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# The Full-Belly Thesis: Should Economics Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Saharan Africa

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# The Full-Belly Thesis:
# Should Economic Rights Take Priority
# Over Civil and Political Rights?
# Evidence from Sub-Saharan Africa

*Rhoda Howard* *

> What freedom has our subsistence farmer? He scratches a bare living from the
> soil provided the rains do not fail; his children work at his side without
> schooling, medical care, or even good feeding. Certainly he has freedom to
> vote and to speak as he wishes. But these freedoms are much less real to him
> than his freedom to be exploited. Only as his poverty is reduced will his
> existing political freedom become properly meaningful and his right to human
> dignity become a fact of human dignity.[1]
>    —Julius K. Nyerere, President of Tanzania

> One man, one vote, is meaningless unless accompanied by the principle of
> "one man, one bread."[2]
>    —Colonel Ignatius K. Acheampong, former Head of State, Ghana

## I. INTRODUCTION

This paper will discuss the relationship between civil/political and
economic/social/cultural rights (as they are defined in the International Bill
of Human Rights[3]) in sub-Saharan Africa. There is an on-going debate,
especially in United Nations circles and in non-governmental organizations,

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1. Julius K. Nyerere, "Stability and Change in Africa" (an Address to the University of
   Toronto, 1969), printed in *Africa Contemporary Record* 2 (1969–70), C30–31.
2. Amnesty International, "Background Paper on Ghana" (London: mimeo, 1974), 9.
3. The International Bill of Human Rights comprises the Universal Declaration of Human

as to whether the separate sets of rights embodied in the two 1966
Covenants on human rights are intrinsically related, such that they must be
developed and enlarged simultaneously, or whether, on the other hand,
one set of rights takes priority over the other. Are they, in other words,
sequential or interactive?[4] Many spokespeople for Third World countries
maintain that economic, social, and cultural, but especially "economic"
rights (usually meant as the right to development) must take priority over
civil and political rights.[5] In the Western world, on the other hand, the
assumption is sometimes made that civil and political rights must take prior-
ity over economic rights.

Both of the quotations opening this paper imply that economic rights to
"basic needs"[6] are more important than civil and political rights. Both imply
that civil and political rights can wait until basic economic needs are
secured. Yet the same position is shared by two very different African
leaders. Despite violations of civil and political rights in Tanzania[7] Julius
Nyerere is known as a man deeply committed to improving the lot of Tan-
zania's people. Ignatius Acheampong, on the other hand, was, before his
overthrow in 1978 and his execution in 1979,[8] the archetypical autocratic,
corrupt, military dictator. Is the argument that civil/political liberties may be
suspended in favor of economic rights in underdeveloped African countries
a reflection of basic economic and human needs, or is it a self-serving
justification for the centralized power of an elite? May civil and political
rights ever justifiably be suspended, even in the pursuit of economic justice
and equality?

I will address this debate using evidence from a number of (formerly and
presently) English-speaking countries in sub-Saharan Africa, namely Sierra
Leone, Ghana, Nigeria, Kenya, Malawi, Tanzania, Uganda, and Zambia.[9] I
will argue that suspension of civil and political rights in these countries until
after economic development has been achieved will in effect mean that
neither development nor rights will be attained. The argument for postpone-
ment is that economic development must be achieved before political liber-

Rights, the International Covenant on Economic, Social and Cultural Rights, the Interna-
tional Covenant on Civil and Political Rights, and the Optional Protocol pertaining to the
last covenant. (United Nations, New York: Office of Public Information, 1978).

4. Reginald H. Green, "Basic Human Rights/Needs: Some Problems of Categorical Transla-
tion and Unification," *The Review* (International Commission of Jurists), nos. 24–27,
(1980–81), 55.

5. See Jack Donnelly, "Recent Trends in UN Human Rights Activity: Description and
Polemic," *International Organization* 35 (Autumn 1981), 633–55.

6. See, e.g., Paul Streeten, "Basic Needs and Human Rights," *World Development* 8 (1980),
107–11.

7. See Amnesty International, *Annual Reports*, pages on Tanzania, and other AI documen-
tation.

8. *Africa Contemporary Record* 11 (1978–79), B617.

9. These countries were chosen because of their similarities in colonial background and
social structures. See Howard, "The Dilemma of Human Rights in Sub-Saharan Africa,"
*International Journal* 35 (Autumn 1980), 724.

ties are allowed. A rather narrow functionalist perspective is adopted; economic development is taken as a goal, and civil and political rights are discussed as means which might or might not result in economic development. Civil/political rights are seldom considered as goals in and of themselves, although social and cultural rights are considered as goals, especially in Africa. In this paper, I will discuss civil/political rights both as means to ends and as goals in themselves, arguing specifically three points:

1. That civil and political rights are needed in order to implement reasonable development policies and to ensure equitable distribution of wealth, as well as economic growth.
2. That civil and political rights are needed in order to guarantee social and cultural rights (and the maintenance of a stable social order which is necessary for society itself to exist).
3. That civil and political rights are needed in and of themselves; that is, that even at the lowest levels of economic development, some people need and want individual freedom.

In making this argument I recognize that I am in fact addressing only one side of the larger international debate. I am *not* arguing that civil and political rights must take *priority* over economic, social, and cultural rights; the two sets of rights are interactive, not sequential. I agree with Shue's position that economic subsistence ought to be a basic right.[10] Within Africa, however, the right to subsistence is now taken for granted (theoretically) whereas rights to physical security and those civil and political freedoms which are necessary for effective political participation are problematic. Often, the position that subsistence rights must take priority over civil/ political rights is taken solely for rhetorical purposes to perpetuate the political monopoly of a self-serving elite. Against such an elite, one needs to consider the meaning of civil and political freedoms for the poor and unfree masses.

*Au fond,* the debate over priorities or non-priorities of civil/political vs. economic human rights is a debate about human nature. The "full-belly" thesis is that a man's belly must be full before he can indulge in the "luxury" of worrying about his political freedoms. Yet there is an alternate view that human dignity, or perhaps "self-respect,"[11] is a fundamental requirement of human nature. In an earlier paper I argued that "[a]ll human beings need a certain sense of dignity or autonomy. To achieve such dignity, each individual needs a certain amount of order, physical security, and personal freedom."[12] In this paper, I will enlarge on this initial proposition about human

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10. Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton, N.J.: Princeton University Press, 1980), chap. 1.
11. Christian Bay, "Self-Respect as a Human Right: Thoughts on the Dialectics of Wants and Needs in the Struggle for Human Community," *Human Rights Quarterly* 4 (Spring 1982), 53–75.
12. Howard, note 9 above, 725.

nature, arguing that economic, social-cultural, and civil-political rights are all valued by individuals, even at very low levels of economic development.

## II. CIVIL AND POLITICAL RIGHTS ARE NECESSARY FOR ECONOMIC DEVELOPMENT AND REDISTRIBUTION OF WEALTH

According to Meltzer, there are two competing paradigms of how civil/political rights and economic development interact in the Third World:

> Development requires significant economic growth and social stability.
> Such growth and stability often require limiting civil and political rights.
> Therefore, development often requires the limitation of civil liberties and political participation to succeed.
>                                          or
> Development requires active participation of people and the fulfillment of basic economic and social needs to be effective.
> Deprivation of civil and political rights and human needs destroys that possibility.
> Therefore, failure to provide for human rights and basic needs makes development impossible.[13]

Which paradigm one considers correct depends to a large extent on one's definition of the term "development." Most serious discussions of development in Africa refer to some combination of absolute growth, redistribution of wealth in a more egalitarian manner, and increased national autonomy or self-sufficiency, as for example in the rhetoric of "African socialism" in Kenya,[14] of *ujamaa* in Tanzania,[15] and of "humanism" in Zambia.[16] For such development, civil and political liberties are necessary both to ensure that proper development policies are implemented and inappropriate policies changed, and to ensure that wealth is distributed equitably among all a country's citizens. Such civil and political rights are necessary to ensure that political participation is *effective* as well as active; that is, that ordinary people's wishes are communicated to political leaders and that they actually affect policy. As Hayward remarks:

> Participation of this sort – participation which is designed to be instrumental – is seldom tried. . . . This is because of failures at various leadership levels or, more

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13. Ron I. Meltzer, "International Human Rights and Development: Evolving Conceptions and their Application to EC-ACP Relations," in Claude E. Welch, Jr. and Ron I. Meltzer, eds., *Human Rights and Development in Africa* (Albany, N.Y.: SUNY Press, forthcoming 1983).

14. Republic of Kenya, *African Socialism and its Application to Planning in Kenya* (G.P.K. 3938-5m-12/65) (1965), especially "Statement by the President," and "Objectives of Societies," 1–2.

15. See Julius K. Nyerere, *Ujamaa: Essays on Socialism* (London: Oxford University Press, 1968), esp. chap. 2, "The Arusha Declaration."

16. Kenneth D. Kaunda, "Humanism in Zambia and a Guide to its Implementation" (Lusaka: Zambian Information Service, 1968), esp. chap. 5.

often, because it is not allowed to be effective. Those in power feel that they have too much at stake to delegate or share their authority . . . .[17]

According to the first paradigm quoted above, economic stability requires cessation of civil and political freedoms. There is some truth to the argument that African nation-states are very fragile, and that ethnic, linguistic, or regional particularisms might threaten their political existence,[18] hence also their economic integrity. A country might become so involved in political competition that nothing else gets done; suppose, for example, that the Nigerian Electoral Commission had not reduced that country's original nineteen political parties to five national parties in 1979.[19] But in sub-Saharan English-speaking Africa the problem is not too much political freedom; rather, it is that, with the present exception of Nigeria, there is so little political freedom that economic development policies must evolve in an intellectual vacuum; a vacuum, moreover, that ensures the continued privilege of the ruling elite.

There is no known successful model of economic development which can be applied without substantial modification to sub-Saharan Africa. African states cannot imitate the development history of the Western world, with its empires and colónies. Nor do African states have the centralized bureaucracies and nationalist sentiments which aided Russia and China. Small, ethnically diverse states with mixed economies, such as Yugoslavia, are probably the closest models which African countries could follow. But no model is perfect. Comprehensive economic policy-making, therefore, requires flexibility and freedom of debate, as well as a real understanding of African complexities, rather than ideological myths whether of right or left. Yet in Africa, economic policies are often made by executive fiat, with no room for debate; such decisions often result in dramatic swings in policies when failures must finally be rectified, or in interference by multilateral lending agencies such as the International Monetary Fund (resulting, for example, in political conflict over the price of rice in Sierra Leone in 1981 [20] after the IMF urged that food subsidies be removed). Nowhere are the effects of poor planning more tragic than in food production and distribution.

Tanzania, for example, is now an importer of maize, in which it was formerly self-sufficient. One reason for its deficiency may be that until recently the government paid so little for maize that producers were encouraged to sell in the black market.[21] Moreover, in pursuit of the socialist egalitarianism of *ujamaa*, Nyerere's government expropriated thirty-five

17. Fred M. Hayward, "Political Participation and its Role in Development: Some Observations Drawn from the African Context," *Journal of Developing Areas* 7 (July 1973), 610.
18. Howard, note 9 above, 738–42.
19. *Africa Contemporary Record*, 11 (1978–79), B730.
20. *West Africa*, 24 August 1981, 1911. See also Emmanuel Hansen, "Public Policy and the Food Question in Ghana," *Afrique et Developpement* 6 (1981), 99.
21. Carl K. Eicher, "Facing up to Africa's Food Crisis," *Foreign Affairs* 61 (Fall 1982), 160.

large-scale African farmers producing about thirty percent of the country's marketed maize supply in the early 1970s.[22] Most tragic of all, the forced "villagization" policy of 1973–75, which affected about two million people, resulted in a severe drop in maize production, as hostile, suspicious peasants refused to plant in their new homesteads. The results to the national economy were devastating, as massive amounts of foreign exchange had to be diverted from importation of other necessary items — such as industrial components — to food.[23] By disallowing debate about *ujamaa*,[24] Nyerere does not permit rational consideration of the possible negative economic effects of his policies.

In Ghana, cocoa production has significantly declined because of the government's underpayment of producers through its state monopoly Cocoa Marketing Board. While the cities are crowded with unemployed youths, the cocoa farms lack labor.[25] Even basic food production is suffering. In the mid-1970s, the government of Colonel Acheampong launched an "Operation Feed Yourself" program to try to return to food self-sufficiency. Under this program, heavy agricultural machinery was imported, yet there was so severe a shortage of cutlasses, the basic low-technology agricultural implement, that they were being distributed personally by Regional Commissioners (state governors). By 1978, seventy percent of Ashanti farmers in one survey said they did not grow enough food to feed their families.[26] All of these failed policies were instituted under a rhetorical commitment to provide for the basic economic rights of Ghanaian citizens. It is difficult to understand, however, how such basic rights were furthered by the 1975 imprisonment of J. H. Mensah, the Minister of Finance under the civilian regime of Kofi Busia (1969–72), simply because he had distributed a pamphlet calling for debate of Acheampong's economic policies.[27]

Similar examples abound. Kenyan businessmen have twice been ordered by the President to increase the total number of their employees by ten percent. While alleviating unemployment, such irrational investment may not necessarily redound to the ultimate economic betterment of the country. The policy has also resulted in repression of trade unions, and strikes were banned in December 1978,[28] presumably because employers

22. *Africa Contemporary Record* 4 (1971–72), B207.
23. Michael F. Lofchie, "Agrarian Crisis and Economic Liberalisation in Tanzania," *Journal of Modern African Studies* 16 (1978), 451–75.
24. Ibid., 474.
25. Donald Rothchild, "Ghana's Economy: an African Test Case for Political Democracy: President Limann's Economic Alternatives," *Africa Contemporary Record* 12 (1979–80), A139.
26. Hansen, note 20 above, 100–101.
27. Amnesty International, *Annual Report, 1975–1976*, "Ghana." Mensah was released in 1978 following the internal military coup against Acheampong. See also Amnesty International, *Bulletin* (January 1977), 3.
28. *Africa Contemporary Record* 3 (1970–71), B118, and ibid., 11 (1978–79), B275.

would be unwilling to grant pay raises in the face of wage bills already increased by ten percent. Nor is state capitalism necessarily a solution. In sub-Saharan Africa, vast sectors of the economies of Zambia, Tanzania, and Ghana (depending on the regime) have come under control of "parastatal" corporations. This has occurred despite the fact that sub-Saharan Africa is an area with very little human capital. As a result partly of colonial educational policies, and partly of initial non-development and non-scientific cultural traditions, very few people with any real expertise were ready to take over African economies at independence. When the Zambian copper mines were nationalized in 1970, for example, Kaunda became chairman of the board of directors and his political allies became fellow directors;[29] it is doubtful if any of these people had much expertise or experience in mining. At the same time, indigenous, small-scale African entrepreneurs who do have experience and knowledge of local conditions are pushed out of business by state policies. Under the first Rawlings regime in Ghana, the large Accra markets run by women traders were destroyed, yet the state did not have the administrative, transport, and distributive capacity to replace the services these women performed.[30] In Zambia, state corporations are in so much difficulty that even the large trade union congress supports a "move to the right" back to increased economic liberalism.[31] In Tanzania, small private enterprise is once again being encouraged, and parastatal monopolies are being informed that if they are not profitable, they can no longer expect to be subsidized by the central government.[32]

The point here is not to argue that nationalizations, especially of large-scale foreign-owned enterprise, are necessarily unwise economic policies for sub-Saharan African states. The point, rather, is that both comparative literature and the historical experience of Africa teaches us that continued input by those affected is necessary to ensure that economic policies are effective. Strong central control of the economy may well be necessary in poor countries which are striving for rapid development within an inequitable world economy. But such strength is not contingent upon inflexibility. Rather, it is contingent upon a willingness and ability to make constant adjustments in policy, and to respond to unexpected difficulties which emerge. Input from the base, in a system of political participation in which genuine free discussion is permitted, is necessary so that economic planners can make such adjustments. Civil and political freedoms of association, speech, and press are necessary to permit such input. "A favorable environment for civil and political rights can serve to reinforce public policies

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29. Ibid., 3 (1970–71), B222.
30. Nii K. Bentsi-Enchill, "Destruction of Accra's Makola Market," *West Africa*, 27 August 1979, 1539–41.
31. *Wall Street Journal*, 21 October 1981, 31E, "Unions Oppose Zambia's Leftist Path," and *New York Times*, 1 November 1981, 17, "Zambian Unionists Opposing Kaunda."
32. Lofchie, note 23 above, 459.

leading to a better distribution of economic benefits responsive to public and private needs." [33]

In this context, then (assuming, for the sake of argument, that good faith is intended in planning), I suggest that the costs of *not* allowing civil/political freedoms of effective participation will far exceed the costs of allowing them. Surely it is more economically rational to allow peasants to lobby for increased prices for their cocoa or maize than to force them onto the black market or into smuggling. In the long run, the costs of such major blunders as food underproduction are extremely high in both economic and political terms. When peasants and workers find all avenues of political participation and criticism blocked, they can easily fall prey to populist demagoguery. Many ordinary people originally supported Idi Amin's expulsion of the Ugandan Asians, for example, as many ordinary people supported the 1979 Rawlings "revolution" in Ghana (although support for Rawlings' second revolution lessened throughout 1982 as he failed to "deliver the goods"). Such populist revolutions, led by military officers, have even fewer intellectual resources for development at their command than the civilian governments which preceded them; thus a circle is set up of coup, counter-coup, and spurious revolution, and economies such as Ghana's and Uganda's are run into the ground. Economic policy by executive fiat in sub-Saharan Africa is not merely undemocratic: it is severely detrimental to long-run economic development.

Furthermore, insofar as Africa lacks human capital, it is unwise to alienate those experts it does have by consistently violating their rights to freedom of expression. Those people who are best equipped with the expertise necessary to implement development policies are also those who are least likely to keep quiet when they see errors being made. Yet governments often react to criticism from academics by closing down universities, sometimes for considerable periods of time.[34] Professors who are exiled or jailed cannot contribute to economic development. There has, for example, been a flight of professionals from Ghana in the late 1970s and early 1980s, partly as a result of political repression and partly because poor economic planning contributed, with worsening world economic conditions, to a severe decline in their standard of living. Furthermore, students who are expelled from a university or whose education is interrupted (in many disciplines, irrevocably) are a national disinvestment. Countries with very little

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33. American Association for the International Commission of Jurists, *Toward an Integrated Human Rights Policy* (New York: 1979), 6. See also the statement by Shridath S. Ramphal in International Commission of Jurists, *Development, Human Rights and the Rule of Law* (New York: Pergamon Press, 1981), 22: "Only if criticism is seen as fundamental to a healthy society — rather than as being subversive of it — are decisions likely to be taken that are so sufficiently informed by the public will as to be supportive of the public interest."
34. For information on closings of universities, see Colin Legum, "The Year of the Students," *Africa Contemporary Record* 4 (1971–72), A12.

human capital cannot afford to alienate those who possess knowledge in the interests of party loyalty or of spurious consistency of development policy, especially considering that elite individuals can also foment coups d'etat. Originally mass-based political regimes can become narrowed into cliquish control of the organs of state (as, I suggest, would probably have happened in Zambia [1980 and 81][35] and Kenya [1982] had the attempted coups in those countries succeeded). Again, the long-run costs of denial of political participation are both the inefficient implementation of economic policies, and the undermining of what little political freedom exists by even more repressive successor regimes.

So far, this discussion has assumed that economic policies are formulated in good faith; that is, that the rhetoric of national development is what impels economic decisions. This assumption is, of course, erroneous. A serious analysis of the relationships between civil/political and economic human rights must confront the fact that sub-Saharan African societies, like all other societies, are stratified by social class, and that the elites who formulate economic policy may well be doing so in their own interests, not in the interests of the malnourished masses.[36] Many Third World elite spokespeople are highly supportive of the proposed policies of the New International Economic Order, which deals with inequalities *among* nation-states, but quite touchy about the "basic needs" development proposals, which deal with inequalities *within* nation-states.[37] In some countries, corruption among such elites is rampant. The Kenyatta family, for example, apparently profited substantially from Jomo Kenyatta's executive powers until his death in 1978. Criticisms of their economic power in British newspapers resulted in the papers being seized in Kenya in 1975.[38]

One means by which elites benefit from their economic power is land policy. In Malawi, Life President H. Kamuzu Banda proudly parades his wealth and large estate holdings before his people as an example of what Africans can do.[39] In Ghana, senior civil servants and army officers benefitted from state credit programs for farmers in the late 1970s; one result of this has been that absentee capitalist rice farming has displaced traditional peasant agriculture (producing basic food needs) in the Northern and Upper

35. There were alleged attempted coups in Zambia on 20 October 1980 (*Keesing's Contemporary Archives*, 27 February 1981, 30738) and in June 1981 (*Keesing's Contemporary Archives*, 13 November 1981, 31185).
36. For discussions of class formation in Africa, see Richard Sandbrook, *The Politics of Basic Needs: Urban Aspects of Assaulting Poverty in Africa* (Toronto: University of Toronto Press, 1982), esp. chaps. 4–5, and numerous articles on the subject in the *Review of African Political Economy*.
37. Johan Galtung, "The New International Economic Order and the Basic Needs Approach," *Alternatives* 4 (1978–79), 470.
38. *Africa Contemporary Record* 7 (1974–75), B203.
39. Malawi Government, *His Excellency the Life President's Speeches, Lilongwe 3–12 September 1971* (Zomba: Ministry of Information and Broadcasting, 1972), "His Excellency the Life President Speaks to Businessmen, Lilongwe, 4 September 1971."

Regions.[40] Control of office can be enough to obtain wealth. In an unusual trial resulting from allegations of corruption in Zambia in 1972, a number of top civil servants were revealed to have obtained large tracts of land through a credit scheme intended, again, for local farmers.[41] In Nigeria, control of office allows members of the elite to obtain payments from multinational and national contractors in the booming oil economy,[42] but some check on such corruption is provided by a democratic parliament and a relatively free press.[43]

Thus any attempt to implement the economic rights or basic human needs of the poor in sub-Saharan Africa requires consistent participation by them. In an administrative sense, such participation is needed to prevent errors from being made. In a political sense, such participation is needed to protect their interests. The freedom of trade unions to organize and strike forces elites to concede higher wages; it may also be that all workers benefit through national wage settlements, as under the Adebo or Udoji Commissions in Nigeria,[44] or that an articulate organized opposition to the entrenched government is formed, as is true of the Zambia Congress of Trade Unions.[45] Political organization of peasants is also necessary, so that they are not exploited through state marketing boards in order to feed the politically volatile urban masses and the growing middle class.[46] The right to organize is essential to such oppressed groups. So is the right to vote, even if in one party elections, so as to elect their own representatives. The rate of defeat of members of Kenya's only political party, Kenya Africa National Union,[47] for example, shows that the ordinary people do take elections seriously. Freedom of the press is also essential; that African governments realize the political challenge posed by freedom of the press, despite their contention that such freedom is a luxury in largely illiterate populations, is clear from the amount of censorship of newspapers, books, and theatre which they in fact perpetrate.[48]

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40. Hansen, note 20 above, 102, 110.
41. Republic of Zambia, *Report of the Commission of Inquiry into the Allegations made by Mr. Justin Chimba and Mr. John Chisata* (Lusaka: Government Printer, May 1971), 5–6.
42. See, e.g., Terisa Turner, "Multinational Corporations and the Instability of the Nigerian State," *Review of African Political Economy* 5 (January 1976), 63–79.
43. See the numerous reports of corruption trials in Nigeria in *Africa Contemporary Record* 8–12.
44. *Africa Contemporary Record* 4 (1971–72), B647, and ibid., 7 (1974–75), B746.
45. See, e.g., *Africa Contemporary Record, Keesing's Contemporary Archives,* and *New York Times* reports on Zambia, 1980–82.
46. Michael F. Lofchie, "Political and Economic Origins of African Hunger," *Journal of Modern African Studies* 13 (1975), 564.
47. For example, in 1970 almost half of the sitting members were defeated; *Africa Contemporary Record* 2 (1969–70), B127; in 1974, 4 Ministers, 13 Assistant Ministers, and 71 backbenchers were defeated, ibid., 7 (1974–75), B198.
48. Consistent reporting on censorship in Africa can be found in *Index on Censorship* (London) and the International Press Institute *Report*.

In any case, historically speaking, the assumption that civil and political rights emerged only after "basic human needs," or economic rights, had already been fulfilled in the Western world is erroneous. In a brilliant article discussing violations of human rights in nineteenth-century Europe, Goldstein shows that major political battles between the proletariat and the ruling elite occurred over the right to suffrage, the right to freedom of the press and speech, and the right to freedom of association. In 1900, the literacy rate in Britain, one of the less repressive European countries, was ninety percent, but male life expectancy was a mere forty-eight years and the infant mortality rate was one hundred thirty per thousand; both these latter figures resemble figures in sub-Saharan Africa today. Goldstein concludes that in Europe "political repression, by blocking out popular participation, enabled regimes to persist while *ignoring the vital human needs* of their populations." [49]

Other literature also shows that there is no clear connection between political authoritarianism and economic development. Hewlett, basing her argument mostly on Latin America, sees a positive connection between political repression and economic growth, but a negative connection between repression and "development," including redistribution. [50] Marsh, in a very complex cross-national study, cannot even find a connection between political authoritarianism and economic development as defined by increased use of energy; he finds the authoritarian model of development unproven. [51] Park finds a negative correlation between increased GNP and civil/political rights in Third World countries, but a positive correlation between physical quality of life and civil/political rights. [52] Finally, in a comparative study of the growth of welfare measures in Britain, Italy, France, and Germany, Hage and Hanneman conclude that the political variables are more important than the economic in introducing state welfarism. [53]

But no discussion of the relationship between political rights and economic development is reasonable which does not consider the class aspects. When the costs of political participation are considered, the key costs are those to the already entrenched elite. It is interesting, for example, that although African leaders consider civil/political rights to be irrelevant to

49. Robert Justin Goldstein, "Political Repression and Political Development: The 'Human Rights' Issue in Nineteenth Century Europe," in Richard F. Tomasson, ed., *Comparative Social Research* 4 (Greenwich, Conn.: Jai Press, 1981), 193–94 (emphasis added).
50. Sylvia Ann Hewlett, "Human Rights and Economic Realities: Tradeoffs in Historical Perspective," *Political Science Quarterly* 94 (Fall 1979), 471.
51. Robert M. Marsh, "Does Democracy Hinder Economic Development in the Latecomer Developing Nations?," in Richard F. Tomasson, ed., *Comparative Social Research* 2 (Greenwich, Conn.: Jai Press, 1979), 243.
52. Han S. Park, "Human Rights and Modernization: A Dialectical Relationship?," *Universal Human Rights* 2 (January-March 1980), 91.
53. Jerald Hage and Robert A. Hanneman, "The Growth of the Welfare State in Britain, France, Germany and Italy; A Comparison of Three Paradigms," in Richard F. Tomasson, ed., *Comparative Social Research* 3 (Greenwich, Conn.: Jai Press, 1980), 63.

the development effort, they only consider them irrelevant when they are absent. That actual exercise of such freedoms is not irrelevant, is forcefully shown by the abridgements of civil liberties which result when the economic privilege of elites is attacked. The "right to development," touted by African elites as a prerequisite to the more traditional human rights, may well be merely a cover for denial of those basic civil and political liberties which will allow the dispossessed masses to act in their own interests. To wait for economic development, including a "basic needs" oriented redistribution of wealth, to occur before allowing for civil and political liberties is to invite the possibility that such redistribution will never occur. Even in socialist societies, elites entrench and perpetuate themselves. Without human rights, the evidence suggests, economic growth may occur but economic development will not. "Full bellies" require political participation and civil liberties.

## III. CIVIL AND POLITICAL RIGHTS ARE NECESSARY TO PRESERVE SOCIAL ORDER, AND SOCIAL AND CULTURAL RIGHTS

In the introduction to this paper I noted that the position that civil/political liberties can be left in abeyance until basic economic rights are secured is based on a view of human nature which assumes that the individual whose belly is not full has no interest in dignity, self-respect, or personal freedoms. I believe, rather, that while individuals need physical security (both physical integrity and economic subsistence), they also need a sense of social order and of belonging to that social order; that is, a sense of belonging expressed in their cultural, linguistic, and ethnic ties to their community.

Interestingly, those rights which would preserve the peoples' sense of belonging to a community, of having the self-respect which comes from fulfilling one's role in society, are guaranteed, in international law, not in the Economic, Social and Cultural Rights Covenant of 1966, but in the Civil and Political Rights Covenant. Especially important is Article 27, guaranteeing to minorities the right "to enjoy their own culture, to profess and practice their own religion . . . [and] to use their own language." Both the 1966 Covenants also contain Articles [54] protecting the family. These rights are the basis for the protection of the community against the centralized, bureaucratic State. They are paralleled in the African Charter of Human and Peoples' Rights [55] by Article 17(2) guaranteeing each individual the freedom to take part in the cultural life of his community, and 17(3) asserting that "the promotion and

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54. Covenant of Civil and Political Rights, art. 23 and Covenant of Economic, Social and Cultural Rights, art. 10.
55. Organization of African Unity, *Banjul Charter on Human and Peoples' Rights,* printed in *International Legal Materials* 21 (January 1982), 58–68.

protection of morals and traditional values recognized by the community shall be the duty of the State," and by Article 18, protecting the family. That these rights, essential to the preservation of society and culture, actually are included in the Civil and Political, rather than in the Economic, Social and Cultural Covenant, shows the irrelevance of the legalistic separation of the two "kinds" of rights.

Christian Bay believes that there is a fundamental human "need to belong and be accepted in a (nonexploitive) human community."[56] In this position he is supported by African philosophers who maintain that "personhood" in Africa is attained by one's belonging to, and fulfilling one's role in, the community.[57] There is strong sociological evidence to support these philosophical suppositions. In all known societies, similarities of social structure create similar human beings with similar human "natures." These common social structures include kinship systems which place each individual in society; rituals which reinforce the individual's sense of belonging; and basic systems of exchange, law and order, and legitimate authority which regulate the individual's relations with others within a mutually-recognized framework. Such a framework is a *necessary* part of the individual's environment; its legitimacy and predictability offer him security in his everyday life. The sudden elimination of, or interference in, such structures can result in the destruction of entire communities, even if their individual members survive in a physical sense. Therefore, it is the first duty of the emerging centralized African state to preserve the basic organization of communal societies.

South Africa is an example of a state which has systematically challenged this fundamental level of social existence, especially by its policies of splitting up families (by confining "superfluous appendages," such as the aged, children, and crippled to so-called homelands). In sub-Saharan English-speaking Africa, however, there has been no consistent policy of interference with basic social order. There is one example of a state's committing such destruction by accident, as it were, rather than by policy. Under Idi Amin's regime in Uganda, the most basic, fundamental organization of society was seriously challenged. Law and order collapsed. Anyone who came to the attention of the five organs of supposed "state security" could be summarily kidnapped, tortured, and executed. Individuals could denounce personal enemies to such illegitimate authorities without fear of any check by national or local/communal organs of justice.[58] By undermining the social order at this most fundamental level, Amin's rule challenged

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56. Bay, note 11 above, 60.
57. Ifeanyi A. Menkiti, "Person and Community in African Traditional Thought," in Richard A. Wright, ed., *African Philosophy: An Introduction*, 2d. ed. (Washington, D.C.: University Press of America, 1979), 157–68.
58. International Commission of Jurists, *Uganda and Human Rights: Reports to the U.N. Commission on Human Rights* (Geneva: International Commission of Jurists, 1977), 151.

the right to community, the right to belong to a stable, familiar social order which through its rituals and familiar laws and customs would provide the individual with a fulfillment of his or her need to belong.

But Amin was the exception. Generally speaking, sub-Saharan English-speaking states have been not merely tolerant, but actively supportive, of the cultural and social rights which are implied in the right to belong or the right to community. Even in post-civil war Nigeria, the state attempted to conciliate the ethnic Ibo group which had seceded as Biafra, ·rather than to destroy it. Despite the temptation to persecute ethnic communities with strong irredentist or secessionist tendencies, such as the Ewe in Eastern Ghana, African governments have been surprisingly tolerant of ethnic (community) peculiarities.

The recognition of customary law and the role of "traditional chiefs" in sub-Saharan African countries is another means by which the right to community is recognized. At the "municipal" level in Africa, elders and chiefs represent the community; the centralized state has not removed the tribal institutions of political representation. In certain types of legal cases (for example marriage and divorce), customary law, varying by ethnic community, is followed, and is adjudicated by chiefs and elders. Why the state in Africa has permitted the retention of such local systems of authority is not clear. The honoring of traditional society may simply be a reflection of the fact that the central state does not have the human expertise, or administrative/organizational capacity, to intrude upon peoples' everyday lives at the levels of customary law. For the moment, however, retention of customary legal and authority structures protects African peoples against disruptive modern bureaucracies.

Indeed the African Charter of Human and Peoples' Rights lays great stress on the ideal of group rights, at the possible expense of individual human rights.[59] Some critics, including Africans, suggest that the stress on peoples' rights is a means for the elite to manipulate the masses. Aluko, for example, states

> This emphasis on peoples' rights . . . seems to be an attempt by African leaders to continue the near-autocratic control of their countries and the remorseless exploitation of their own peoples. . . . [W]ho determines the peoples' rights and by what yard-stick? It is the tiny ruling class. . . . Surely it is the case that without adequate rights for the individual not much progress can be made, especially in the African context.[60]

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59. For an analysis of the African Charter and how it differs from other international and regional human rights charters, see Richard Gittleman, "The Banjul Charter on Human and Peoples' Rights: A Legal Analysis," forthcoming in Claude E. Welch, Jr. and Ron I. Meltzer, eds., Human Rights and Development in Africa (Albany, N.Y.: SUNY Press, 1983).
60. Olajide Aluko, "The Organization of African Unity and Human Rights," The Round Table 283 (July 1981), 237.

Aluko's criticism points out the ambivalent nature of group rights. Certainly the assertion of group rights underlines the rights of distinct ethnic groups to live in peace, a right which is very important in such ethnically heterogeneous states as Nigeria, with its more than 250 linguistic groups. Group rights also permit the newly-emerging nation-state to protect itself against more powerful outsiders, for example multinational corporations.

On the other hand, the idea of national or group rights has also been used in Africa to justify scapegoat politics, that is, the persecution of ethnically-distinct non-African minorities, especially the Asians in East Africa,[61] and, less severely, the Lebanese in West Africa.[62] There is a thin line between implementing equality of economic opportunity through African-ization policies, as the Kenyans have done through restricting the economic activities of non-citizen Asians,[63] and implementing a xenophobic exclusion of ethnically identifiable groups. The affirmation of the right of ethnic or linguistic groups to exist may also mean the affirmation, at the level of the nation-state, of the right to discriminate against certain outsiders.

The problem with the concept of group rights is that it fails to recognize that in modernizing, urbanizing Africa, people are less and less members of particular ethnic groups and more and more individuals with a multiplicity of associations.

> [I]t is necessary to recognize the limits of the group approach to human rights. It works best where there exist clearly defined ethnic communities who carry on a life separate from the wider society. These groups exist most prominently in areas of economic underdevelopment where large-scale production and trade have not yet brought about economic integration. In larger, more complex economies and societies . . . each individual belongs to a number of quite distinct groups all at once, and none is capable of representing all the individual's interests. It becomes more important to protect the individual's right to participate, or not to participate, in any of a variety of groups.[64]

By emphasizing community rights, African governments have displayed sensitivity to the needs of those many rural Africans who still live in small-scale, homogeneous agricultural societies. The human dignity or self-respect of such individuals is guaranteed largely by the preservation of their com-munities and their sense of identity within them. However, to stress such

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61. Yash Tandon, "The Asians in East Africa in 1972," *Africa Contemporary Record* 5 (1972–73), A3–A19. See also the ongoing reports on the Asians in Kenya, Tanzania, and Uganda in ibid.
62. For example, people of Lebanese descent cannot become citizens in Sierra Leone, hence they cannot acquire land or engage in certain trades or businesses. Donald George and Garvas Betts, "Citizenship and Civil Rights in Sierra Leone" (unpublished, 1980), 10–11.
63. *Africa Contemporary Record* 1 (1968–69), 161; ibid., 6 (1973–74), B172; there are also reported harassments of citizen Asians, ibid., 9 (1976–77), B235.
64. John F. McCamant, "Social Science and Human Rights," *International Organization* 35 (Summer 1981), 542.

group rights over individual rights is to deny the reality that "strangers" or outsiders are now also part of large-scale, heterogeneous African nation-states; that individuals are increasingly mobile and alienated from their communal roots; and that, in complex modern cities, individuals need new sets of rights to protect them against large-scale, bureaucratic organizations, especially the organization of the state.

The preservation of social/cultural rights of community, therefore, is not enough. Individual civil and political rights are also necessary. The large centralized state cannot operate on the same lines as the small community. While the latter is relatively homogeneous and unstratified, the former is ethnically heterogeneous and increasingly stratified along lines of wealth, education, and control of office. While it is true that, for the most part, the state has not engaged in the systematic destruction of local ethnic groups in Africa, it is also true that competition for the scarce modern goods of wealth, education, and office is conducted in Africa partly along ethnic lines. In some cases, as in Amin's Uganda, membership of particular religious groups is also important.[65] The individual who is denied, for example, a university position because of his ethnicity needs to be able to demand his rights as an individual, even while his ethnic group as a collectivity is agitating for a new university in its own geographical region. Similarly, the changing social structure is resulting in new ideas about old roles. The individual woman worker needs to be able to demand equal pay for her equal work, even as her rural sister needs to be assured that her rights to land will not be abrogated by new legislation implementing individual land title, usually in men's names.[66] All communal groups need means to defend themselves against encroaching power of the centralized state; each individual needs means to protect him/herself against violations of laws or discrimination in cases in which his/her original membership group is powerless, or unwilling, to act.

## IV. CIVIL AND POLITICAL RIGHTS ARE NECESSARY IN AND OF THEMSELVES

In section II, I made the pragmatic argument that civil and political liberties will enhance the possibilities for economic development and equitable distribution of wealth. In this section I make a sociological argument, based

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65. M. Louise Pirouet, "Religion in Uganda under Amin," *Journal of Religion in Africa* 11 (1980), 13–29. Although only about 5 percent of Ugandans are Muslim, Amin favored them over Christians; nevertheless, Muslim leaders also suffered along with Christian leaders under Amin's rule.

66. Rhoda Howard, "Women's Rights in English-Speaking Sub-Saharan Africa," forthcoming in Claude E. Welch, Jr. and Ron I. Meltzer, eds., *Human Rights and Development in Africa* (Albany, N.Y.: SUNY Press, 1983).

on empirical examples, that along with, or even prior to, economic security, ordinary people may wish to have the kinds of rights which we consider under the rubric of civil and political liberties. In some cases, ordinary people will "trade off" their full bellies for freedoms of a non-material nature. In making this argument, I am referring not to the fundamental security rights such as freedom from torture and arbitrary execution (which I take for granted are desired by all individuals), but to the less physically necessary rights of intellectual freedom and political participation.

Some African scholars argue that the assertion that people need individual liberties such as freedom of expression or association is a Eurocentric position.[67] Inasmuch as such a position evolves from the Enlightenment tradition of human nature and human rights, it inadequately reflects, or indeed does not reflect at all, the culture of Third World societies. But there is debate among African scholars over this question. Others take the view that civil and political freedoms are an absolute necessity within Africa.[68] Indeed, Adegbite goes so far as to assert that the contention that Africans have lesser needs for liberty than Europeans is merely another manifestation of racism.[69] In any case, the African Charter of Human and Peoples' Rights does include a number of the common civil and political freedoms,[70] and the original Charter of the Organization of African Unity "commits its members to support the 1948 Universal Declaration of Human Rights."[71]

One might reply, however, that such formalistic recognitions of human rights merely represent an intellectually-colonized, elite view of society (in theory, if not in practice). What is the evidence that ordinary people will value their civil or political freedoms over a "full belly"? The actions and decisions of ordinary Africans are not normally recorded. Even survey data on political participation or basic needs will not necessarily ask the kind of question which will let us know, for example, whether ordinary people would be willing to stop reading newspapers in return for a guarantee that they would receive twelve yards of new cloth a year, or whether they would be willing to stop speaking their ethnic language in return for better access to education.

One interesting study conducted in Nigeria by Hadley Cantril in the

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67. See, e.g., Asmaron Legesse, "Human Rights in African Political Culture," in Kenneth W. Thompson, ed., *The Moral Imperatives of Human Rights: A World Survey* (Washington, D.C.: University Press of America, 1980), 123–37.

68. See, e.g., K. A. Busia, *Africa in Search of Democracy* (New York: Praeger, 1967). This book was however written before Busia became Prime Minister of Ghana (1969–72). See also Aluko, note 60 above, and Emmanuel Omoh Esiemokhai, "Towards Adequate Defence of Human Rights in Africa," *Quarterly Journal of Administration* 24 (1980), 451–61.

69. Latif O. Adegbite, "African Attitudes to the International Protection of Human Rights," in Asbjorn Eide and August Schou, eds., *Nobel Symposium 7: International Protection of Human Rights* (Stockholm: Almquist and Wiksell, 1968), 70–71.

70. See arts. 2–13 of the Banjul Charter, *op. cit.*

71. Aluko, note 60 above, 234.

early 1960s discovered that ordinary Nigerians had non-material as well as material values. Among their personal aspirations, 41 percent of the Nigerian respondents listed a happy family, while 22 percent listed self-development, 14 percent congenial work, and 14 percent being useful to others. Overall 42 percent mentioned personal values among their aspirations, while 14 percent mentioned social values. Even taking into account that "non-poor" Nigerians were more likely to mention these values than the poor,[72] not all of the responses can be explained away. Evidence that Africans act according to personal values even at very low levels of material wealth also comes from the literature on rural-urban migration. In both Tanzania and Kenya, the governments have made attempts to round up unemployed urban dwellers and return them to the land where they could find employment; in both cases, the expelled people have quickly returned to the city.[73] A major reason for rural-urban migration in Africa appears to be to escape the constrictions of community life, even when such constrictions offer material security.[74] Women, especially, migrate to escape witchcraft accusations and unhappy polygynous marriages.[75]

A very good example of the willingness to trade off physical security (in both senses: both physical integrity and food) for a non-material value is the behavior of Jehovah's Witnesses in East Africa. Members of the Watchtower society are non-elite Africans seeking to practice a non-traditional religion. They come into contact with the authorities primarily because they refuse to undergo the relatively formal ceremonies of buying ruling party cards and swearing allegiance to the state. As a result, they have suffered discrimination in Zambia,[76] been banned in Tanzania,[77] and been severely persecuted in Malawi,[78] where youths of the Malawi Congress Party have beaten them and in some cases raped and murdered them and where they have been excluded from schools, had their houses burned down, and been forced to flee their country. They are a small group of Africans who have been willing to trade off economic and physical security for religious freedom. Similarly, thousands of the followers of Alice Lenshina, the "Lumpas," fled Zambia in

72. Hadley Cantril, The Pattern of Human Concerns (New Brunswick, N.J.: Rutgers University Press, 1965), 74–81.
73. See Africa Contemporary Record 3 (1970–71), B172 for Tanzania. On Kenya, see S.B.U. Gutto, "The Status of Women in Kenya," Discussion Paper no. 235, Institute for Development Studies, University of Nairobi (April 1976), 36.
74. Margaret Peil, Consensus and Conflict in African Societies (London: Longman, 1977), 278–79.
75. Christine Obbo, African Women: Their Struggle for Economic Independence (London: Zed Press, 1980), 77.
76. Africa Contemporary Record 2 (1969–70), B232.
77. David Westerlund, "Freedom of Religion under Socialist Rule in Tanzania, 1961–1977," Journal of Church and State 24 (Winter 1982), 95.
78. Amnesty International, Briefing Paper no. 5, Malawi (London: August 1976). See also Tony Hodges, "Jehovah's Witnesses in Central Africa," (London: Minority Rights Group, report no. 29, June 1976).

the 1960s rather than submit themselves to Kaunda's rule,[79] and small sects of Christians continue their activities in Tanzania despite having been banned for their "anti-developmental" tendencies.[80]

Can such religious devotees be dismissed as mere victims of Western propaganda (which is, in any case, unlikely in the case of the Lumpas) or do they represent a more universal tendency to want the right to live as they see fit, to adhere to their own customs and rituals? It is not clear that even the right to life overrides all other rights in the actual day-to-day decisions individuals make.

For some individuals, moral integrity is more important than physical integrity; indeed, for some, moral integrity is a prerequisite for physical survival. Some evidence of this is available from comparative literature on how people behave *in extremis*. Gutman's work on African slaves in the United States, for example, demonstrates that, in situations of utter debasement, African slaves evolved their own new family structures and moral codes.[81] Des Pres' work on Jewish survivors of Nazi concentration camps shows how those Jews who constructed their own system of social organization within the camps managed to survive,[82] whereas the demoralized were more likely to die.[83] Examples of such behavior in Africa are easy to find, as the following story shows. The Nigerian novelist Elechi Amadi, suffering from severe hunger in a Biafran prison, was offered a bowl of porridge by a guard. He asked permission to share it with a fellow-prisoner, a four-year-old girl. When permission was denied he threw the food on the floor, rather than eat it while depriving the child.[84] At certain times, some individuals are willing to sacrifice their own basic rights for others' basic rights. Perhaps such heroism [85] is necessary to our survival as social beings.

Examples of such moral integrity abound in Africa. In Uganda, Mrs. Teresa Nazire Mukasa-Bukenya, a mathematics lecturer at Makerere University, was found beheaded on the roadside (she was carrying eight-month twins) after she refused to give Idi Amin false information about the sexual habits of a Kenyan woman student, information which would have justified Amin in claiming to the Kenyan government that the student, rather than having been murdered, had merely run off with a group of Ugandan soldiers.[86] In 1982, three judges were murdered in Ghana, possibly because

79. *Africa Contemporary Record* 2 (1969–70), 233 and ibid., 3 (1970–71), B213.
80. Westerlund, note 77 above, 97.
81. Herbert Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York: Vintage Books, 1977).
82. Terence Des Pres, *The Survivor: An Anatomy of Life in the Death Camps* (New York: Pocket Books, 1976).
83. Bruno Bettelheim, *The Informed Heart: Autonomy in a Mass Age* (New York: Avon Books, 1960), 121–23.
84. Elechi Amadi, *Sunset in Biafra: A Civil War Diary* (London: Heinemann, 1973), 113.
85. Shue, note 10 above, 116.
86. Pirouet, note 65 above, 20. See also *Africa Contemporary Record* 9 (1976–77), B385.

they had taken some decisions which the current military dictator, Jerry Rawlings, found unpalatable.[87] This murder was reminiscent of the dismissal of several judges by Kwame Nkrumah in 1963 after they had acquitted a number of individuals accused of treason.[88] The brave stance taken by the Ghana Professional Bodies' Association in the last seven years, against the dictatorships of both Acheampong and Rawlings, is further evidence of the risks people are willing to take at the expense of both their physical and their economic security. The Rawlings regime is actively persecuting professionals, calling them "parasites" and "counter-revolutionaries."[89] Despite the murder of the three judges, only six of Ghana's almost forty Superior Court judges have left the country, and none of the remaining judges has resigned.[90]

Those who are severely critical of the regime in Kenya run substantial risks. The populist politician J. M. Kariuki was murdered in 1975, seemingly on orders of the chief of the Criminal Investigation Department,[91] and possibly on the orders of a member of the President's own entourage. The radical novelist Ngugi wa Thiong'o spent a year in prison, partly because his novel *Petals of Blood* was based on Kariuki's case, and partly because he wrote and produced a play critical of the government in the Kikuyu language.[92] Since the mid-1970s, three former M.P.'s, George Anyona, Martin Shikuku, and John-Marie Seroney have undergone spells of preventive detention for speaking out, in the ostensible protection of Parliament, against corruption and the *de facto* (now *de jure*) one-party state.[93] One former M.P., Chelegat Mutai, has become the first Kenyan refugee in Tanzania.[94] In 1982, several prominent Kenyan academics were arrested, and the University of Nairobi closed down. Among the arrested was Al-Amin Mazrui, still in solitary confinement in May 1983 despite extremely poor health.[95]

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87. The *Legon Observer* (Ghana) 14 (July, 1982), 1.
88. Busia, note 68 above, 106–7.
89. Association of Professional Bodies, "We Want Government of National Unity," *Ghana Free Press* (29 July 1982).
90. Statement by Mr. Justice Apaloo, reported in *West Africa*, "Judicial Challenge [in Ghana]," 21 February 1983, 488.
91. Government of Kenya, "Report of the Select Committee on the Disappearance and Murder of the Late Member for Nyandarua North, the Hon. J. M. Kariuki, M.P." (3 June 1975).
92. Ngugi wa Thiong'o, *Petals of Blood* (London: Heinemann, 1977). See also Amnesty International, *Bulletin* (Canada) (February 1978), Ngugi wa Thiong'o, *Detained: A Writer's Prison Diary* (London: Heinemann, 1981), and also see *Africa Contemporary Record* 10 (1977–78), B265.
93. Amnesty International, *Annual Report* (1975–76, 1976–77), *Bulletin* (Canada) (June and September) 1977.
94. The *Sunday News* (Tanzania), 31 January 1982, 7.
95. Amnesty International, *Bulletin* (Canada) (September 1982 and March 1983); James Reid, "Kenyan Academics, Students Victims of Government Purge," CAUT (Canadian Association of University Teachers) *Bulletin* (May 1983), 14.

All of these people risked their lives and their physical integrity (Martin Shikuku, for example, emerged from prison in 1978 unable to walk [96]), and sacrificed comfortable livelihoods as academics, lawyers, judges, or M.P.'s, in order to speak out about injustices which in fact did not affect them in a personally severe way. But moral integrity *per se* does not demand civil/political rights; perhaps, indeed, it can thrive in more heroic form when such rights are denied. What is important for our purposes is not the quality of the act nor the morality of the actor (Martin Shikuku, for instance, was also a strong supporter of Amin's expulsions of Asians [97]). What is important is that people are willing to make sacrifices, both of their physical integrity and of their material security, for the sake of a cause in which they believe. Are such sacrifices, however, only made by members of the elite who, having been raised in relative security, are able to indulge in the relative luxury of critical thought?

The question cannot be answered by existing empirical data. Cantril's evidence suggests that ordinary Nigerians value family and personal development as well as outright material wealth, but even so, such evidence may suggest attachment to traditional communal values rather than individual freedoms. Is it likely that the non-elite will be motivated by the same political ideas as the elite? I suggest, following Barrington Moore, that it is.[98] Without indulging in idealism, one can hypothesize that there is a universal belief in fairness and justice which permeates all societies. The content of what is fair may differ, but all societies have a rule of law and a system of legitimating authority. In large-scale, heterogeneous modern societies, an efficient means of guaranteeing that law is just and authority legitimate is to implement civil and political freedoms which protect the individual against abuse of law, and allow the individual effective participation in the choosing and operations of government. When non-elite Africans are confronted by the centralized modern state, they "need" the same sorts of protections to preserve their sense of justice and fairness as the elites "need." Their belief in fairness and legitimacy will result in demands for civil and political freedoms simultaneously with demands for economic development. Such freedoms cannot merely be put aside until all bellies are full.

## V. CONCLUSION: IS THERE A HIERARCHY OF HUMAN RIGHTS?

A number of attempts have been made to establish a hierarchy of human rights or, alternately, a list of basic human rights which cannot be violated under any circumstances,[99] as opposed to human rights which are of sec-

96. Amnesty International, *Report* (1979). See also Ngugi, note 92 above, 102–3.
97. Tandon, note 61 above, A8, A17.
98. Barrington Moore, Jr., *Injustice: The Social Bases of Obedience and Revolt* (White Plains, N.Y.: M. E. Sharpe, 1978), ch. 1, "Recurring Elements in Moral Codes."
99. See, e.g., Shue, note 10 above; Peter L. Berger, "Are Human Rights Universal?," *Com-*

ondary importance and which may be delayed until economic development occurs. In this section, I suggest not a hierarchy, but rather a categorization of different kinds of rights. This categorization will show that "basic needs" and hence basic "rights" (accepting that basic rights ought to be derived from basic needs) are both civil/political and economic/social/cultural in content; the separation of the two "kinds" of rights is a false distinction arising out of ideological and political disputes.[100]

Firstly, it appears that there is a basic right to personal or physical integrity; in Shue's term, to security and subsistence.[101] This right is both political and economic in nature. In political terms it means the right to freedom from execution and torture, as well as perhaps freedom from arbitrary arrest and imprisonment.[102] In economic and social terms it means the right to adequate nutrition and a minimal standard of health care (though there are difficulties in defining what such a minimum means; Brockett defines it as health care for children [103]). The economic right of adequate nutrition has, of course, its own political dimension. Nutritional standards are a result as much of the distribution as of the ultimate supply of food.[104] Similarly health care in Africa varies by social class and by urban or rural location. In Nigeria, for example, there are seventeen times as many doctors and thirteen times as many nurses in the capital, Lagos, as in the rural areas; and seven times as many doctors and five times as many nurses overall in the urban as in the rural area.[105] To obtain basic economic rights requires political clout.

Secondly, there are two kinds of "human dignity" rights which, I believe, any person living in a small-scale, communal, non-modern society would want, even if (hypothetically) such a person were unconcerned with "Western" individual rights. The first is a right to an historically and culturally defined minimum absolute wealth; that is, to a fair share of the community's economic resources. Along with this there is the need for the "right of belonging" or the right to community; that is, the need to feel secure in one's kinship or social system and in one's exercise of custom, ritual, culture; the need to feel that those who have power have some legitimacy and are not arbitrary.[106]

mentary 64 (1977), 60–63; Charles Brockett, "A Hierarchy of Human Rights," paper presented to the American Political Science Association, 1978 Annual Meeting, New York, N.Y. (31 August–3 September 1978).

100. Especially, according to Shue, out of U.S. pressures for two separate Covenants at the U.N., note 10 above, 158.

101. Ibid., ch. 1.

102. See Linda J. Maki, "General Principles of Human Rights Law Recognized by all Nations: Freedom from Arbitrary Arrest and Detention," *California Western International Law Journal* 10 (1980), 272–313.

103. Brockett, note 99 above, 14–15.

104. See Eicher, note 21 above, also Susan George, *How the Other Half Dies: The Real Reasons for World Hunger* (Harmondsworth: Penguin, 1976).

105. A. Mejia, H. Pizurki, and E. Royston, *Physician and Nurse Migration: Analysis and Policy Implications* (Geneva: World Health Organization, 1979), 332.

106. Moore, note 98 above, 15–31.

Thirdly, there are two kinds of rights stressed in the Western political tradition but not confined to it: individual civil and political freedoms, and socialist equality. As Hodgkin [107] rightly points out, the Western political tradition includes socialism as well as liberal capitalism. The socialist ideal is that of relative, not absolute, wealth, and is grounded in the belief that inequalities of wealth should be eliminated. I believe that relative wealth is less important than absolute wealth. As Barrington Moore argues, people do not mind economic inequality, so long as they feel that they themselves are getting their fair share; that is, equity is more important to them than equality.[108] Christian Bay agrees:

> The general issue of equality of incomes is not as important as it has been supposed to be . . . . First, there must be a *right* to a minimum income . . . enough to achieve security for everyone . . . . Second, there must be a *right* to equal pay for equal work . . . . [But] [w]hat matters concerning equality is equal respect and equal dignity, not the dollars and cents value of equal pay . . . . What matters is not equal treatment . . . what matters is treatment as equals.[109]

This means, for example, that leveling types of economic tactics such as practiced in the villagization program in Tanzania may not only be detrimental to long-run economic growth, but may also not be in accord with ordinary people's perceptions of what is wrong with their society. Nyerere's statement in 1963 that "Tanganyika would reject the creation of a rural class system even if it could be proved that it would give the largest overall production increase"[110] may reflect his own admirable moral principles, but not the beliefs of his poverty-stricken countrymen, for whom he ostensibly speaks. As long as the inequalities are not so severe as to be "degrading,"[111] they may be tolerable.

Similarly, with regard to the Western tradition of civil and political liberties, people will accept what they consider to be legitimate authority. They are not necessarily interested in a leveling or absolute sharing of all political power. Legitimation of government through competitive elections within a one-party system, as in Tanzania, Zambia, or Kenya may indeed satisfy their desires for political input at the national level,[112] as long as such elections are fairly and freely conducted, and as long as their representatives have a genu-

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107. Thomas L. Hodgkin, "The Relevance of 'Western' Ideas for the New African States," in J. Roland Pennock, ed., *Self-Government in Modernizing Nations* (Englewood Cliffs, N.J.: Prentice-Hall, 1965), 51.
108. Moore, note 98 above, 37–45.
109. Bay, note 11 above, 70–71 (emphasis in original).
110. Allan McChesney, "The Promotion of Economic and Political Rights: Two African Approaches," *Journal of African Law* 24 (1980), 168; quotation taken from Nyerere's 1963 McDougal lecture to the Food and Agriculture Organization of the United Nations.
111. Shue, note 10 above, 119–23.
112. For a fairly positive assessment of democracy in East African one-party states, see International Commission of Jurists, *Human Rights in a One-Party State* (London: Search Press, 1978). The conditions mentioned do not necessarily obtain, especially in Kenya and Zambia.

ine right to free speech and criticism. But people are also concerned with a
right to freedom of social intercourse (assembly and association) and
speech; they do not want their day-to-day lives interfered with and they
want the right to speak out on their own as well as through representatives.
The state which spies on its citizens in a totalitarian manner is therefore more
oppressive than an elite which merely monopolizes the formal trappings of
power, without much interference in what ordinary people do or think. (In
this respect, one wonders if Tanzania's ten-household cell system may be
regarded as oppressive by its ordinary members. In this system, everyone,
whether or not a member of the ruling and only political party, is integrated
into a local structure which allegedly facilitates communication and feed-
back from the base to the leadership. But in practice, top down communica-
tion is the norm. Moreover, the cell leader has the duty to urge his or her
members to pay taxes and join the Party, and to mediate — interfere? — in
local disputes.[113])

What is important, then, is to remember that the implicit hierarchy of
human rights contained in the first paradigm of development noted in sec-
tion II above may not be correct. The "full belly" may not always precede
moral integrity, the right to community, or political freedom in the value
system of an individual. Indeed, Bay goes so far as to assert that "many,
perhaps most, human beings tend to be prepared for extremes of self-
sacrifice for family, friends, comrades, or a cause."[114] There is no reason to
think that ordinary Africans have less capacity for moral speculation than
members of the African or Western elite, although they may have less
capacity to articulate or act on their beliefs. As an anonymous participant in
the 1966 Dakar seminar on human rights put it, "To sacrifice the liberties
inherent in the human personality in the name of economic development...
[is] to reduce the individual to the role of producer and consumer of goods,
which . . . [is] far too high a price to pay for improving the material condi-
tions of existence."[115]

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113. Jean F. O'Barr, "Cell Leaders in Tanzania," African Studies Review 15 (December 1972),
     452, 464, 446, 440. See also McChesney, note 110 above, 191.
114. Bay, note 11 above, 58.
115. United Nations, Seminar on Human Rights in Developing Countries, Dakar, 8–22
     February 1966 (New York: United Nations, 1966), 37.