, human rights and the administration of justice in Nigeria. Edited by M.T. Ladan. Zaria; Ahamadu Bello University Press, 2001, p.38.
- ⁷ A. K Fayemi, "Rethinking personalism and human rights in 21st century Africa". In Revue de l'Enseignement et de la Recherche Philosophiques", numero special, Anee: (2009), p.240.
- ⁸This grouping should not be taken as rigid, since they are closely interrelated. For more details on the components of each of the human rights see: O.N. Oyekan, Human rights in Nigeria: Millennium perspective (Lagos: Perfect Concept, 2001).
- ⁹ Ad referendum, on the debate between universalism and relativism in human rights discourse, see O. A. Balogun and A.K Fayemi, "The relevance of Ifa to jurisprudence and human rights discourse" in Legal theory: Proceedings of the International Conference on

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- Philosophy and the Law in Africa, (Nsukka: University of Nigeria Virtual Library, 2008). Retrieval from: [http://www.unn.edu.ng/index.php/Social-Sciences/View category.html/](http://www.unn.edu.ng/index.php/Social-Sciences/View%20category.html)
- ¹⁰ K. Wiredu, *Cultural Universals and Particulars: An African Perspective*. Indianapolis: Indiana University Press, 1996, p. 158.
- ¹⁵ D.N. Kaphagawani, *Democratic practice in Africa: Some arguments*. *Quest*. Vol. III. (2) December, 1993, p. 78.
- ¹⁹ O. Oladipo, *Tradition and the quest for democracy in Africa*. *Polylog: Forum for intercultural philosophy*, 2. Retrieval online from: <http://them.polylog.org/2/foen.htm>. 2001.
- ²⁰ Wiredu, *Op.cit.*, p.179.
- ²² K. A. Owolabi, *Can the past salvage the future? Indigenous democracy and the quest for sustainable democratic governance in Africa*. In *Philosophy, democracy and responsible governance in Africa*. Edited by J. O.Oguejiofor. Rome: LIT VERLAG Munster, 2003, p.439.
- ²³ E. C Eze, *Democracy or consensus? Response to Wiredu*. In *Postcolonial African philosophy: A Critical Reader*. Edited by E. C. Eze. Oxford: Blackwell, 1997, p. 82.
- ²⁴ L. Villoro, *On consensual democracy: Concerning Kwasi Wiredu's ideas*. *Polylog: Forum for intercultural philosophy*, 2. Retrieval online from: <http://them.polylog.org/2/foen.htm>. 2000.
- ²⁵ M. Mamdani, *When does a settler become a native? Reflections on the colonial roots of citizenship in Equatorial and South Africa*. Text of an inaugural lecture as A. C. Jordan Professor of African Studies, University of Cape Town, (13 May 1998), p. 24.
- ²⁶ In pursuance of this charge, I have elsewhere argued for an eclectic model of African democracy, which when fully explored, could allow for a better promotion of human rights, right to decisional representation inclusive. For details on the eclectic theory of African democracy, see: A.K Fayemi, "Towards an African theory of democracy", in *Research Review: A journal of the Institute of African Studies, University of Ghana, Legon*, Vol.25, No. 1, 2009: 1-16. A further consideration of this theory is considered in a different yet unpublished paper titled, "Implications of an eclectic theory of African democracy for human rights (eto) and responsibilities (ojuse) in Yoruba Jurisprudence".