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AFRICAN CONCEPTIONS OF PERSON AS GENDERED, ABLEIST AND ANTI-QUEER

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THESIS STATEMENT

The position that I defend in this research is that the Force thesis, Shadow Thesis and Menkiti's normative conception of personhood is problematic and therefore, should be rejected. Because they are gendered, ableist and anti-queer.

A Research Report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfillment of the requirements for the degree of Master of Arts (by Coursework & Research Report) in Philosophy

Supervisor: Prof. Edwin Etieyibo

15 March; Johannesburg, 2017.

ABSTRACT

This research aims to indicate the sense in which African conceptions of personhood can be considered gendered, ableist and anti-queer. In making the case for this, I look at the Force Thesis, Shadow Thesis and Ifeanyi Menkiti's "normative conception of persons". I argue that each of these theories marginalizes at least one of the categories of gender, people with disabilities or queer people in their account of personhood. Therefore, I conclude that they should be rejected as plausible theories of personhood insofar as it can be argued that inclusive theories of personhood are preferable. Namely, theories of personhood that consider gender, people with disabilities and queer people.

Plagiarism Declaration

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts, by coursework & research report in Philosophy, in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

_____

Nompumelelo Zinhle Manzini

15th day of March 2017.

Dedication

"For those of us who write, it is necessary to scrutinize not only the truth of what we speak, but the truth of that language by which we speak it" Audre Lorde (1977).

A gift to African Philosophy

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TABLE OF CONTENTS

ABSTRACT **1**

Plagiarism Declaration **2**

Acknowledgements **4**

INTRODUCTION **6**

Section I: Communitarian conceptions of personhood are gender discriminatory, anti-queer and ableist: Conceptual analysis **15**

1. a. Force thesis 17

1. b. Shadow thesis 21

1. c. Normative conception **25**

Section II: Objections and Responses **31**

II. a. 'the argument for fluidity' 32

II. b. 'the argument that homosexuality is harmful' 46

II. c. 'the argument that ableism is 'unAfrican' 53

FINAL REMARKS **65**

CONCLUSION **68**

BIBLIOGRAPHY **70**

INTRODUCTION

One of the central issues in African philosophy concerns its nature; there were attempts by Henry Odera Oruka to define African philosophy. Oruka identified four trends/classifications of what African philosophy is or could be namely; ethnophilosophy, sage philosophy, ideological-nationalistic philosophy and professional philosophy (1981). Oruka's classifications have received much criticism. One of these criticisms comes from Paulin J. Hountondji (1983) which has sparked much of the debates that have been in African philosophy. Of interest to me, are not the debates about the existence of African philosophy or Oruka's classifications, as I think that these debates have been engaged with exhaustively (see More (1996), Shutte (1993), Rauche (1996) Wright (1979) and Okere (1983) for further readings). I contend that African philosophy does exist in which ever format, style or approach. Having said that, since the interests of this project fall within the realm of a philosophy that I take to be African in its inquiry; it seems useful for both the reader and myself to define what I take African philosophy to be. Given the scope of this project, I note that the definition I provide is not exhaustive. As an African myself I understand African philosophy to be the kind of philosophy that is both located and done by an African person. This is a kind of philosophy that moves beyond the paradigm of the positivist epistemology. It is a philosophy done by subjugated people. To borrow from Anyanwu (1981: 89) cited in Ndaba (1999: 177), it is a philosophy that arises from one's imagination, intuitive experience, spirituality and feelings as valuable cites of knowing. Found in proverbs, "art, music, folksong and myths" (*ibid.*), yet at the same time does not overlook logical analysis. For I do not think that African philosophy does not deploy logic as a tool of analysis, rather unlike Western philosophy, it does not place it at the centre.

In agreement with Hountondji, this loose definition of African philosophy is not an attempt to restrict or confine African philosophy as a discipline or any person who claims to be an African philosopher. In the preface to the second edition of *African Philosophy, Myth & Reality* (1983), Hountondji rightly quotes Frantz Fanon's statement that reads: "One should not try to restrict a

human being, since his fate is to be set loose" (Fanon (1952:187) cited in Hountondji (1983: x). That is, the given definition of African philosophy does not mean that if I as an African, living in Africa had an interest in Heidegger, Plato, Kant or Simone de Beauvoir I would not count as an African Philosopher. I am of the view that if I use these scholars to better understand or explain my current context then I can rightly be an African philosopher. I am in agreement with Hountondji that the "Africaness of our philosophy will not necessarily reside in its themes but will depend above all on the geographical origin of those who produce it and their intellectual coming together" (1983:53). Here I am also thinking of two South African Black colleagues (Phila Mfundo Msimang and Zinhle Mncube to name them) whose areas of interest are located in the Philosophy of Science, although some of the radical colleagues working in the area of African philosophy may deny them the status of an African philosopher, I would object to the denial of considering them as African philosophers[1]. I have no difficulty in admitting that the debate regarding what is African philosophy, who counts as an African philosopher is worthwhile in its complexity. I recognise that this very loose definition opens me up many criticisms, yet I thought it worthwhile to ensure that the reader understands what I take to count as African philosophy in this project. I now turn to why I think that African philosophy as a discipline ought to take seriously the task of this dissertation.

In light of this, the remainder of this dissertation is interested in the political project that African philosophy exemplifies. Put more simply, when scholars started arguing, classifying and writing about African philosophy – philosophising from the lived-experience of an African, they were involved in the political project of defining what African philosophy is. Scholars such as Father Placide Tempels (1959), Alexis Kagame (1989), Oruka (1981), Okot p'Bitek (1985), Mudimbe

[1] There is a difference between African philosophers and African philosophy. African philosophy would be work in African philosophy, while African philosophers may strictly speaking refer to the origin of the philosopher. So, for example Phila Mfundo Msimang and Zinhle Mncube may be called African philosophers insofar as they're Africans (of course they're not Asians or Americans or British or Europeans) and philosophers (they work in philosophy and indeed, they're not sociologists or botanists) however, they are not scholars of African philosophy.

Valentin-Yves (1988), Moya Deacon (2003), Segun Gbadesegin (1991), Didier N. Kaphagawani (2004), Ifeanyi Menkiti (1984) (the list goes on), including some of the contemporary African philosophers like, Mogobe B. Ramose (2003), Mabogo More (1996), Bernard Matolino (2014), Dismas Masolo (2004), Kwasi Wiredu (1992), Kwame Gyekye (1989) just to name a few – have been involved in the political project of rewriting how Western discourse has historically theorized about the African person. To a certain degree, African philosophy as it stands has been a philosophy that tackles oppression and racial discrimination in society. When Temples wrote *Bantu Philosophy* (1959), he challenged the racist assumptions that underpin Western discourse[2] - which takes the African person as being non-human. Moreover, I think that this political project that I conceive of African philosophy to be, falls into the realm of African Humanism. Es'kia Mphahlele defines African Humanism as "a search for my own soul" (2002: 135). And this is what I take African philosophy to be, a place of writing from one's own soul, a philosophy that aims to reclaim agency for the African self. It is a response to Western Humanism as articulated by Mphahlele that has used intelligence, disguised as reason to spew invasions, conquer territories on African soil, "and for the slave trade to flourish" (*ibid.*).

When looking at the history of African philosophy we note that much debate has been had regarding oppression; mainstream debates have focused on race and gender. What is missing from

[2] One may wonder if Tempels and Kagame where successful in their attempt to challenge how Western discourse has theorized about the African person. Both Tempels and Kagame have received much criticism from Hountondji (1983) in their theorization of African philosophy. The author questions the authenticity, rigor and method of Tempels and Kagame. There is an awareness of the controversy in both Tempels and Kagame's since their publication, to-date. I am in agreement with Hountondji's critique that Temples' and Kagame's works were not "addressed to Africans but to Europeans" (1983:34), the authors attempts to prove that the African human does have 'rationality' is one that may not be necessary, as I think that the African does have rationality – a claim needing no proof insofar as the African is human. In Section 1.b, I indicate how Kagame's shadow thesis is not so different from Descartes dualism, one then wonders about the sincerity of the political project that African philosophy is meant to exemplify (see Cesaire (1972) for further reading). I take it that the task at hand here provides further criticism of these theorist that is not focused on the philosophical methodology of the authors, rather on their theorization of personhood.

these conversations is the oppression that is felt by queer[3] people[4] and people with disabilities[5]. That is, African philosophy needs to adopt a nuanced approach to discussing/theorising about oppression moving beyond race and gender, and start to include sexuality and disability. The call is for African philosophy to approach oppression from an intersectional lens. Coined by Kimberle Crenshaw in "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" (1989), intersectionality was introduced as a term that underscores the manner in which Black women's experiences of violence is often shaped by "other dimensions of their identities, such as race and class" (1989: 1242). As a theory, intersectionality has come to refer to the manner in which race, gender, class and other identities such as sexuality interact to shape the multiple oppressions that Black women are subject to. The theory acknowledges the differences that an individual can have, and how these differences intersect. Differences here are not treated as additive (see Collins (1990), Anthias and Yuval-Davis (1992) for in depth reading). Kathy Davis informs us that as a theory intersectionality "promises an almost universal applicability, useful for understanding and analysing any social practice, any individual or group experience, any structural arrangement, and any cultural configuration" (2008: 72). Such an attempt moves away from essentialism, that is viewing a person as a 'woman', being 'queer' or as 'disabled' as such views

[3] The word originally meant odd, or unconventional. Previously only used as a slur referring to LGBTI (this stands for 'lesbian, gay, bisexual, transgender and intersex, recently there has been an addition of two letters: 'Q' for queer and another T for transsexual". The term queer has now been reclaimed by the LGBTI community (Morgan, Marais and Wellbeloved 2009:6).

[4] I use the neutral term 'people', who `I am arguing should be considered 'persons'. I think that Menkiti, would find the phrase 'persons with a disability or queer persons' incomprehensible – for him, it would be a human with a disability or an entity with a disability. Using the phrase 'persons' here and elsewhere would be begging the question.

[5] Within disability studies there seems to be much contention regarding who counts as a person with a disability and who does not. I define disability as per the "social model of disability. Disability thus refers to "the disadvantage or restriction of activity caused by a contemporary social organisation which takes no or little account of people who have impairments and thus excludes them from the mainstream of social activities". (Disabled People International cited in Watson, 2008:4). It should be noted that I use the social model of disability because it seems coherent with communitarianism, this is because the force thesis and the normative communitarian ethic place importance on the ontological relationship that an individual has with their community. The individual would have no other conception of what it means to be a person with a disability apart from engaging in the communal setting that they find themselves in.

assume that there is only one way of understanding the subjective identity of that individual and thus assumes a "homogenised 'right way' to be its member" (Yuval-Davis, 2006: 195). It is important to note here that although the concept/theory is/was located in Black feminism or identity politics. The theory has been used in disability studies and queer studies recently, extending the manner in which these intersecting identities of race, class and gender open up various oppressions that an individual can be subject to. In the interest of this dissertation one can think of a queer Black woman living with a disability and how all these multiple identities potentially close of the possibility of personhood (as will be explored later) at once for this individual.

Intersectionality as a theory is not divorced from Black feminism. The primary concerns of this project are made from a Black feminist lens, which is intersectional in its methodology. Black feminism as a theory informed my interests in this research project. It thus seems necessary to give a brief explanation of what the term means in relation to the project. Black feminism as an epistemological theory lands itself in the same position as African philosophy, insofar as it is a theory that cherishes different epistemological standards that are consistent with the experiences of Black women. In *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment* (1990), Patricia Hill Collins defines the four tents of Black Feminist Epistemology, namely: using lived experience as a criterion of meaning; the use of dialogue in assessing knowledge claims; the ethic of caring and the ethic of personal accountability (1990: 257, 260, 262 and 265). These are tenants that I think are similar to the principles of African Humanism as defined by Mphahlele (2002). That is, it is theory that treats individuals not as objects as Western epistemology has, rather as subjects that have a voice and agency. The theory places the experiences of Black women and any other marginalised identity at the forefront of its theorisation.

In the early stages of formulating the research question of this project, I recognised that the studied theories failed to account for how the identified marginalised bodies would gain personhood. Both

in its theorisation and activism Black feminism is anchored by this radical love. bell hooks[6] informs us that "love as the foundation of all social movements for self-determination is the only way we create a world that domination and dominator thinking cannot destroy. Anytime we do the work of love, we are doing the work of ending domination" (hooks, 2009: 248). Whilst Black feminism is the epistemological framework that motivated the formulation of this research and its question and thesis, this does not entail that queer theory and disabilities studies are bracketed under Black Feminist epistemology. In writing this dissertation I am aware of the limitations of writing about queer and people with disabilities as an abled bodied person. But it is this radical love for ending any form of oppression that has motivated me.

A rough consideration of how different philosophical schools of thought have defined what a 'human being' is vs. what a 'human person' is seems well in order as a prelude to speaking about the importance of an inclusive African conception of persons. Within the history of philosophy, no consensus has been reached regarding the concept of a person. The debates about the concept of a person in Western philosophy can be traced back to John Locke's (1684) functional definition of persons, that argues for specific psychological capacities such as reason; which is both a necessary and a sufficient condition for personhood (Showdon, 1995: 655). On the other hand, most conceptions of personhood in African philosophy have arguably rejected the functional definition of persons and have argued that the definition of personhood stretches beyond one's psychological capacities. More specifically communitarians have argued that personhood cannot be defined outside of one's communities.

From this observation, one can argue that the diversity in the definition of persons, informs us about the significance of the status i.e. that of being a person. Any theory that seeks to make a distinction

[6] bell hooks is Gloria Jean Watkins pen name. hooks writes her pen name in lower caps, one of the reasons is to ensure that she is not mistaken for her maternal grandmother Bell Blair Hooks whom she takes the name after. hooks also believes that writing her name in small caps allows the readers to focus more on an author's text and not the authors name.

between a ‘human person’ and a ‘human being’ has moral, political and social implications for how entities are treated in society. As explained by Eva Feder Kittay “personhood marks the moral threshold above which equal respect for the intrinsic value of an individual’s life is required and the requirements of justice are operative and below which only relative interest has moral weight” (2008: 139). Conceptions of personhood in the past have been capaciously used to exclude certain humans who were believed to be incapable of rationality. This speaks to why it is important for such a distinction to be made. It then becomes important that any conception of personhood is inclusive to ensure that any individual deserving of such moral consideration is not denied the duties of justice that are owed to them.

In the last decade, we have seen much engagement with disability studies and more recently queer studies as focus areas in the various disciplines of the humanities and social sciences. These focus areas aim at ensuring that people with disabilities and queer people are not discriminated against or marginalised in society. The rise in feminist, disability and queer studies in recent years and the importance that society places on non-discrimination suggest that exclusionary views, worldviews and theories have little place in building an inclusive society. Considering this and in the context of African philosophy conversations regarding queer people and people with disabilities have not been had.

If African philosophy is a philosophy that rose out of oppression and comes from a space of writing about the lived-experience of people who were once labelled as the ‘other’, then it should have also started thinking about oppression outside of race. I contend that any theory in African philosophy that wants to be taken seriously should consider some of the advances already made in feminist, disability and queer studies. In this thesis, conceptions of personhood in African philosophy will be judged to the extent that they are not gendered, ableist and anti-queer. That is, for such theories to remain relevant and for them to be taken seriously their characterisation of persons must not exclude marginalised bodies (namely, gender, people with disabilities and queer people).

The inclusion of marginalised bodies is important because we live in a world where our views and theories need to be inclusive to gender, disability and queerness. A theory that is inclusive seems preferable than any theory that is exclusionary of minorities and marginalised groups. It goes without saying that any conception of personhood will be exclusive to something say dogs, cats, or foetuses. But considering the scope of this project, my interests lie with gender, disability and queerness. These are interests that I argue ought to be included in any conception of personhood given where human rights debates are currently.

The identified criteria for inclusivity for the purposes of this project are that a theory must not be gendered in a discriminatory manner, nor ableist and anti-queer. Hence, we take the three criteria for our assessment: gender inclusivity, disability inclusivity and queer inclusivity to be the definitive criteria. These three criteria will be used to interrogate the conceptions of persons that are examined in this research. On this consideration, a theory that fails on any one of these criteria is to be rejected.

This project seeks a) to determine how prominent conceptions of personhood in African philosophy are exclusionary according to gender, sexuality or ability. b) To ascertain the merits of retaining (or rejecting) the theories under consideration for further philosophical consideration. As part of my assessment, I look at whether the prominent conceptions of personhood are inclusive. At the end of the research, I contend that each of the prominent conceptions of personhood should be rejected because they are either gendered, ableist or anti-queer.

This project is important, because (1) it seeks to make a case for the representativeness and inclusiveness of minority people and marginalised bodies in our (communitarian) conceptions of a person in African philosophy. (2) Consequently, it contributes some new knowledge and points of discussion that need to be had within African philosophy. Such a project places the burden on proponents of the identified theories of personhood to critically interrogate the inclusivity or lack thereof their views. Broadly, however, the project requests that scholars of African philosophy

should start to critically question how serious African philosophy is about inclusivity. Intuitively, all persons should be concerned about theories that are exclusive, because at any point in time one could get a disability, or have a child who is either an intersex or queer. In such a case, one would not desire for a loved one or even themselves to be regarded as non-persons.

This dissertation concerns itself with theories of personhood that are more or less communitarian in different garb. The chosen theories of personhood have been construed as communitarian by scholars of African philosophy, namely the shadow thesis and founding forms of communitarianism, namely, the force thesis and Menkiti's normative conception of persons. In my conceptual analysis, I indicate that it is only the force and the normative conception of persons that proves itself to be communitarian. Although Kaphagawani argues that Kagame's shadow thesis is communitarian (Kaphagawani, 2004: 339), it is clear that it is not a communitarian position. But, so long as the shadow thesis is prominent in African philosophy, it remains in my assessment.

The structure of this dissertation is as follows:

Section I provides a more elaborated introduction than given here. I explain what is meant by the term communitarianism. The section is split into three subsections where I look at the three prominent theories of personhood in African philosophy. The point of this section is to sketch out how these theories may be construed as exclusive to a particular gender, disability or queerness. The aim of this section is to give a pure theoretical abstraction that infers the objections I advance.

Section II takes up two tasks. Firstly, I detail how these theories are exclusive to the identified criteria outlined in the introduction of this dissertation. Secondly, I assess the objections that may be advanced against my reading that these theories are not inclusive. In responding to these objections, which I take to be unsuccessful, I argue that the studied theories need to give a better explanation as to why they base their conceptions of personhood on a criterion that an individual has no control over. Based on the conclusions reached in each subsection of section II, my final remarks outline the importance of having inclusive theories of personhood. Because scope does not allow me, I do

not sketch out what an inclusive communitarian account of personhood would look like. I merely ground important theoretical consideration that may be further explored perhaps in a PhD thesis.

The conclusion notes that the studied theories are exclusive. I provide the communitarian philosopher with two options; (1) the communitarian philosopher can accept the conclusions I reach and arrogantly retain his theory even if it is exclusive. Or (2) they can revise their theories in consideration of the conclusions I reach. I believe that communitarian conceptions of personhood should be retained, and so I believe that the communitarian would lean towards the second position. What we need are theories that are consistent with the social climate that exists today, that will incorporate a non-discriminatory gender bias, include queer people or persons with disabilities.

Section I: Communitarian conceptions of personhood are gender discriminatory, anti-queer and ableist: Conceptual analysis

African communitarian theories or African communitarianism (henceforth communitarianism) as an ethic prides itself on the idea that its moral undertones and normative injunctions are compelling in virtue of its very robust descriptions of persons and society. Communitarianism is one of the most engaged theories, whether in respect of its broader communitarian ethic or in the aspects of its conceptions of personhood. Communitarianism as an ethic holds the view that the community's identity is more important than that of the individuals, more importantly that an individual should act in ways that will ensure a harmonious society. This harmony is achieved if the individual firstly, understands and accepts the communal norms, and that the individual puts these norms first even if it comes at the expense of their own personal harmony. A further feature of communitarianism is that the conception of personhood is not purely biological, in that being born a human being does not grant one personhood; rather communitarians hold the view that human beings are conferred or denied the status of personhood by the community.

Whilst the theories of personhood differ on how individuals become persons, each view agrees that there is a special relationship between the individual and the community. It is important to note that when the term communitarianism is used, this term refers to the African sense of community[7] in its strictest sense, that is it does not refer to the "aggregated sum of individuals" (Menkiti, 1984: 179). Rather as Menkiti defines it, it refers to the community in a "collectivist sense" – which is anchored by an organic dimension that holds a relationship between the community and the individuals living there (*ibid.* 180).

Having said that a clear distinction should be noted between communitarianism as an ethic and communitarian conception of persons. A communitarian theory of personhood is about persons, i.e. what makes a person or being a person and what makes such a being a being is understood in virtue of certain things about a community. But communitarianism as a theory is different from a communitarian theory of persons. Whereas the latter states that one is a being in virtue of their embeddedness in a web of relationships. The former can emerge from this, where the extent of which one can be a person is dependent on the communal rituals that one engages with. This is one conceptualisation of personhood as theorised by Menkiti, which is "the normative conception of personhood is plausible because of the conception of community and its place in African people's normative conceptual scheme "Ikuenobe, 2006: 53). The separation between what communitarianism is, from a communitarian theory of persons is then important.

Conceptions of persons give us insight into what makes a person (umuntu), as well as the defining characteristics of what distinguishes a person from a human being. The following conceptual analysis aims to assess on what grounds the claims can be made that the studied conceptions of personhood are not inclusive in terms of gender fluidity, disability or queerness. Therefore, I do not

[7] This statement does not entail that African communities are homogenous, rather I use the term 'African' in the same manner that scholars of African philosophy have used the term. Further to this, defining communitarianism in this sense ensures that it is not conflated with the Western definition of communitarianism, which Menkiti defines as a human group that constitutes human groupings characterized by a non-organic relationship between atomic individuals (Menkiti, 1984: 179- 180).

spend time on elaborating upon the theories in their totality; rather I focus on how these theories (1) define personhood and (2) how one gains personhood. In doing so, I will indicate on what grounds these claims can be advanced. As suggested in the preceding paragraphs, the force thesis, and the normative communitarian present communitarian conceptions of persons in different garbs.

In presenting these theories I start with Tempels force thesis that came out of his exploration of the "Baluba's ontological system" (Matolino,2014: 10). After this, I then look at Kagame's shadow thesis that resulted from his "direct linguistic analysis of Kinyarwanda" (Hountondji,1983: 40). Lastly, I explore Menkiti's normative communitarian conception of persons.

1. a. Force thesis

According to Bantu[8] philosophy, as stated by Tempels (1959), to be a person (umuntu) is to be a Being with vital force. Tempels explains that when Being is translated to Western terms, 'it is synonymous with 'person' (I use the term Being/muntu/person interchangeably[9]). Tempels states that 'muntu' does not refer to the physical/visible human body alone. Rather "**muntu** signifies, [the] vital force, endowed with *intelligence and will*[10]" (*ibid.:* 36). This means that the definition of muntu is both biological and metaphysical: where the biological refers to the visible body and the metaphysical being the 'vital force'. Force is understood as the "object of prayers and invocation to God, to the spirits and to the dead, as well as all that is usually called magic, sorcery or magical remedies" (*ibid*.: 31).

According to Tempels when the Bantu speak of force, it is not used solely in relation to the body; rather force refers to the "integrity of our whole being" (*ibid.*). Force is then regarded as inseparable

[8] The term Bantu can be understood in two senses; in the first sense, it refers to the plural word of umuntu. The second sense refers to the tribe composed of people who are in the geographical place of the South Pole (see Fortunatus, "Placide Tempels on Bantu Ethics". It is not clear in which sense Tempels uses the term. Either sense does not affect his theory.

[9] Capital B, Being or Personhood/Muntu is the result of possessing "vital force". Lowercase b, being, which might be human, animal, plant or object, is the result of possessing "force". Tempels does not articulate the difference in this manner; I think that making such a distinction makes his argument easier to follow.

[10] Own emphasis

from Being, to be a person is to have vital force, vital force is regarded as the necessary element of Being. Simply put, one cannot be a Being without this vital force, Tempels expresses this as "being is that which has force" (*ibid)*. As stated by Tempels force is characterised by a hierarchy which is primogeniture: where God is at the top of this hierarchy. Following God are the first fathers to man whom God first communicated her vital force to, they are the "archipatriarchs" and they have the power of "exercising their influences on all posterity" (*ibid*.:42). Although the first fathers may be dead, they are regarded as the spiritualised beings that have *influence and participate* in the divine force. Tempels adds that those who are living belong to this hierarchy (below the archipatriarchs).

Accordingly, force is not something that is exclusive only to human beings, rather all beings have force: "human, animal, vegetable, or inanimate" (*ibid*). So, whilst all beings may have force, what differentiates the muntu from the inferior forces is that the muntu has *intelligence and will.* It is important to note that because all beings have force, this is what makes the force thesis communitarian in so far as all beings that stay in this community are endowed with force from God; they have a common element/bond that binds them and that is force. Furthermore, not only does this force bind them together but their force interacts in various ways. According to Tempels there is an "interaction of being with being" that transcends the "mechanical, chemical and psychological interactions" that marks the interaction of forces as an ontological relationship (*ibid*.: 40).

Tempels further states that "every illness, wound or disappointment, all suffering, depression, or fatigue, every injustice and every failure: all these are held to be, and are spoken of by the Bantu as, a diminution of vital force" (*ibid*.: 32). That is any illness, wound or disappointment etc. does not have its own vital power, and rather they result from some "external agent who weakens us through his greater force. It is only by fortifying our vital energy using magical recipes that we acquire resistance to malevolent external forces" (*ibid*). The force thesis interprets illness (in any form) as something that results from someone in the community wanting to make the person sick. They do not treat an illness as something that may naturally occur. E.g. If a person in this community developed schizophrenia, the community would treat it as something that comes from an external

agent. The only way to deal i.e. 'cure' it, would be to go to a traditional doctor who would use a magical recipe.

To be a person is to understand that force has a fixed hierarchy (see diagram A below), it requires one to possess the capacity of intelligence and will to understand and recognise this hierarchy. It entails that one must understand the ontological dependence of forces in beings. That all forces influence each other, of which according to Tempels it is the universal truth that "is accepted by everyone, it is not *subjected to criticism*[11]" (*ibid*.: 49). When Tempels speaks of muntu, he "inherently includes an idea of excellence or plenitude" (*ibid.:* 67).

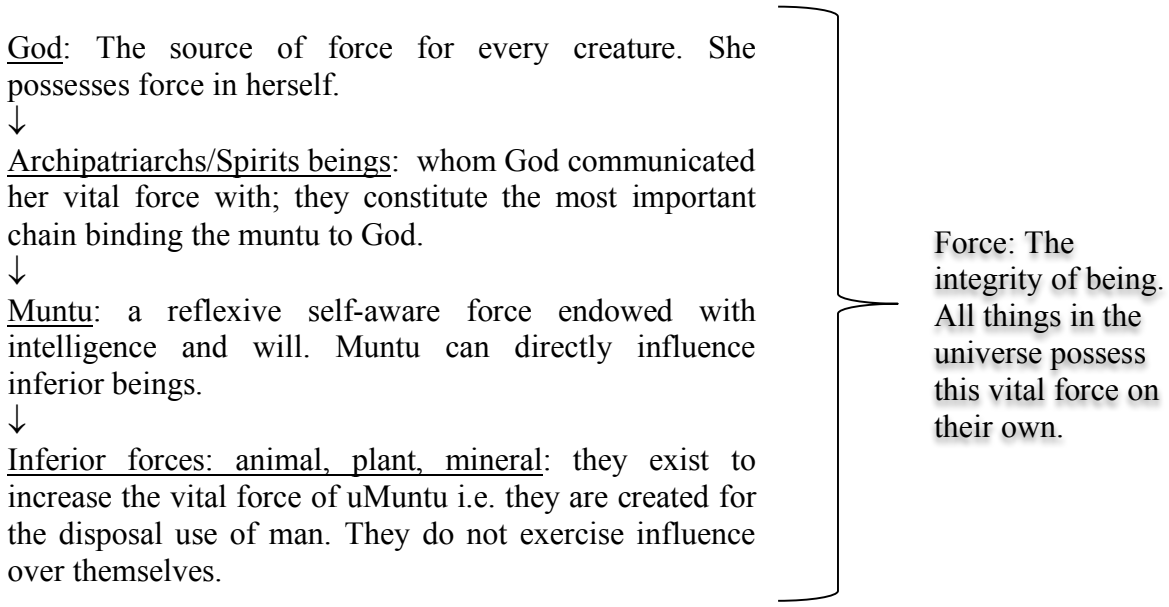


Diagram A

Therefore, one is a muntu if and only if one is a being with will and intelligence. A being with will and intelligence meets both the necessary and sufficient conditions to be considered a muntu. So, if it is the case that P is true if and only if Q is true, then Q is necessary and sufficient for P and P is necessary and sufficient for Q. If anything fails to be a being or fails to have intelligence and will, then it is not a muntu. So, to be a being with intelligence and will is a necessary and sufficient

[11] Own emphasis

condition for Being. It follows that according to Bantu philosophy there is only one necessary condition for personhood; "intelligence and will". There are only two predicates (force and intelligence and will) ∀x (Px ↔ Qx) – for all beings if it has intelligence and will, then it is muntu, and for all beings, if it is muntu, then it has intelligence and will. If any being fails to have intelligence and will, then it is not muntu (and vice versa (as implied by the 'if, and only if')).

Tempels states that muntu must have *will* and *intelligence*; these allow the muntu to (1) recognise that God is the source of force; (2) to recognise the hierarchy and the ontological importance/dependence of this force. Here intelligence is regarded as synonymous with rationality (I take "intelligence" to refer to one's mental capabilities. The *Online Oxford Dictionary* defines intelligence as: the "ability to acquire and apply knowledge and skills[12]". Intelligence is a cognitive trait that differentiates persons from non-persons. Tempels defines 'will' as: "the faculty which the "**muntu**" has of deciding by himself and of choosing between a greater and lesser good and evil" (*ibid*.: 69).

The above is an elaboration of Tempels thesis. I have highlighted the important features that are both necessary and sufficient for one to be considered a person. According to which intelligence is a necessary condition for personhood. A condition which I believe would exclude people with severe cognitive disabilities (henceforth SCD)[13] , whom are believed to be without intelligence. Put this way SCD people will be excluded from the category of muntu.

Using the social model of disability, a disability exists only when it is constructed socially and constructed in how it arises in a certain situation (Llewellyn and Hogan, 2008:320). That is,

[12] http://www.oxforddictionaries.com/definition/english/intelligence

[13] I limit my analysis to SCD like Down syndrome, autism, traumatic brain injury (TBI); an argument can be made that it would also exclude persons who have physical impairments whether they are born with them or because of an illness. Focusing on physical disabilities would be based on an assertion. When Tempels states that vital force can be expressed through the body, he does not refer to the body in biological terms. Rather, to the moral function of 'the eye' (having the ability to see evil) or 'speech' (when one says something horrible). Although Tempels argues that "every illness" results from "magical recipes" (such a statement can open the debate that a disability is a result of witchcraft – an issue I take up later).

disabilities result in the way that a society is organised, rather than a person's impairment. Harris C. James further states that whilst disabilities may be medical they are also environmental. Importantly he adds that "the appreciation of the personhood of each individual recognises that" (2010: 57). It is possible for a community that subscribes to the 'force thesis'' definition of persons to deny such people personhood based on their lack of 'intelligence and reason'. According to Tempels such people will be treated as a '**kidima**' which he defines as one who neglects to orientate her life in accordance with the given hierarchy of force. Tempels admits that such an individual would be regarded as a "sub-human, a man of insufficient mind to count as 'muntu'" (*ibid*.: 49). The capacity of intelligence and will is a sufficient and necessary condition to be a muntu, because it makes the distinction between beings and Being, (understanding and will is important because that's what muntu shares with God) it is marked by rationality and this spiritual connection with God. Without this distinction, the concept of muntu does not exist.

So, if intelligence and will are criteria for being a muntu, this would exclude people with SCD (this would include both those who are born with SCD and those whose disabilities arise because of an illness, injury or any other cause).

This section gave an explanatory account of Tempels' force thesis. In doing so, I highlighted the ways in which the theory is ableist. The aforementioned analysis leads me towards the conclusion that the force thesis is ableist and for this reason, the theory cannot be accepted as an adequate account of a person.

1. b. Shadow thesis

Alexis Kagame's theorisation of personhood comes from a place where he wants to understand what muntu is. Kagame notes that "MU=Muntu= a man" indicating the singular is the root element of the "BA=Bantu=men" which is the plural of muntu (1989: 35). In attempting to articulate a conception of personhood, Kagame's paper is split into four sections. The first section details the nature of muntu, i.e. what muntu is. Kagame contends that a man is –muntu-, by which I understand him to be referring to a human being. Kagame is not clear if muntu refers to a person or a human

being; my reading of his theory is that muntu refers to a human being. Later he states the point in which man becomes a man "i.e. compete in his nature" (*ibid.*:36). I think that by this, he means to say the point in which muntu can be referred to as a person. To ensure that these two distinctions are clear; lowercase m, muntu refers to a human being which has the vital principle of animality and intelligence. Capital M, Muntu refers to a person, this is a human being who "puts reason to good use" (*ibid*.: 37). (See diagram B - making such a distinction makes his argument easier to follow).

The second section regards death. Here Kagame argues that death extinguishes the two vital principles of Muntu (intelligence and shadow). In the third section, he explores what Muntu's ultimate end is and lastly the relationship that Muntu has with her community. It should be noted that Kagame does not dub his theory as the shadow thesis; rather this term comes out of Kaphagawani's (2004: 339) interpretation of Kagame's paper. The fourth section of Kagame's paper can be read as an attempt to underscore the communal link that Muntu has with the Bantu. Earlier I alluded that this link (marked by a blood tie) does not present the shadow thesis as a strong communal thesis. As stated by Kagame, Muntu is "an integral part of a family group which is composed of its living and deceased members" (1989: 39). That is Muntu does not exist as a lone individual, rather in all her existence, she is tied to her family. Considering the aims of this project, I focus on the first and third section of Kagame's paper.

As stated earlier when Kagame explains what the elements of muntu are, I interpret this question as: "what is a human being". According to Kagame muntu is "animated by a double vital principle: the *shadow* which he shares with the animal, and the vital principle of *intelligence*" (later Kagame makes mention of the heart) (*ibid*.: 35). Shadow which is the first principle, refers to the vital principle of animality, by this he means that muntu is partly an animal. The second principle, according to Kagame anchors the difference between muntu and other animals; this is the existence of intelligence (which is immortal) and the heart.

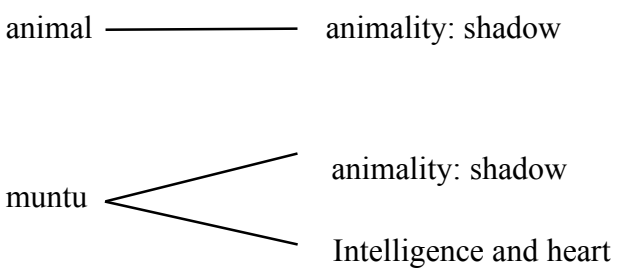
The existence of the shadow, is what muntu has in common with an animal, Kagame states that "two senses of sight and hearing are founded in the shadow principle of animality" (*ibid*.: 36). What

I interpret this to mean, is that both muntu and animal have the sense of hearing and sight which allows them to engage with their environment as physical bodies. The difference here is that muntu possess two internal faculties: intelligence and the heart. Kagame states that these internal faculties are not possessed by animals. He writes:

> "By his intelligence, man accomplishes the three operations impossible to the animal:
> a) *to reflect* upon the data of his senses;
> b) *to compare* the facts of knowledge he has acquired;
> c) *to invent* something new by combining previously acquired knowledge.
>
> The heart integrates all that the interior man is, it harmonises the operations and acquisitions of intelligence, by adding to them the acts which other cultures attribute to the will" (*ibid*.).

According to Tempels the heart refers to muntu's unique personality i.e. memory, thought, spirit, sensation, conscience etc. (*ibid*.), which makes her different from the next muntu. Kagame further adds that the "*heart* integrates all that the interior man is and harmonises his total behaviour" (*ibid*.). Regarding the principle of intelligence, Kagame does not explain further what the three operations mean or why they are important.

After outlining what the nature of man is, Kagame articulates the point in which muntu becomes Muntu, and he notes that there are three divergent views. The first is that Muntu is complete as soon there is an umbilical cord between mother and child. The second is that Muntu is complete only once they have been named. The last view, which he seems to be in agreement with, is that Muntu is complete as soon as they put reason to good use. That is when one says *x* is a Muntu, according to Kagame this refers to a muntu who has the two vital shadows and puts reason to good use. That is, it would not be enough for one to reflect, compare and invent. Rather, Kagame requires that Muntu must use her intelligence to good use (Kagame does not provide an explanation of what this may look like).



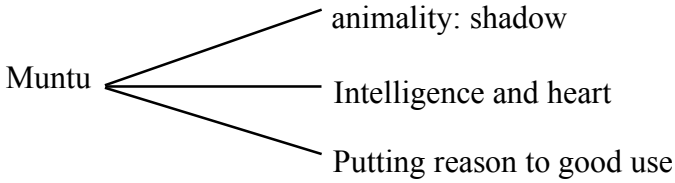


Diagram B

If the above reading of Kagame's theorization of persons is correct, one can acknowledge its merits in the area of giving an account of what separates a human being from a human person and an animal. It is clear how the argument that the shadow thesis is ableist would be formulated, as it would follow the same logic used against Tempels. One can note that the shadow thesis would not only deny people with SCD personhood, but they would also be denied the status of human being.

One can argue that Kagame's category of reason and intelligence stems from Western Philosophy. The influence of Descartes' dualism seems very visible. In the second meditation, the meditator reflects and meditates on the data of one's senses. From there on the mediator concludes that she is a thinking thing, therefore she must exist. In the words of the meditator: "I think, therefore I am" (Descartes, 1996: 18). Furthermore, one can regard Kagame's view as being closer to Kant's (see Kant (1785, 1781) and Korsgaard (1996)) ethics in which the source of moral value and agency lies in rationality. My interpretation of Kagame's shadow thesis is that it is a conception of personhood that seeks to conceive of persons as having a mind (with the capacity of intelligence and putting reason to good use) and the body (that is the shadow). Remaining within the scope of this thesis, I limit my focus on intelligence and the capacity to put reason to good use. In outlining my argument that the shadow thesis is ableist I will not spend much time defining what intelligence is, I explicitly use the same understanding of "intelligence" as in section I.a.

I reject the given capacity of intelligence and reason sketched by Kagame, and contend that it is ableist. For instance, suppose there is individual *'x'* in this community born with Down syndrome. Down syndrome is defined as "a chromosomal disorder caused by an error in cell division that

results in an extra 21st chromosome" which results [in] cognitive and physical disability (Crosta, 2016). Typically, individuals with Down syndrome would not have the capacity to 'reflect, compare, invent or put reason to good use'. Since intelligence and reason are the two necessary conditions (intelligence and reason, heart + shadow would be necessary and sufficient) for one to be considered a Muntu – this would exclude SCD individuals from gaining personhood.

The question that could be posed for Kagame is: "what happens to an individual with down syndrome or any other cognitive disability? Are they still considered a person?" I assume that Kagame would admit that individual '*x*' would not be regarded as a person if they lack intelligence and reason. That they would be referred to as *ibintu* (meaning things in Kinyarwanda), these are beings who are without intelligence (Hountondji, 1983: 40). It is for these reasons that one cannot accept the shadow thesis's definition of personhood, for it would exclude people with SCD.

1. c. Normative conception

I now turn to the normative communitarian thesis and assess whether the theory is inclusive or not. The normative communitarian thesis faces far more pressure in ensuring that it is inclusive. I say this because it is a normative theory of persons; one that I argue has moral undertones. Any theory that is normative should be inclusive since it stretches far beyond the minimalist requirements set by the shadow and the force theses that state that intelligence, will, and reason are necessary conditions for personhood. The normative conception of persons looks beyond the "presence of consciousness, memory, will, soul, rationality, or mental function" (Menkiti, 2004: 326). Put simply, it looks beyond the metaphysical definition of persons. Metaphysical conceptions of persons provide a set of psychological properties that are necessary for personhood such as consciousness, memory, will etc. (the shadow and force thesis is of this sort). Normative conceptions, however, argue that there are features that one needs for moral agency, these features differentiate a moral person from a non-moral entity.

Explained in this manner, an individual "could satisfy all the properties requisite for metaphysical personhood and lack all the properties requisite for moral personhood" (Beauchamp, 1999: 310). Although Menkiti is not clear whether these metaphysical capacities are necessary for moral personhood, it does seem as though these capacities would be necessary. Without this qualifier, his theory would not be a theory of persons. Put simply, the presence of the given psychological capacities (memory, will and so forth) are necessary but not sufficient for one to be considered a moral person (I explore the implications of this further).

Menkiti's normative theory of persons is defined by the ontological precedence the community has over the individual; of which he argues is a better conception of personhood in contrast to the Western conception of personhood, and which he regards as an abstract conception of persons that focuses on the physical and psychological features of an individual. Although the normative conception of personhood may seem preferable, it is not a sufficient theory of personhood. As I show in this section, the set rites of passages given by Menkiti close off the attainment of personhood for certain people.

In outlining the normative communitarian thesis, I draw inspiration from Okot p'Bitek's article "The Sociality of Self" (1985). In this article, p'Bitek highlights the fact that in the African community man's existence is entrenched in the community. Man gets an understanding of who he is by the social interactions he embarks on. Therefore, the normative communitarian view of persons is not only concerned with the biological make-up of persons. In effect, biological characteristics do not grant one personhood rather it is "invoked as a prescriptive ethic of how one ought to live her life if she is to be seen as having lived a meaningful and worthwhile life" (Matolino, 2014: 33). This entails that for one to have personhood, one ought to be seen interacting with one's community, whether by subscribing to the norms of the community or fulfilling one's obligations as a member of the community. Such a conception of personhood allows for the community to hold the person accountable towards attaining personhood, since according to

Menkiti it is the "community which defines the person as persons, not some isolated static quality of rationality, will, or memory" (Menkiti, 1984: 172).

Menkiti concedes that personhood is anchored by the ontological progression that an individual human life takes from being a human child into personhood which is characterised by this journey from an "*it* to an *it*" (see diagram C) (Menkiti, 2004: 324). For Menkiti, the ontological progression of personhood is one that is temporal, in other words it "takes place in time" (*ibid.*) Temporality underscores the procedural nature of gaining personhood – one cannot claim to be a person until the community grants that human the status of personhood. As Menkiti says, persons move from the "present to the past, so that the more of a past one has the more standing a person also has" (*ibid.*).

This sentiment is echoed by the Somali proverb that states that "wisdom does not come overnight" rather, it is something that happens in time. Two implications can be identified here. The first is that biological organs do not make one a person, rather to be a person one must go through a certain process that is set by the community. The second is that personhood is primarily located in time, therefore time needs to be constantly "considered relevant to the in-gathering of the excellences of the person as one goes" (*ibid.*). That is, the defined social and ritual transformation processes are not arbitrary exercises; rather they enable one to attain 'excellences'. As stated by Menkiti, time allows for the moral emergence of a person, it allows for the growth of moral qualities that may later be found useful for the human community.

Yet even though Menkiti's idea of personhood is deeply embedded in time, time is not the only crucial characteristic. Rather, the community also plays a crucial role. The community plays the role of both the catalyst as well as the prescriber of the norms. So, for one to transform or perhaps to acquire personhood the community becomes the driver of these norms since an individual cannot do this on their own. Consequently, Menkiti arrives at this conclusion: personhood is something that we can achieve and it is not something that one is born with by virtue of being born human. (*ibid.*: 326).

Central to his theory is the notion that an individual has a special relationship with their community and this relationship is premised on the idea that for an individual to be regarded a person, they need to meet the obligations that are prescribed by the community. According to Menkiti carrying out these obligations allows the individual to move from an it-status "of early childhood, marked by an absence of moral function, into the person-status […] marked by a widened maturity of ethical sense" (*ibid.* 1984: 176). Menkiti's idea is that an individual can gain moral knowledge through the various rites of passage; these rites of passage include, for instance, "naming ceremonies…puberty…marriage, the producing of children, the taking of titles etc." (*ibid.*: 327).

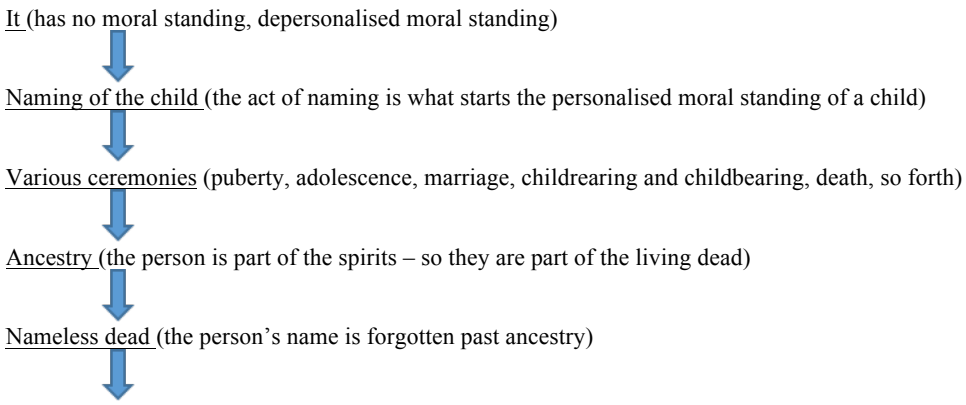


Diagram C

One can infer that a person is an individual who has moved beyond the it-status of depersonalised moral standing. To be a person, according to Menkiti's theorization, means that one must firstly accept that the community has ontological and epistemic precedence over the individual. Secondly, it means that one must go through certain rites of passage that ensure that one gets fully incorporated into the community. These rites of passage/social rituals ensure the moral maturity of an individual. So, if Menkiti were to say that Zinhle is a person, this statement would mean that Zinhle has moral worth, insofar as she has accepted and cultivated a need to go through the rites of passage. Menkiti states that "morality ought to be considered as essential to our sense of persons […] an agent is bound to [feel] incomplete in violating its rules" (*ibid.*: 176- 177).

I conceptualise Menkiti's theory of persons as the Expectative Morality Model of Personhood[14]. I dub the normative ethic as the expectative model of personhood because it pertains to the expectations that one should meet to gain personhood. That is, meeting the expectations gives one the capacity for moral worth which is made most evident by the explicit exercise of one's duty to the community. To which Menkiti claims are "duties of justice towards others in the ongoing relationships of everyday life" (*ibid*.: 177). When Menkiti states that the normative account of persons entails that one is worthy of moral status, by this I understand him to be implying that being worthy of moral consideration depends on meeting the moral obligations prescribed by the community. One is denied the status of persons, if one fails to fulfil the expected obligations; therefore, one has no moral worth. Put differently: for *x* to be a person, *x* must fulfil the moral obligations that are set by society. If *x* fulfils these moral obligations, then *x* is a person. If *x* fails at meeting these obligations, then *x* is not a person and cannot have any moral worth. Polycarp Ikuenobe reminds us that meeting the set moral obligations prescribed by the community depends on "the idea that a person has a mind, is metaphysically free, is capable of rational, voluntary, and moral agency, and hence one can be ascribed moral responsibility. Without this assumption about a person, one cannot contribute to a community and there will be no basis for evaluating one for communal recognition" (2006: 52).

If my reading of Menkiti is correct, it appears that expectations and morality are compatible. That is, in participating in the rites of passage one gains moral worth, that entails a moral obligation towards the community. So, if one does not meet the expectations, one cannot be spoken of as a moral person. Equally, to be a moral person, one must fulfil the communal obligations. A tension arises here: does this mean that individuals who cannot meet the expectations set by the community

[14] In a paper entitled "Personhood: Social Approval or a Unique Identity" (2011), Mpho Tshivhase breaks down Masolo's conception of personhood into two models. The first is the morality model which Masolo discusses; this model states that person should exhibit certain moral qualities that advance the good of the community always before one's own. Tshivhase argues that there is a second model of personhood, which she dubs as the expectations model of personhood. I think that Menkiti's theory can be best articulated as the expectative morality model.

are not regarded as persons and not worthy of moral consideration? In short, Menkiti would say that failure at meeting the obligations would mean that they are not persons.

In the second section, I use the expectative morality model of persons to illustrate how the normative conception of persons has a gender bias, is ableist and anti-queer. I contend that the theory asks intersex people and queer people to fulfil obligations that they naturally cannot. I will illustrate this by looking at the given rites of passage that allow for the development of personhood. I argue that the rite of 'producing children' is anti-queer; this is because such a rite of passage requires one to perform a task that is outside of the abilities of those that are queer. Equally, the rite highlights the ways in which the normative conception of persons is ableist, in so far as infertile individuals cannot participate in such a rite (this argument is explored further). The ableist nature of the normative ethic is also observable in the requisite attitudes (having a mind, being rational etc.) that allow for the evaluation for communal recognition as stated by Ikuenobe. I detail this argument in section II.c. where I argue that individuals with SCD are closed off from participating in the given rites of passage.

Up to this point, this section has highlighted that there are potential grounds to argue that the studied communitarian conceptions of personhood are exclusionary towards certain genders in a discriminatory manner, including people with disabilities, and queer people. All that was needed was to indicate that the theories need not be exclusive to all (gender, people with disabilities and queer people), rather that if a theory is exclusive even to one of the identified group it would be sufficient to reject that theory as a plausible account of personhood.

Closing remarks:

So far, I have shown how the prominent theories of personhood define persons. In the process, I indicated the ways in which they show themselves to have a gender bias, are anti-queer or ableist. Before drawing this section to a close let me mention some important questions that I have not been able to cover.

In this theorisation of persons, Tempels outlines the hierarchy of force. Within this hierarchy (see diagram B) one can note that second to God are the 'archpatriarchs, of which we are told are the forefathers of man whom God communicated her vital force with. Tempels neglects to provide a workable definition of the term, but we are informed that these are men. One is then inclined to ask the grounds in which Tempels makes such a disclaimer? As a female living in this community, how much of this hierarchy would influence my very own force? As interesting as these questions may be, the scope of my dissertation is not to unpack force and so these questions are not dealt with.

Section II: Objections and Responses

I now turn to some possible objections that can be advanced against my reading that the studied communitarian conceptions of personhood are exclusive either to certain genders, people with disabilities or queer people. To each objection I provide a response, the success of each response will allow me to assess whether there are grounds to advance these claims. If I am successful at this, then I would have satisfactorily demonstrated that the African conceptions of personhood sketched in the first section of this dissertation have a gender bias, are anti-queer or ableist.

As I suggested earlier, the normative communitarian faces far more pressure in ensuring that his or her conception of personhood is inclusive because it is normative, and so the normative communitarian will be judged more severely. In my mind, the set criteria for inclusivity should have been considered by the defenders and friends of communitarianism in their continued engagement with the theory. These objections are broken down into three sections namely: 'the argument for fluidity'; 'the argument that homosexuality is harmful'; lastly 'the argument that ableism is 'unAfrican'.

In reading this section, the reader should be aware that my criticisms are directed towards elements of communal thought, which as reported by Menkiti take precedence over "individual life histories

whatever these may be. And this primacy is meant to apply not only ontologically, but also in regard to epistemic accessibility" (1984: 171). Said differently, I am arguing from the position that our social world does in fact contain non-abled bodied people and queer people, and it is characterised by patriarchal oppression.

II. a. 'the argument for fluidity'

In this section, I advance the argument that the normative conception of personhood is gendered in a discriminatory manner. I illustrate this point by assessing the rites of passage that allow for social incorporation and the procedural attainment of personhood. I show how these passages would close off the possibility for personhood for intersex individuals. Thereafter, I provide objections that may be advanced; first I give an objection that speaks to the problem of arguing that normative conceptions of personhood have a gender bias. Secondly, I articulate an objection that may be advanced by Menkiti. To each objection, I provide a response.

1.1. The relational nature of personhood

The normative worldview of persons has a binary conception of gender, and as a result, it discriminates against intersex people. I draw my critique from Oristsegbubemi A. Oyowe and Olga Yurkivska's article "Can a communitarian concept of African personhood be both relational and gender-neutral?" (2014). My aims are to indicate how the normative relational nature of personhood allows for such discriminations. Below I underscore the nature in which the normative communitarian conception of persons is relational, by virtue of the fact that the individual has an ontological relationship with their community where the self is constituted by the special relationship that they have with the community.

In reading Menkiti in this light, Oyowe and Yurkivska argue that "the acquisition of personhood is simultaneously an acquisition of gender-identity, and personhood cannot be reduced to its ontological, epistemological or ethical components, they are organically interwoven" (2014: 90).

By this I understand the authors to be saying that personhood cannot be understood as an abstract concept. That is personhood is not an isolated concept, as one would understand rationality. Rather, personhood concerns an individual's social standing, in relation to the existing social relationships within a set community.

A point I suspect Menkiti would agree with, he may probably state that, in ordinary life one is simultaneously, say, someone with a gender identity, sexual preference, various abilities and disabilities. So, even if one necessarily has some sort of gender identity, this does not entail that it is an error to conceive of one's personhood as relating only to "ontological, epistemological or ethical" qualities. (By analogy, for Descartes, clearly, he had a body and a mind simultaneously, but there is nothing obviously in error about his view that his personhood essentially resided in his having a mind – the body was incidental).

In arguing that the normative communitarian conception of persons is gendered, Oyowe and Yurkivska (2014) make three claims that ground their critique, namely; (1) 'rootedness in the community', (2) 'processual nature of personhood' and (3) 'normative nature of personhood':

(1) Rootedness in the community:

Rootedness in community refers to the way communitarianism construes personhood as being socio-centric in so far as "the status of an individual is determined through some cultural criteria; persons are defined and individuated communally and the individual does not and cannot exist alone except corporately…he owes his existence to other people." (Kaphagawani, (2000: 173); Tempels, (1989: 58) and Mbiti, (1969: 108) cited in Oyowe and Yurkivska, 2014: 89).

One would recall that Menkiti argues for the ontological primacy that the community has over an individual. Meaning that "being a person among other persons is what one is […] and that is how one can be known to others and known to oneself" (*ibid*.: 88). Personhood requires the capacity for reflex self-awareness. Reflex self-awareness allows for the individual to make a statement like "I am because we are, and since we are, therefore I am" (Mbiti, 1970). So, the normative conception

of persons assumes that an individual must consciously regard themselves as a participating member (Flikschuh, 2016: 5).

Ikuenobe argues that this relationship characterises a relational relationship between an individual and their community. It is marked by an individual who internalises the moral standards that are subscribed by the community. These moral standards are external to the individual because the individual did not set the standards themselves. Meaning that the moral principles that are subscribed by the community become a marker on which the individual chooses "freely, acts and forms [their] identity or idea of self- as defined by [their] internalised values, choices and actions" (Ikuenobe, 2015:1006). These moral principles influence the social relations that exist in a community; hence they will also influence how individuals form their identity. An individual is a person in virtue of upholding moral norms that the community has set for them (whatever these moral norms may be, ranging from puberty to marriage). One cannot be a person unless they subscribe to these norms[15].

(2) *Processual nature of personhood*:

The second claim refers to the processual nature of personhood. This refers to Menkiti's idea of how one acquires personhood through the various rites of passage; where an individual is the subject of "social and ritual transformation" (Menkiti, 1984: 172). Oyowe and Yurkivska claim that the processual nature of personhood indicates the manner in which the community socialises one into personhood. The authors argue that this socialisation process is mediated "through rules and rituals of transformation" (Oyowe and Yurkivska, 2014: 89), that will ensure that an individual can develop a sense of community and understand that they have obligations and responsibilities towards not only their immediate family but to their community as well.

[15] As noted by Ikuenobe, the normative view of a person presupposes that a person is metaphysically free, meaning that the person has a mind, and they are rational. By being metaphysically free the normative conception of a person also assumes moral responsibility to the person (hence I dubbed it as an expectative morality model of personhood), meaning that one cannot be referred to as being a person unless they have satisfied the set normative criteria

(3) *Normative nature of personhood*:

The last claim refers to the normative nature of personhood; here the authors highlight the emphasis that the normative communitarian places on exhibiting ethical maturity and behaviour that is appropriate to one's position in the community. Recall, that Menkiti states that personhood is something that one attains and failure to conform to the community's norms may result in either losing or not gaining personhood at all.

The purpose of the preceding paragraphs was to highlight the manner in which the attainment or failure of personhood is marked by an interaction between an individual and the community. As stated by Matolino if we are without a community, we would be unable to come up with a conception of self or anything at all (2014: 57). The point is that as individuals interact with their communities in order to gain personhood, the procedural nature of this journey informs whether the opportunity for personhood is closed off or open, say, for an intersex individual. When arguing that the normative communitarian ethic is gendered, I will show how the gendered nature of the ethic results from its relationality. My interests are the *rites of passage* prescribed by Menkiti, more specifically on the gendered nature of his conception of personhood. Secondly, I take interest in the passage of *childbearing/producing children* which I take to be anti-queer and reduces the being of intersex individuals. I believe that queer individuals would be unable to participate in the ceremony of *producing children* (I explore this idea further in the second section of this chapter). It is from this observation that one can infer that the normative conception of a person is both anti-queer and gendered.

One will recall that Menkiti states that 'rites of passage' are the anchors of personhood; these rites of passage would differ for males and females. Men and women gain their personhood differently based on the expected roles that they need to fulfil in the community. For instance, boys and girls are socialized differently. And so, to be a person cannot be read outside of the relationships that one has with their community, as Oyowe and Yurkivska put it:

"to be a person, by definition, is to be related, i.e. placed within a complex web of communal social relationships and the latter are gendered. The ontological conception of personhood then encompassed not only social and moral but also gender order, and the latter is of paramount importance in traditional African societies. All this leads to the conclusion that, given (1) ontological rootedness of persons in the community and (2) the gendered nature of African values, the former (ontological rootedness) necessarily carries the features of gender" (*ibid.*: 92-93).

1.2. Rites of passage have an inherent gender bias: the case of an intersex individual

So far, there seems to be nothing controversial regarding these claims. I have expressed in the beginning of this section that Menkiti would probably agree that the normative ethic is gendered, although he would argue that its gendered nature does not discriminate against any gender. In fact, he would say that the rites of passage all require something of each gender. That is both females and males are expected to go through puberty and there are set expectations that they would also have to meet. Such a view is expressed by Ifi Amadiume in *Male daughters, female husbands: Gender and Sex in an African Society* where she argues that the gendered nature of personhood is one that ensures that there is complementarity between males and females.

It goes without saying that the argument for gender complementarity is one that takes gender to be binary. That is, one is either female or male and there is no in-between. The shortfall of such a view is that it does not recognise the fluid constructions of gender. According to Butler, "gender is not a fact, the various acts of gender creates the idea of gender, and without those acts, there would be no gender at all" (1988: 522). In what follows I present the case of an intersex individual. Medically, intersexuality is referred to as hermaphroditism which refers to an individual born with ambiguous genitalia, making it hard for their sex to be categorised as either male or female. Intersexuality then challenges "our instance that biological gender is unequivocally binary" (Garland-Thomson 2002: 14). There are commonly two types of hermaphrodites: pseudo-hermaphrodites (individuals who have "either ovaries or testes combined with the opposite genitalia) and true hermaphrodites (individuals with "an ovary and a testis, or a combined gonad, called an ovo-testis" (Sterling, 2000:

38). Anne Fausto-Sterling notes that true hermaphroditism is more common, which has six categories (See diagram D).

Theoretically, intersex people who have a functioning uterus and ovaries should be able to bear children. Yet Sterling notes that this has been unheard of, as true hermaphrodites often have incomplete reproductive organs.

Having defined what intersexuality is, I now present the case of Mogadi Caster Semenya (this account is not autobiographical or an auto-ethnographic account of Semenya's life). Semenya is a South African athlete who was medically diagnosed as an Androgen Insensitivity Syndrome (AIS) hermaphrodite. Semenya was born in 1991, in Limpopo, whose birth certificate reads female; the athlete was brought up as such.

Semenya's father shares that "from the time she could walk, Caster only wanted to play with boys […] Her three elder sisters wore dresses, as little girls do, but Caster refused. She has never had a skirt, only trousers. I knew she was different to the others, and even now if you speak to her on the telephone you might mistake her for a man" (Jacob Semenya quoted in Malone et al. 2009). Semenya's father further shares that his child never showed romantic interest in boys. The biographical article by Malone et al. notes that Semenya preferred playing sports like football, wrestling and karate with male friends.

NAME	CAUSE	BASIC CLINICAL FEATURES
Congenital Adrenal Hyperplasia (CAH)	Genetically inherited malfunction of one or more of six enzymes involved in making steroid hormones	In XX children, can cause mild to severe masculinization of genitalia at birth or later; if untreated, can cause masculinization at puberty and early puberty. Some forms drastically disrupt salt metabolism and are life-threatening if not treated with cortisone.
Androgen Insensitivity Syndrome (AIS)	Genetically inherited change in the cell surface receptor for testosterone	XY children born with highly feminized genitalia. The body is "blind" to the presence of testosterone, since cells cannot capture it and use it to move development in a male direction. At puberty these children develop breasts and a feminine body shape.
Gonadal Dysgenesis	Various causes, not all genetic; a catch-all category	Refers to individuals (mostly XY) whose gonads do not develop properly. Clinical features are heterogeneous.
Hypospadias	Various causes, including alterations in testosterone metabolism[a]	The urethra does not run to the tip of the penis. In mild forms, the opening is just shy of the tip; in moderate forms, it is along the shaft; and in severe forms, it may open at the base of the penis.
Turner Syndrome	Females lacking a second X chromosome. (XO)[b]	A form of gonadal dysgenesis in females. Ovaries do not develop; stature is short; lack of secondary sex characteristics; treatment includes estrogen and growth hormone.
Klinefelter Syndrome	Males with an extra X chromosome (XXY)[c]	A form of gonadal dysgenesis causing infertility; after puberty there is often breast enlargement; treatments include testosterone therapy.

Diagram D: Source: Fausto-Sterling (2000:52)

The purpose of sharing Semenya's narrative was to highlight how African communities assume a binary conception of gender; one must be either male or female (I advance this claim further). For instance, Semenya's headmaster assumed that Semenya was a male pupil because Semenya was interested in soccer and wore trousers to school, he shares that "it was only in Grade 11 that I realised she was a girl" (Eric Modiba quoted in Malone et al. 2009). Deborah Morolong described as a female friend by Malone et al. shares that Semenya "doesn't like boys. But that doesn't mean she is not a girl" (*ibid*.). From the comments that are shared by Semenya's father, we note the Semenya was raised/regarded as a female. Interestingly, Semenya's father shares that Semenya only

wanted to play with boys. What I observe from the comments made by Semenya's father was that he was accepting of his child even though Semenya was interested in 'masculine sports'.

I imagine that the communitarian would say something like "you see! Communitarianism is accepting of intersex individuals!". Here the communitarian may go as far as arguing that rather than not being permitted into a status as "a person", an intersex individual would be socialized into personhood. But they would need to add that they only accept them insofar as they (intersexual people) perform an established binary gender identity. But I would caution the communitarian, as such excitement would be premature, even though Semenya may be accepted as a 'masculine female' in the community and perhaps be socialized into the status of persons. As an AIS intersex, Semenya would not meet the expected rites of passage. Theoretically, she would not experience mensuration; Semenya is not attracted to the male sex, rather she is sexually attracted to females; Semenya is unlikely to have biological children. One will recall that Menkiti defines the rite of childbearing as 'producing children', which I take to be different from that of childrearing. Semantically, the act of producing children is synonymous to that of childbearing. The Cambridge Dictionary defines produces as 'make'. The example given is: "When animals produce young, they give birth to them […] Our cat produced four kittens during the course of the night"[16]. And so, an intersex individual would not be able to produce a child in this manner and so they cannot be socialized into personhood. In the paragraphs that follow, one will notice that even the rite of puberty potentially closes off the attainment of personhood for an intersex individual. My point is that even if we recognise the existence of intersex people, they may still fail to fulfil their communal expectations (for whatever reason), and in this case, they would not be regarded as persons by the communitarian.

The philosophical argument is that as an intersex individual Semenya would not be able to meet the set communal obligations of the Traditional African community and therefore, Semenya would be

[16] Cambridge Dictionary. http://dictionary.cambridge.org/dictionary/english/produce. Accessed: 19.07.2017.

denied the status of personhood. To illustrate how this would play out in a set African community (whether they are matriarchal or patriarchal) I will consider a few of the rites of passage that Menkiti assumes are a necessary process for one to be incorporated into personhood.

Tasha Davis (2011) informs us that rites of passages have a double purpose; first, they ensure that there is a sense of collective mortality in the community. Secondly, they link the individual to their community; they ensure that an individual actively participates in the community, and is not a mere observer (Bujo, 2001:35). Noting Menkiti's failure to explain the significance of the rites of passage, I ground the analysis on the explanation given by Davis. I consider two of the rites of passage provided by Menkiti namely; the rite of puberty and the rite of producing children. Considering all the rites of passage given by Menkiti, I take it that the two rites that I explore bellow place emphasis on two genders and in the process close of the option for a third/alternative gender to participate in the social transformation necessary for personhood.

(1) puberty and the ceremonies, which mark an entry into young adult

The rite of adulthood often follows puberty. Puberty thus serves as the entry into adulthood; individuals in this process are prepared for the responsibilities and obligations that they should fulfil. The ceremonies that mark the entry into puberty and adulthood are different for men and women. Davis writes that appropriate behaviours for women and men are articulated and each gender "receive[s] further clarification of his or her purpose or life mission" (*ibid.*). The completion of this rite is often celebrated in public spaces.

Commonly, puberty for females is marked by physical body change (e.g. menstruation, the development of breast, pubic hair and so forth). The same can be said for males (e.g. the enlargement of their scrotum and tests, the ability to ejaculate, deepening of a voice and so forth). All these entries happen at various times for all individuals. But in the case of an intersex individual, such changes are complicated. As I mentioned earlier, as an AIS intersex Semenya is unlikely to begin menstruating. We hear from Semenya's father that Semenya sounds like a man –

so Semenya's voice broke, which is unusual for a female child. Because the rite of puberty is determined by the gender that one is ascribed at birth, as an intersex individual, Semenya would not unable to participate in the rite of passage. Because during this stage changes that occur may be a combination of male and female changes (see basic clinical features in diagram C).

(2) the producing of children

According to Davis, the rite of producing children is one of the most important rites. Producing children ensures that the community will grow and that children will carry the legacy of the community (Davis, 2011.). Bujo argues that "begetting and giving birth re-establishes the legacy of the ancestors" (2001:35). By this, he means that when one gives birth to a child, the child becomes a memory of their parents. Said differently, once the parents of the child die, the child has a duty to keep the memory of their parents and the community alive. He states that the rite of producing children is both beneficial for the individual and the community. Lastly, he adds that the "worst death is to die childless" (ibid.: 36). Both Kagame (1989:39) and Tempels (1959: 50) in their theorisation of persons make mention of the importance of childbearing. Defined in this manner, one can conclude that this rite assumes heteronormativity – it holds the assumption that there are only two genders (female and male) which have natural roles in the community.

What I sought to illustrate in the proceeding paragraphs is how these rites of passage assume a binary conception of gender. This draws me to the conclusion that these rites are discriminatory - discriminatory towards intersex people. The stronger claim made here lies in the rite of producing children. If we accept the arguments made below that Traditional African communities are genderless, the rite of producing children disproves this claim. The act of producing children presupposes that two opposite cisgenders must have sexual intercourse for a child to be born. Of course, the logic in the argument assumes that these two genders are capable of having a child (i.e. be fertile). It appears to me that out of all the given rites of passage, producing children is important. A community that does not bear children will not grow; there will be no one to carry the

memory of those living once they are dead. Even if the communitarian were to ensure that the other rites are gender neutral, say giving children a gender-neutral name. It appears that the rite of producing children is exclusionary.

The problem arises because the conception of personhood that Menkiti provides us with assumes compulsory heterosexuality and heteronormativity. Earlier I suggested that Menkiti's theory is an expectative morality model of personhood. Considering the two rites of passage, I concluded that these are discriminatory to intersex people. In pursuant to the expectative morality model of personhood, intersex people would not be granted the status of person. First, because they would not be able to meet the two identified expectations set because they don't meet the expectations, and so the capacity for personhood is closed off for them.

1.3. Caution: gender is a concept imposed on African communities.

Scholars like Nkiru Uwechia Nzegwu (2006), Ifa Amadiume, Keletso Atkins (1993) and Oyeronke Oyewumi (1997) may strongly disagree with the arguments presented in this section. Nzegwu, Atkins, Amadiume and Oyewumi rightly so, argue that a gendered critique of African conceptions of personhood as gendered fails to recognise how gender as a concept was imposed on African communities. Nzegwu asserts that colonisation (and other major historical events) has had a huge impact on gender roles and gender performativity and this complicates how we think of gender. In the introductory paragraphs of *Family Matters: Feminist Concepts in African Philosophy of Culture*, Nzegwu poses this question: "So what if the category of gender is absent in certain cultures?" (2006: 9). In answering this question, Nzegwu argues that there "is a need for caution in discussing ungendered societies in a gendered framework" (*ibid*.: 10). Equally Oyewumi states:

> "In African studies, historically and currently, the creation and constitution, and production of knowledge have remained the privilege of the West. Therefore, body-reasoning and the bio-logic that derives from the biological determinism inherent in Western thought have been imposed on African societies. The presence of gender constructs cannot be separated from the ideology of biological determinism. Western conceptual schemes and theories have become so widespread that almost all scholarship, even by Africans, utilises them unquestionably" (1997: x)

The quote by Oyewumi echoes the thoughts that are made by Nzegwu. The impression that is given here is that bringing up the question of gender according to these authors would be applying a Western praxis which would not only be naïve but also guilty of imposing a Western episteme. My suspicion is that Menkiti would agree with Nzegwu, Amadiume, Oyewumi, in insofar as his theory makes no mention that only a particular gender can meet certain rites, for instance, anyone can be named or take up titles etc.

Whilst I acknowledge that there is a problem with applying a Western feminist outlook towards Traditional African societies. I take it that this approach may be limiting (in the literal sense, limiting because fewer approaches are considered), insofar as it assumes that feminism has no place in African societies. Furthermore, in refraining from having a gendered approach towards understanding Traditional African societies and the nature of personhood (as this project aims to understand) – we deprive ourselves of engaging with the content of this project in a critical manner. Borrowing from Agnes Atia Apusigah such thoughts are dangerous in so far as they include the "premature closure of discourse" (2008: 34). That is, they treat gender difference as a static issue, and close off the possibility of dialogue across disciplines. Furthermore, Apusigah states that there is the "romanization of ethnic cultures" (*ibid*.: 41), where scholars are protective of their cultures, as one can see in both Amadiume and Oyewumi's work. Part of the problem with such views is that they are relativist. Importantly, a distinction should be made between the assumed role that colonialism played in rites of passage vis–à–vis changing the economic and political landscape of these communities, which I think Amadiume fails to do.

Fundamentally, I am not in disagreement with the sentiments made by Nzegwu, Atkins, Amadiume and Oyewumi. I think that it is wrong to impose gender categories to societies that seem to be gender-neutral. However, considering the normative communitarian ethic, the very nature of the rites of passage is gendered and this is not an imposition. The stronger argument that I presented in this section speaks to this, from a conceptual point of view, these rites of passage seem to close off

any possibility for a third, fourth/alternative gender that does not fall within the two genders i.e. male and female that inform these rites.

1.4. The argument for fluidity

In responding to the claim that the normative communitarian conception of persons has an inherent gender bias and as a result would be discriminatory to intersex people or it is anti-queer. I suspect that scholars who defend communitarianism and perhaps even Menkiti himself may argue that my claims are misguided. They may argue that the normative conception of personhood is fluid and thus gendered in a non-discriminatory manner. Menkiti could probably state that what makes his conception fluid is that it is not concerned about the biological make-up of persons, rather its primary concern lies with a person's moral standing within the community.

In the second paragraph of his paper, Menkiti argues that "the African view of man denies that persons can be defined by focusing on this or that physical or psychological characteristic of the lone individual" (1984: 171). That is, the acquisition of personhood is about participating in the various ceremonies of one's community; these ceremonies include "marriage, the producing of children, the taking of titles, etc. Finally, they will arrive old age and elderhood, and after elderhood, ancestorhood" (Menkiti, 2004:327). Furthermore, Menkiti argues that "in examining the moral sense in the definition of the person within the African context, let me add that the traditional understanding in this area is something which makes great deal of sense given the special worth attached to person […] John Rawls makes explicit part of what is meant by the general ethical requirement of respect to persons, noting that those who are capable of a sense of justice are owed duties of justice, with this capability constructed in its sense of a potentiality which may or may not be realised" (*ibid*.: 330).

So, Menkiti would argue that his conception of a person would require us to respect the different kinds of human beings that exist in society, in noting that a human being is a person insofar as they respect the moral norms of the community. The plausible objection given by Menkiti would be that

his theory does not place as much focus on the given rites of passages as I have done, rather his theory places primacy on moral norms which can be changed. Hence, he could argue that his theory is fluid. Furthermore, that what matters is the movement that an individual takes in gaining personhood, a movement that happens in time. Menkiti argues that time ought to be considered "relevant to the in-gathering of the excellences of the person as one ages" (2004:325). Simply put, what is important is that a community ought to have norms that drive the journey of personhood, these norms are not stagnant. Moreover, that the given rites of passages are an example of moral norms that a community could consider as important, yet these are not cast in stone.

I don't think that the given argument by the communitarian stands on strong grounds, granted that norms are important and that personhood is something that is gained in time. The shortfall of Menkiti's theory is that he lists certain rites of passage; rites of passage that I have indicated are exclusionary. If Menkiti wanted to stress the importance of norms, I contend that this could have been achieved without listing rites of passages. Menkiti could have given norms that require participation that on their own can happen through time. Participation is not dependent on one's sexuality, gender and ability

The point is that the rites of passage that are prescribed by the community that grants one personhood may be oppressive to certain individuals namely, those who are living with some form of disability (as I will show in the next section), and of course to intersexual individuals. Whilst these norms are important, as they set the guiding principles of a community, for without norms the community may result to anarchy – their very nature is exclusionary. Butler argues that norms have a double nature, whilst we cannot do without them, we also do not have to "assume that their form is given and fixed. Indeed, even if we cannot do without them, it will be seen that we also cannot accept them as they are" (Butler, 2004: 207). The quote by Butler captures my thoughts. Granted that these norms are important if their nature is oppressive in anyway, they must be changed.

In this section, I indicated how the normative conception of personhood has an inherent gender bias, a bias that places emphasis on the two genders and discriminates against intersex people. The gender bias is observable in the given rites of puberty and producing children that close off the possibility of personhood to individuals who do not fit into either of the two genders. Thereafter I presented the two objections, where the first cautions the imposition of gender to communities that were gender neutral. Second was the argument that norms are not fixed and hence conceptions of persons are fluid. My aims for this section were to highlight that Menkiti would be wrong in stating that his communitarian ethic is not gendered in a discriminatory manner. If the communitarian accepts the reading of his ethic as the expectative morality model of persons as I dubbed his theory earlier – he still needs to tell us why being a person is dependent on obligations that are centred around one's gender or sexuality.

II. b. 'the argument that homosexuality is harmful'

> I ask myself, "What is it that women who are married to men have that I don't have?" (Ciru, a Gikuyu woman who's married to another woman – cited in Njambi and O'Brien, 2005: 145)

Literature within African sexualities informs us that homosexuality in Africa pre-colonialism was not a taboo, which is contrary to some of the views that Western literature makes. Busangokwakhe Dlamini amongst other scholars argues that it was colonialism that brought the criminalization of homosexuality (through penal codes), thereby casting it as a negative identity (2006: 67). In *Africa Writes Back to Self: Metafiction, Gender, Sexuality* (2009), Evan Maina Mwangi traces how queer

identities have been written about in African literature by way of indicating that homosexuality is not new nor is it a taboo in Africa[17].

In the preceding section, I alluded to the fact that the rite of producing children is anti-queer, because the rite presupposes heterosexuality and heteronormativity. I will not explain this rite at length as this was done in section II. a. It is worthwhile to inform the reader that queer individuals, are sexually attracted to either the same sex as theirs, or have fluid sexual identities. Say one who may be attracted to a male, as a male individual or to a female as a female individual, or may be attracted to both (see footnote 1). Considering the argument that I advance, I will focus on homosexuality as a queer identity.

Homosexuals are defined as individuals who are sexually attracted to the same sex as theirs. Thabo Msibi better articulates it as "*same-sex-desiring individuals*" (2011: 57). In this kind of relationship, it would be unlikely for such a couple to have a child. Of course, because of technological advancements today such couples can have children with the aid of reproductive technologies. But one will recall that I limited the scope of this project to Traditional African societies where reproductive technologies were arguably not an option. It is further worthwhile to remind the reader that when talking about the rite of producing children, such a rite is not synonymous to childrearing (see section II.a.). Childrearing refers to the process of raising children; rather the rite refers to childbearing, which is understood as the biological reproduction of a child.

Having said that, homosexual individuals are not incapable of childbearing outside of their sexual preferences, unless if they were infertile. It is their sexual preference that would hinder them from producing children within their sexual orientation. Since the normative communitarian argues that

[17] The claims presented here are not synonymous with the idea that homosexuality is unAfrican, rather they come from a place of understanding homosexuality as causing harm.

the rite of producing children amongst others is important for personhood. The argument is that this requirement is anti-queer/homophobic[18].

The aim of this section is to advance the plausible objection that can be put forth by the communitarian that his conception of persons is not anti-queer. The plausible objection that is explored is presented as a contemporary philosophical argument that has been advanced within African philosophy. I argue that such an argument should be rejected. Fundamentally, the only difference between a heterosexual individual and a homosexual individual is their sexual orientation (Rachels, 1999: 50). I think that the communitarian does not give enough grounds to deny the latter personhood. It is unclear to me how failing to produce children makes one not worthy of personhood. The communitarian is mistaken in thinking that personhood can only be found in the actual participation of the set rituals of incorporation.

1.1.The harm of homosexuality

I now turn to the argument that homosexuality is harmful, this argument is presented as a plausible justification by the communitarian as to why they would deny queer individuals personhood. Matolino makes us aware that this argument is made from the idea of harm where the resistance of homosexuality is believed to violate the "basic principles and beliefs of African reality" (Matolino, 1[19]).

According to Matolino (10), responsible behaviour means that the individual ought to "construct and build her community in ways that promote the survival of the community as well as maintaining its harmony […the individual needs to] equally understand the importance of continuing the cycle of life by leaving offspring on this earth". In citing Menkiti, Matolino reminds

[18]Homophobia is defined as "dislike of or prejudice against homosexual people". The point being made here is that communitarians could argue that they are not homophobic, for they do not dislike homosexuals. Rather that homosexuality brings harm to the community

[19] Unpublished article.

us that "one who behaves in contrast to the stipulated communal norms and expectations is deemed a[s] having failed at the project of personhood" (Matolino, 8).

The objection to homosexuality would be that since same-sex (e.g. two females) couples cannot participate in the act of bearing children, an act that ensures the continuation of their community, consequently they bring harm to the community. Homosexuality is harmful insofar as it will not ensure that there are offspring in the community, therefore one is doing harm by not participating in some of the basic requirements of what makes one a person (recall Bujo's statement that: "the worst death is to die childless" (2000: 36)). Proponents of this view would remind us that one of the ceremonies that grant one personhood is childbearing. Childbearing, according to Menkiti, is one of the "excellences" (1984: 173), which form part of the expected moral conduct of an individual which is expected by one's community. Thus, childbearing is a necessary condition for personhood. We note that proponents of this view would agree with my claims that the communitarian conception of personhood is anti-queer, yet they would want to defend this claim by stating that it is anti-queer for practical reasons.

Argument from Normative Traditionalism

P1. Failing to procreate is harmful to the common good.

P2. Any individual who fails to procreate cannot be granted personhood

P3. The sexual preferences of homosexual individuals disable them from procreating

∴ Homosexuals cannot be conferred the status of personhood because their sexual preferences (in heterosexist societies) are harmful to the common good.

Said differently, the objectionable practice of homosexuality would be that "it violates two important principles of life. The first and most obvious principle is that the homosexual does not add to the creative process of the life. The ultimate act of this creative process is producing young, bringing young up and perpetuating the cycle of life" (Matolino: 10). It is on these grounds that the

normative traditionalist would deny a homosexual personhood because they commit P1. The justification for P1 would be: by not having children homosexuals are in serious way "harming the society by *refusing*[20] to participate in its basic and most important requirement for the individual" *(ibid*.: 10).

Interestingly, one could further identify other 'acts' that could bring about harm to the community and this would invalidate the arguments that communitarians are anti-queer because of 'harm'. Case in point, infertile women and men, would also bring about harm to the community. In so far as they would not be able to continue the cycle of life by leaving off-springs to the community, thereby committing P1.

I think that the argument that homosexuality is harmful also exposes the ableist nature of the communitarian. One can argue that infertility is a disability. David Orentlicher argues that infertile people can meet the definition of disability "because they have an impairment of their reproductive tracts (e.g. scarred fallopian tubes) that substantially limits the major life activity of procreation" (2010: 156). Since the communitarian thinks that the act of producing children is a necessary condition for personhood, any individual who fails to meet this condition cannot be considered as persons. On this view homosexuals, infertile people and intersex individuals cannot be granted personhood.

Without fail the argument from 'harm' is deeply anti-queer because it assumes that homosexuals 'choose' to be gay, this argument does not recognise that homosexuality, along with heterosexuality is arguably not a choice rather it is biological. This argument assumes that homosexuals intentionally go out of their way to bring about harm to the community. So, primary to the response should be an assessment of intention. That is, proponents of this view need to ask themselves if

[20] I think that the word refuse comes with a lot of contention. Although Matolino explains that there is some *choice*, he writes that "one can really be oriented as homosexual but take up that responsibility" (Matolino, 10). His use of the word *choice* and *refuse* somewhat reinforces heteronormativity, which is problematic.

'homosexuals intend to bring harm to the community'; conversely they also need to ask if 'heterosexuals intentionally aim to bring about good to the community? Or if their sexuality is a matter of moral luck for them?' I agree with Matolino's statement that the argument that homosexuality is harmful represents "common pettiness and prejudice" (Matolino, 1). Prejudice because the arguments presented are made from a gaze of heterosexuality that assumes that heterosexuality is the only permissible way of life. Pettiness because it treats/assumes that homosexuals want to make the entire community homosexual. The argument that homosexuality brings about harm reduces the significance of people to their capacity to reproduce.

But P1 is false. Queer individuals do not intend to bring about harm to their community; instead it is the heteronormative standards that permeate in the community that bring about harm. Below I indicate how the argument that homosexuality is harmful is ignorant and is philosophically unsound. Homosexuals do not 'intend' to bring about harm to the community. Being queer is no plan or an intention, just as being heterosexual is no plan or an intention.

If this reading is correct, then we understand that the claim that homosexuality is harmful lacks philosophical validity and soundness. Instead, the communitarian needs to admit that they are unjustly prejudicial against homosexuals. In the concluding paragraph of his paper, Matolino reminds us that both "heterosexuality and homosexuality are essentially about being attracted to bodies within the broad spectrum of available bodies – either of the same sex or different sex" (Matolino, 14). In Judith Butler's words, one's sexuality and gender are not marks of what one is, rather they are markers of what one does (1990). Dlamini also argues that there needs to be greater respect regarding people's sexuality instead of ascribing it to evil and harm. He states: "instead of ascribing to evil what a person fails to understand, why not simply respect it?" (2006: 68). Interestingly, Ugandan feminist Sylvia Tamale argues in *Out of the Closet: Unveiling Sexuality Discourses in Uganda* (2000), that patriarchy exploits cultural traditions to sustain gender hierarchy by enshrouding sexuality. Furthermore, she notes that "issues such as homosexuality are prohibited

in recent conversation for fear that the discussion of those issues would disrupt heterosexist privileges" (Tamale, 2000) cited in Mwangi 2009: 221).

The argument from the normative traditionalist as it stands is discriminatory, as it appears in P1. I believe that the above section successfully indicated why P1 cannot be accepted. I think that any communitarian cannot find any plausible objections to make to this response. The argument that homosexuality brings harm avoids the issue. Instead there needs to be an acceptance from defenders of communitarianism that having oor bearing children as a necessary condition for personhood is anti-queer and ableist. That is, the criterion that individuals need to bear children to gain personhood is heterosexual, ableist and exclusionary. Such a criterion takes heteronormativity to be at the centre of personhood and thus has this invisible power that dictates which societal norms (Chappel, 2014: 6), rites of passage and so forth are regarded as normal.

Closing remarks

One of the responses that can be made to this argument, which is a concern that has been highlighted by Matolino and Kwame Gyekye (1997) is that such a view does triumph over an individual's human rights. Along this line and in examining the communitarian worldview one would wonder whether the community has the right to place certain obligations on any individual. Though these questions are interesting and may be linked to the topic of this paper, I take it that the debates that exist between moderate communitarianism and radical communitarianism (see Matolino (2009) and Gyekye (1997)) have exhausted this argument. A recurring question that I asked in the previous section that the communitarian need to answer is this: 'why does the communitarian think that these obligations define what a person is?' Whilst Menkiti's motivations for doing so may partly be to distance his account from "Western" alternatives (which do not really consider any moral obligations that people may have to any community). The rites he details seem to be implied by his understanding of the nature of the certain cultures that inform his theory – why

they ended being so constituted doesn't appear to be his concern. However, even if this was the case the posed question remains unanswered.

To conclude, we are justified to reject P1 and P2, insofar as these two premises are exclusive towards homosexuals, infertile individuals and intersex people. The argument given by the normative traditionalist assumes that homosexuality as a practice is a threat to the community. In this section, I deliberately refrained from treating homosexuality as a 'choice', yet I am aware that it can also be a choice in so far as we take sexuality to be fluid. Having said that, I explicitly refrained from using the language of choice because one could then make arguments that individuals who actively refrain from having children, say a heterosexual fertile man could also be denied personhood. However, I do not think that such an argument and the one presented follow the same logic. The plausible argument is that infertility, intersexuality and homosexuality as I have argued are not choices. P1 and P2 fail to recognise this and they are arbitrarily discriminative. The heterosexual fertile man has a say in whether he wants to attain personhood. But this is not the case for people who are infertile, intersex or homosexual.

II. c. 'the argument that ableism is 'unAfrican'

The last objection that this thesis considers against the reading that communitarian conceptions of persons are gendered in a discriminatory manner, ableist or anti-queer is inspired by Chris Bell's (2006) critique that disability studies have focused on only white people with disabilities. Bell argues that researchers of disability studies have failed to include scholars like W.E.B Du Bois (1996), Alice Walker (1983) and Ginu Kamani (1995) who have all written about disability respectively. Bell's views allude to a philosophical puzzle, that is if (as constructionists think) our views about the world are mediated by the conceptual frameworks we adopt (possibly those imposed on us by our social context), and then there might be something to the view that the concept of disability is 'Western'. Such thoughts would have rightly led some scholars to think that

disability studies are a study about white disabilities. I believe that such views nullify disabilities; like the argument that gender is a Western concept. Views like these fail to consider the lived experience of people with disabilities. Such thoughts and views are reductionist and cannot be maintained. I will explore why nullifying disabilities brings forth some problems to African people living with disabilities.

It goes without saying that claims regarding the ableist nature of theories of personhood are not particular to African philosophy only. This sort of criticism has also been raised against Harry Frankfurt (1971), John Locke (1975) and Gerald Dworkin (1988) (philosophers that define personhood according to the 'rational capacity of an individual'). Any theory of personhood that wants to make 'rationality' a necessary condition for personhood faces the same problems. Be that as it may, the matters faced by Western philosophers or philosophies are outside the scope of my dissertation. Primarily because I think that their conception of personhood is individualistic and not communitarian like some of the ones that I have considered so far.[21] The underlying critique here is towards philosophical realism; realists place rationality at the core of their theory which excludes people with disabilities, more specifically people with SCD.

In section I of this dissertation I made the claims that both the force and the shadow thesis are ableist. With regards to the force thesis, I made the claim that Tempels conception of muntu as having intelligence and will, excludes people with SCD. Further consideration should be had in how the force thesis conceives of cognitive disabilities, where the lack of intelligence and will is regarded as a diminution of force because of some 'magical recipe' that needs to be cured.

When sketching the shadow thesis, I argued that SCD people would be denied both the status of muntu and Muntu (see diagram B). Here I equated intelligence with rationality (as with the force

[21] This may be construed as an overly homogenizing claim. Overly homogenizing because not all western conceptions of the person are obviously individualistic (I am thinking primarily of feminist accounts of the relational self here). However, at a token level, the different schools of thought have come to be seen this way.

thesis), stating that this principle would exclude SCD people. Moreover, when outlining the normative conception of personhood as an expectative morality model of persons, in passing I mentioned that the ethic presupposes that an individual can only be ascribed moral responsibility if they have a mind, are metaphysically free and so forth. A presupposition which I argue excludes people with SCD.

The normative conception of a person is defined by normativity as I have explained in the first section of this project. This normative criterion is grounded on the moral norms that a person would have to adhere to in a community. James reminds us that moral development starts from the early ages of four to six years old. During this period, children gain moral development based on the interactions that they have with their caregivers (2010: 63- 64). I think that this is not in contradiction to Menkiti's claims that moral norms are learnt and ascribed by the community. Yet an individual with SCD would be unlikely to grasp certain moral norms.

According to James SCD people (IQ between 25-40) are "expected to reach a mental age of about four to six years by the age of sixteen years and thus can be expected to establish self-awareness and make choices based on his/her understanding, but will have less flexibility in thinking than a typically developing child of that mental age" *(ibid*.: 64). One is then inclined to ask if Menkiti's normative communitarian conception of personhood is cognisant of the fact that SCD people would not grasp those communal norms as prescribed by the community. Consequently, I suspect that such individuals would not be granted any personhood.

Although Menkiti makes it clear that "the approach to persons in traditional thought is a maximal, or more exacting approaching, insofar as it reaches for something beyond such minimalist requirements as the presence of *consciousness*[22]*, memory*[23], will, soul, *rationality*[24] or *mental*

[22] Own emphasis
[23] Own emphasis
[24] Own emphasis

function[25]" (2004: 326); it remains unclear how one would be expected to uphold the moral norms of the community without having rational reflection. Upholding the moral norms of the community requires first that one is conscious of what these norms are, and second, that one can remember what these norms are. I contend that the project of personhood is dependent on these minimalist requirements. It would seem then that as per force thesis, shadow thesis and the normative conception of person, SCD people and those who are unable to reproduce children would fall outside of the descriptive and normative bounds of personhood. In consequence, the normative communitarian would exclude such people from gaining moral personhood.

The critique that the conceptions of persons are ableist stem from the idea that these theories have normalised abled-bodies at the core of what counts as persons. Tobin Siebers defines this frame of thinking as "the ideology of ability" (2008: 8); which refers to the preference for 'abled-bodynes'. He further states that the ideology of ability defines the "baseline by which humanness is determined, setting the measure of body and mind that gives or denies human status to individual persons" (*ibid*.). In light of these considerations, the purpose of this section is to ascertain the merits of rejecting the studied conceptions of personhood. This section does not seek to provide an anthropological descriptive view of disability, but a plausible philosophical argument on how the studied conceptions of personhood are ableist. I expose the various ways in which they exemplify themselves as ableist and thereafter respond to the claim that ableism is 'unAfrican'. In this section, I indicate the various ways in which ableism has played itself out in African communities. I contend that the justification for the ill-treatment of people with disabilities is premised on the notion that they are excluded from the category of personhood as identified in all three conceptions of personhood examined in this research. I have a lot to say about the empirical implications of this exclusiveness. I reject any claims that may be made by reductionist scholars who argue that ableism

[25] Own emphasis

is a Western concept. Just as personhood is a relational concept, constructs of gender, sexuality and disability are premised on power. As Crenshaw (cited in Erevelles and Minear: 2014, 356) explains:

"To say that a category such as race and gender is socially constructed is not to say that the category has no significance in our world. On the contrary, a large and continuing project for subordinated people…is thinking about the way in which power is clustered around certain categories and is exercised against others"

1.1. Some views of disability in Africa

Chomba Wa Munyi states that communities have had various reasons for ill-treating people with disabilities, one of those reasons was that such individuals were an economic liability. He further contends that in other cultures "they were given respected status" (2012). For instance, in the Chagga community in East Africa people with physical disabilities were regarded as the "pacifiers of evil spirits". In Dahomey, in West Africa now known as Benin, "constables were selected from those with obvious physical handicaps". Furthermore, children with anomalies were regarded as being protected by a supernatural force (*ibid.*). In Ghana, SCD people were believed to be a reincarnation of a deity. In contrast, Munyi states that among the Ashanti of central Ghana men who had any physical disability were not allowed to become chiefs. Moreover, that children born with more than five fingers, on one hand, were killed from birth. Research indicates that children with albinism have been killed in large parts of Southern Africa for their body parts, as there is the belief that they "have magical powers and bring good luck" (Surendran, 2016).

Of interest to my investigation are the views that those born with any disability whether they are outcast or not are believed to either possess some form of evil or good fortune. It seems clear that such views are ableist as they are premised on the idea that any individual who is not born 'normal' must have something special about them and therefore they must be treated differently from an

'abled' person[26]. The problem is that such thoughts use disability as a metaphor for something else (this is often heard in African proverbs, like this one –which is negative: "Wahleka sichwala nawe uyawuchwala ngemuso, or, should you laugh at a disabled [individual], you will also be disabled in future." (Ndlovu 2016: 36). This assumes that there is something wrong with having a disability in any form.

The Songye proverb: "Ha mulemane utwela, kibi e kubuwa kingo (When the disabled [individual] enters, the door is completely shut"), meaning that an individual with a disability is believed to have some wisdom, and for this wisdom to be shared the door should be shut (Devlieger, 2010: 443). This kind of proverb, although it affirms disability in a positive manner is problematic. The problem is that it does not recognise the individual as a person, rather treats them in a certain way because of their disability. Hebron L. Ndlovu argues that such proverbs indicate that people with disabilities in African communities are not defined by their "physical, mental, or psychological qualities", instead by the interpersonal relationships that they have with other members of their communities (2016: 36).

I disagree with Ndlovu's interpretation of the proverb, what this proverb indicates is the manner in which people with disabilities are reduced to their disability, one of which according to the proverb 'one must not ridicule in case it may revert to you'. Fundamentally these views essentalise/pathologises people with disabilities. It removes the focus from the individual to their disability, to what their disability could potentially do/mean for the community- "disability becomes the essential aspect of their identities, at least in the eyes of observers, so that their personalities, abilities, interests and other personal qualities are subordinated by a condition that is perceived to be a dominant trait" (Dunn and Andrews, 2015: 259). Fundamentally these proverbs deny people with disabilities personhood and view them as a monolithic group. Further to that, they do not

[26] But I wonder whether ableist would be the right label for someone who affirmed the disability. I am thinking if feminist movements that have reclaimed certain labels and stereotypes and have affirmed the value judgements attached to them, would we similarly call these movements sexist?

recognise that disability is both visible (e.g. cognitive disabilities) and invisible (e.g. infertility). So even if some communities may affirm the positive view of disability, such a view remains ableist.

In citing Lippman (1972: 89), Munyi states that in most societies people with disabilities are categorised as "deviants rather than inmates by the society" (2012). Munyi makes the disclaimer that such views in Africa were largely held because of ignorance, superstition or fear. Yet, if we are serious in our philosophical work, we must ask what grounds such ignorance, superstition or fear? It may be sufficient to accept that misconceptions regarding disabilities are universal; that they have been institutionalised over the years and therefore there aren't sufficient grounds to place the burden on African conceptions of persons to be progressive. Notably, even in Western thought, disability studies are a recent area of focus. As compelling as it is to accept such a claim, I don't believe that just because the misconception regarding disability is universal, then certain disciplines are 'saved' from engaging with disability.

I suspect that the objection that the force and the shadow thesis are ableist (not forgetting the normative communitarian ethic), could be put as follows: that communitarian theories of persons do not justify the ill-treatment of individuals living with disabilities. Said differently, the theory merely articulates that such individuals do not meet the necessary and sufficient conditions for personhood. Perhaps the communitarian may add that he is not concerned about how communities treat such individuals, as such a concern falls in the realm of communitarianism as a theory[27]. The communitarian may further respond by saying that traces of such views can be traced back to the Greeks and the early Christian Doctrine, which through imperialism and colonisation these views have found themselves in Africa. Therefore, ableist views are not African.

1.2. A theory is just a theory

[27] In the introductory paragraphs, I articulated the difference between communitarianism as a theory and communitarian conceptions of persons

Tempels would reject the claims that the force thesis is ableist, he will probably say that those who discriminate against people with disabilities do not understand force. Recall that as per the force thesis, understanding the hierarchy of force is a necessary condition for personhood, and so any individual who fails to understand this hierarchy cannot be referred to as muntu. Tempels argues that "[t]hose who think that, per the Bantu, one being can entirely annihilate another, to the point that he ceases to exist, conceive a false idea. Doubtless one force that is greater than another can paralyse it, diminish it, or even cause its operation totally to cease, but for all that the force does not cease to exist. Existence which comes from God only be taken away by God herself who is the source of force (Tempels, 1959: 39). The point being made here is that it is only God who has the power to deny or annihilate muntu's force. Simply put, only God can deny/say that a certain individual is not a person.

But the given explanation by Tempels is not convincing. Upon close assessment of the force thesis (see diagram A), human beings who lack intelligence and will do not have a category of their own in this hierarchy. In reading Tempels thesis the reader is informed that the **muntu** "who neglects to orientate his life in accordance with the ancient norms laid down by Bantu wisdom will be treated as "**kidima**[28]" by his fellows: that is to say as a sub-human, a man of insufficient mind to count as 'muntu'. (1959: 49). I think that this point highlights an inconsistency in Tempels theorisation (that needs to be resolved) by failing to locate the 'kidima' in the hierarchy. Perhaps Tempels would not view this as an inconsistency, instead, he would place SCD people/'kidima' in the same category as animal, plant and mineral – that being the category of inferior forces. The plausible option seems to be the latter. If this is the case, then Tempels theory does inform how SCD people are treated in communities. Given that Tempels states that inferior forces exist to increase the vital force of Beings i.e. they are created for the disposal use of man. Then the discrimination of SCD people is justified, either positively or negatively.

[28] In a footnote, the translator explains that a **kidima** is a "man who has not enough brains to be considered a normal person" (1959: 49).

A critic may argue that the above-mentioned argument is merely my own insertion of Tempels thesis. That is, they would argue that a theory is just a theory. Insofar as the given conceptions of personhood do not prescribe how individuals who fail at personhood or attain personhood should be treated. These theories merely articulate a conception of personhood. The same could be said about both the shadow and the normative conception of persons.

These scholars could bite the bullet and accept that their theories are exclusive to people with disabilities, yet their exclusion of such people makes no grounds for such a heavy projection. I assume that the critic may further say that I am conflating communitarianism as an ethic and communitarian conceptions of persons. Where the former prescribes how persons and nonpersons should be treated in a particular communal context and the latter just merely gives an account of personhood. And so, his final remarks would be that my critiques are directed in the wrong place, that this is a fight that I should be having with the communitarian theorist.

1.3. Theories are not just theories

I think that there are problems with the argument presented by the communitarian that articulates the idea that his theory does not give grounds for societies to discriminate against people with disabilities. In articulating a difference between communitarianism as a theory and communitarian conceptions of persons, I indicated that the latter can often arise from the former. One will recall that this paper approached disability through the lens of the social model of disability, which views disability as "the consequence of social prejudice and a failure of social responsiveness to requirements of variant abilities and bodily demands" (Kittay, 2005: 98).

Such social prejudice is arguably informed by the notion of who counts as a person and who does not. If a concept/theory of persons in its theorisation privileges the existence of certain capabilities over others, it assumes that those with the privileged capacities are more important. And so, the

communitarian ought to be concerned about those whom it excludes from its theory of personhood. Failing to do so would be an ethically irresponsible act, that does not see the danger it places on the individual's lives that are removed from the category of persons.

The critic may argue that this argument is unconvincing, insofar as children are not considered as persons, yet societies do not treat them as inferior or ill-treat them. Ikuenobe states that this is because "children have unique moral status and are owed moral obligation and consideration because they display [the] potential of acquiring personhood" (2006:61). Whilst this criticism may seem true, such a view assumes that all children are treated equally and I do not think that this is the case. I believe that the potential for personhood is only open for children who would be able to participate in the given rites of passage (i.e. cisgender and able-bodied children). Children who are intersex or have a disability would arguably not be treated in the same manner as cisgender and able-bodied children. Because of their ambiguous gender or disability, the potential for acquiring personhood is already closed off from this individual from an early age.

The point is that if a theory is discriminatory, then the practice will equally do the same. Kittay informs us that such views are philosophically problematic and posit a potential danger to vulnerable people (2009: 607). This is made evident in how people with disabilities have been ill-treated. I maintain that theories cannot be read as just theories, especially theories like Menkiti's normative conception of persons that define a person using moral language. If "persons are the sort of entities that are owed the duties of justice" as inferred by Menkiti (1984:177), then one ought to be concerned about the practical implications of such a statement. Such a statement implies that it is only persons who can be treated justly; any individual that falls outside of the definition of persons is not owed the duties of justice. In his theorisation of personhood, Menkiti makes it clear that the extension of moral language or duties of justice is only bound to persons. He argues that the extension of these duties to entities that are not persons would "undermine, sooner, or later, the clearness of our conception of what it means to be a person. The practical consequences are also

something for us to worry about" (*ibid*.). And so, any theory that makes the distinction between persons and nonpersons, such a theory can be held responsible for any practical implications that results from it.

1.4. What's intersectionality got to do with conceptions of personhood?

In responding to the claim that ableism is unAfrican, I contend that the issue of disability within Africa should be understood through an intersectional lens. That is, disability in Africa, the theorization and problematizing of able-bodies cannot be done outside of understanding the effects of colonialism. The task of the colonial project was to deny Black people the status of personhood. Claims were made that Black people were primitive beings who had no capacity to think for themselves i.e. without rationality. Josh Lukin states that the implication was that "blackness was a similar mental deficiency" (2014: 312), Mogobe B. Ramose further reminds us that categorising Black people as without reason or rationality was also the project of Christianization, which was founded in scientific racism (2003: 3). Hence it was justifiable to use Africans as slaves.

That is, the categorisation of who counts as abled and disabled has been used to assert power on certain individuals. Black people, Jews and Women have been historically denied the status of personhood, not because they do not have rationality. Instead, it was driven by power. The point being made here is that anyone can be regarded as disabled at any time, as Sieber puts it, disability "potentially includes anyone at any time" (2008: 71). Black people were regarded as disabled; the same could be said for Jews and Women.

Intersectional theory reminds us that "structures of oppression are related" (Carbado et al. 2013:306) that is, we need to move away from a singular racialized interpretation of disability. Rosemarie Garland-Thomson reminds us that exclusionary theories and practices "are legitimated by systems of representation, by collective cultural stories that shape the material world, underwrite exclusionary attitudes, inform human relations, and mould our senses of who we are. Understanding how disability functions along with other systems of representation clarifies how all the systems

intersect and mutually constitute one another." (2002: 10). It is important for any African conception of persons to be inclusive.

I further take it that the conversations around ableism should not be read in isolation from gender and queer theory; primarily because these issues concern minority identities. They are all interlocking themes that affect one's personhood and more generally fall into the debates had in moral philosophy. Most importantly, what can be taken away from this section is that if one has some form of disability, or is queer, intersexual, or is a female, we note that the primary themes of inclusivity highlighted in this project become vivid. Put more simply, one who is living with a disability is an intersex and queer may be disqualified from considerations of personhood on any of the three accounts discussed.

Closing remarks

Importantly, the demand that I place on the communitarian to have an inclusive account of persons, the kind that would not discriminate against people with disabilities and in particular SCD people highlights a philosophical tension that needs to be explored. That is, it seems that any account of personhood should be able to distinguish between those who are morally responsible for their behaviour, from those who are not. Such an account of personhood should not marginalise people with disabilities arbitrarily. Yet, it seems that no account would be able to satisfactorily include SCD humans. If rationality which is used as the distinguishing marker for personhood (these moves are often drawn on in abortion debates as well, see Singer and Helga (1985), Nussbaum (2005) and McMahan (2003)), which refers to the good, proper or logical use of one's mental capabilities. The challenge is why would one include SCD individuals to the category of persons if they cannot use their mental capacities? If such individuals say do not understand the ontological importance of the community – how does one hold these people morally accountable for their actions?

This philosophical tension only arises because certain theories and philosophers have placed the importance of personhood on descriptive capacities which would grant one personhood. However, I

do not think that this needs to be the case. If communitarian theories of personhood were to give an account of personhood that has minimal requirements such as participation then this tension would be resolved. Such an account of personhood would be one that does not privilege abled-bodies, and in the process, ensures inclusivity. Participation is a requirement that does not demand certain capacities; equally one would be able to hold such individuals morally accountable for their actions. Roughly, a minimal requirement such as participation would entail that individuals are granted personhood insofar as they are seen participating in the community in whatever way they can.

My intensions for this section were to respond to the plausible objection that ableism is an unAfrican concept. I discounted these claims and indicated the various ways in which ableism has made itself evident in African communities. The rational here was not to view African communities as monolithic, rather to expose how ableist views permeate through proverbial talk and thinking. Are these views a true reflection of Africa? Answering this question is unnecessary; any view that shows itself to be discriminatory ought to be rejected. I then responded to the communitarians claim, that a theory is just a theory. I think that this question deserves further philosophical consideration. It demands philosophers to interrogate what the role of theorising is. Up to this end, this section has successfully indicated how the studied conceptions of personhood are exclusive to disability.

FINAL REMARKS

> "Everybody knew what she was called, but nobody anywhere knew her name. Disremembered and unaccounted for, she cannot be lost because no one is looking for her, and even if they were, how can they call her if they don't know her name? Although she has claim, she is not claimed"
>
> Toni Morrison ((2004: 323) cited in Richardson (2013: 9).

The preliminary remarks that can be drawn from this project is that the African conceptions of persons that I have examined in this dissertation have an inherent gender bias, are exclusive to

persons with disabilities and queer persons. I will now stop referring to them as individuals or people and begin to speak of those with disabilities, intersexual or queer as the persons that I believe they are[29] . Using Foucault's theory of ethics and inclusion, Julie Allan argues that "inclusion starts with the premise that an individual has a *right* to belong to society and its institutions, which therefore implies that others have obligations to ensure that this happens. In particular, inclusion necessities the removal of barriers that may prevent individuals from belonging" (2005: 282).

Drawing from Allan's remarks, I understand inclusion to mean just that, the understanding that persons have a right to belong to their community irrespective of their positionality. If in African conceptions of persons, the normative conception is grounded in morality, which has ethical undertones then it has the obligation to ensure that it is not exclusive. As I conclude this project, I recognize that inclusion cannot happen overnight, it requires us (academics, scholars, social activists and the like) to start doing the work, it entails that as we continue to theorize and engage in the scholarly work that we do, we must be cognizant of the importance of inclusion.

This inclusion can only happen if we recognise that certain "norms and practices of heterosexuality [are] centrally anchored in male authority, are emerging or have hardened into the central basis for defining personhood" (Salo and Gqola, 2006: 2). Allan nicely puts the point about inclusivity as follows: "the ethical project of inclusion will inevitably remain a *work in progress*" (2005: 293) that can be achieved. As African philosophy grows as a discipline, it needs to start taking seriously this project of inclusion. I think that this should not be understood as a desire to want a conception of personhood that is merely given "because one is born of human seed" (Menkiti, 1984: 172). Rather that the rites of passage which are used to grant or deny one personhood should be more inclusive. The inclusion for me looks something like a minimalist conception of personhood, which makes no

[29] Throughout this thesis, I referred to such persons as individuals or people to avoid begging the question. Now that I have successfully indicated the exclusive nature of the studied theories to these people, such a shift is justified.

pronouncements (and hence, no restrictions) on what sort of admissible behaviour would be better – since it would not incur the sorts of problems which I attributed to Menkiti. In many ways, the inherent exclusive nature of the conceptions of persons has a negative effect on the normative communities as defined by Menkiti; it means that the pull of ancestors who make up both the living dead and the nameless dead will only repeat the exclusion found in the conceptions of persons. The exclusive nature of communitarianism means that the marginalised individuals will be disremembered and disposed of. It means that the pool of ancestors will be limited, as per Menkiti only persons can become ancestors and so if certain individuals are not given granted personhood they will not be remembered.

African philosophy is a philosophy that can be read as one that it written by people whose personhood has been denied through slavery, colonialism, apartheid and so forth – these scholars understand what it means to be 'othered' and removed from the category of persons. The optimistic assumption is that these scholars would not 'other' individuals since they know how it feels to be in that position. As I worked on this project, I understood that Tempels and Menkiti were involved in the political project of giving Africans their sense of personhood that Whiteness has historically aimed to deny them. Rightly so such any political project should move beyond race and include alternative genders, sexuality and dis/ability.

At the start of my dissertation, I outlined how communitarian conceptions of persons construe of persons as essentially relational. This relational aspect of persons entails that there is a level of moral interdependence. Thus, the request is that theories of African personhood need to be aware of this moral interdependence, which Dan Goodly defines as "self-becoming-other by means of entering into another person's frame of reference and taking upon oneself the other perspective" (2014: 113). Greestein (cited in Goodley) states that "relational beings should be guided by a stance of getting-to-know, openness to communication that recognises differences cannot be erased and

that conflict and resistance are inevitable within human relations, but as a productive possibility" (*ibid*.: 114).

My final point is that the demand for inclusive theories of persons is not about making African philosophy fashionable say, to the social sciences or humanities. Rather, it's a call for African philosophers to come to the table and start taking issues of gender, sexuality and dis/ability with much seriousness as they did with race. I take it that this demand is not any different from the one articulated by Hountondji in *African Philosophy, Myth and Reality* (1983), where he urges African philosophers of the present to "reorient their discourse" (1983:54). Indeed, the conclusions reached in this dissertation point to the failure of African philosophy to seriously move beyond the political project of self-definition. In echo of Hountondji, there is a need for African philosophers to realise that the word philosophy is in active and not passive voice.

CONCLUSION

In the introduction, I set out two objectives for my dissertation: a) to determine how conceptions of personhood in African philosophical communitarian theories are exclusionary with regards to gender, sexuality and ability, and b) to ascertain the merits of retaining (or rejecting) the theories for further philosophical consideration. I think that these objectives have been met. The first section of this thesis sketched out three prominent theories of personhood in African philosophy; by the end of this section I had made several observations.

The first is that the shadow thesis is not a communitarian account of persons, as it has been construed by Kaphagawani, nonetheless it has also shown itself to be exclusive to SCD persons. Equally, the force thesis and the normative thesis failed to pass the test of inclusivity. Any theory of persons that bases its definition on metaphysical capacities will fail the test. At the start of this paper I stated that the normative communitarian faces far more pressure in ensuring that his theory is inclusive, insofar as his theory has moral undertones. Hence much of my dissertation focused on

Menkiti's theory. I believe that I have successfully indicated that unless revised in consideration of the criteria for inclusivity, their theories should be rejected.

In addition to this, I outlined two options that are available to the communitarian in view of the conclusion that I reached in this project. I alluded to the point that the second option seems preferable (namely, that we revise these conceptions of person, so that we have an account(s) that is/are not gendered, anti-queer or ableist), if one accepts that communitarian conceptions of personhood are worthy. This is a view that I am more inclined to uphold, my aims for this project where not to articulate an individualistic conception of personhood. Rather to retain the merits of communitarianism.

The 'community' to which persons are somehow related need not be considered as static. Take Menkiti's view. There is some plausibility to the view that to achieve personhood one should be able to participate in their community. To demand of intersex people that they marry and bear children is unjust. But to recognise intersex persons as being part of their own category (to do away with gender binary) and that special rights and responsibilities accrue to people in that special category may take away the sting of Menkiti's present account. In that sense, he could preserve his account of personhood and yet it would no longer be staunchly exclusive. Not in virtue of changing his views on personhood but in virtue of a community with distinct values. It is worth noting either that it is assumed that communities are static (and that's it!), or that although it is often assumed, it need not be so, and could generate further avenues for inquiry.

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