Introduction

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In 2011, the Department of Political and International Studies at Rhodes University in Grahamstown, South Africa, launched an African studies project called Thinking Africa, with the explicit aim of exploring different synergies or counterpoints between research and postgraduate teaching. Every year, one of the department’s researchers is given the opportunity, via Thinking Africa, to present a current research project as a postgraduate course for Honours and Master’s students. The topic of this research project then becomes the annual Thinking Africa theme. Over the course of a thirteen-week semester, students join the researcher in exploring the theme through an approach to tertiary education that the relevant literature, depending on emphasis, describes either as teaching-led research or research-led teaching. The research course culminates in a colloquium, to which notable international and national scholars are invited. This is not a standard academic conference with multiple streams and parallel sessions, but rather a focused conversation between ten to twelve scholars, open to all and free of charge to the public. The postgraduate students, now well versed in the pertinent literature, attend the colloquium with some actively participating by delivering papers of their own. In addition to presenting papers at the Thinking Africa colloquium, some of the visiting scholars also teach individual seminars, either before or after the colloquium.

As with many other conferences – the more successful ones, anyway – the idea is that the colloquium should be a conversation in which scholars present work-in-progress. In the months after the colloquium, these contributions are reworked into more substantial chapters and published, in book form, as part of the Thinking Africa Series, in association with University of KwaZulu-Natal (UKZN) Press. Although the core business of the book series consists of publishing the proceedings of the annual colloquium, other titles that are considered relevant to the overall intellectual concerns of the project are also published. The series was launched in 2012 with the publication of Julia Wells’s The Return of Makhanda: Exploring the
Legend – a timely re-examination of the historiography of Makhanda, the Xhosa warrior and reputed prophet, who in 1919 led an estimated 10 000 soldiers in a failed assault on British army headquarters in Grahamstown. This publication was followed in 2013 by V-Y Mudimbe’s *On African Fault Lines: Meditations on Alterity Politics*, which reformulates the experience of African studies as a concern with Africa’s place in today’s intellectual, economic and cultural configurations, including the main axes that structure disciplinary practices relating to African difference and in terms of the possibility of understanding being-in-the-world, with reference to alienation, creativity and friendship. In early 2014, the most recent book in the series, Leonhard Praeg’s *A Report on Ubuntu*, was published. This book argues for the reappropriation of Ubuntu in the post-nationalist terms of a more cosmopolitan discourse on critical humanism.

The present volume is the outcome of Thinking Africa 2012, conceived and organised around the thematic ‘Ubuntu: Curating the Archive’. The aims of this particular research project were twofold: first, to contextualise the debate on Ubuntu – which is often quite a myopic, South African-centred discourse – within the wider historical context of attempts, particularly by the first generation of post-independence African leaders, to rearticulate or reinvent African humanism, either as an autonomous and substantial philosophy and/or as an emancipatory developmental ideology, of which Julius Nyerere’s Ujamaa project in Tanzania has probably been the most coherent. The second aim was to situate Ubuntu discourse in the wider historical context of a racist, Western modernity that, in many ways, created black subjectivity as both an exteriorised form of Otherness – a projection that plays itself out in the tired juxtapositioning of so-called Western individualism and so-called African communalism – and as a form of resistance to and a critique of that modernity. In this collection, we start with the latter perspective.

Given these two aims, a comment on the principles we used as guidelines for the spelling of the term ‘ubuntu’ is important. In ‘Ubuntu and the Globalisation of Southern African Thought and Society’, Wim van Binsbergen notes the following:

Over the past twenty years, *ubuntu* (a word from the Nguni language family, which comprises Zulu, Xhosa, Swati, and Ndebele) and the equivalent Shona word *hunhu* have been explored as viable philosophical concepts in the context of majority rule in South Africa and Zimbabwe. In the hands of academic philosophers, *ubuntu/hunhu* has become a key concept to evoke the unadulterated forms of African social life before the European
conquest... The form of the word *ubuntu*... is purely productive in the morphological linguistic sense. It is the result of coupling the prefix generating abstract words and concepts (i.e. *ubu*-, in the Nguni languages) to the general root -*ntu* which one and a half centuries ago persuaded the pioneering German linguist [Wilhelm] Bleek to recognise a large Bantu-speaking family: the entire group of languages, spoken from the Cape to the Sudanic belt, where the root -*ntu* stands for ‘human’ (2001: 53).

In terms of this background, the linguistic convention in certain Nguni languages, such as isiZulu, is that when a sentence starts with the word, it should be spelled ‘uBuntu’. However, given the aims of this volume, we were guided by the following two principles: one, following the usage introduced by Praeg in *A Report on Ubuntu* (2014), we use ‘ubuntu’ to refer to the living practice (the ‘unadulterated forms of African social life’) and ‘Ubuntu’ to refer to the postcolonial retrodiction of that practice as abstract philosophy and two, since the word is accepted in South African English usage, it is not italicised here.

In the first chapter, Lewis R. Gordon articulates the shared logic of modernities, what he calls the ‘script of the relationship of tradition to modernity from antiquity to the present’, of which Western modernity is but one recent example. According to this script, colonised peoples are always left with one of two choices: disappearance – ‘either through genocide, cultural erasure or assimilation’ – or adaptation, through transformation in the form of ‘hybridisation and synthesis’. The latter possibility is of particular importance to us because it suggests rethinking Ubuntu in terms of a reinvented tradition or, in Mudimbe’s concise description, appropriating it as ‘retrodiction’ – that is, as both a product of Western modernity and a critique of it. The idea that Ubuntu contains and can be mobilised as a critique of Western modernity generates the more specific question about its emancipatory potential in post-apartheid South Africa.

The three chapters that follow lay the foundation for responding to this challenge and they do so by looking at Ubuntu through three different kinds of lenses that bring into sharper focus different aspects of the relationship between African humanism and the project of emancipation: context, values and history. In terms of context, in Chapter 2, Ama Biney presents a broad historical synopsis of the variants of African humanism and the manner in which it has been deployed to emancipatory ends, more specifically, the first wave of post-independence development projects of Kwame Nkrumah, Kenneth Kaunda and Nyerere. She
teases out some of the paradoxes generated by this history: What is the relationship between postcolonial state-formation, developmental humanism and the appalling violence that shadows this history? How do we account for the fascinating nexus of humanism and totalitarianism in the post-independence history surveyed in this chapter? Ambivalences and paradoxes abound in what we can perhaps think of as the political economy of African humanism. Many of these paradoxes relate to the tension that can be argued to exist between historical and contemporary values, between the values of which this humanism was historically a function and the contemporary values – often associated with Christianity, human rights and so on – that it seeks to domesticate and rearticulate. There are two relatively uncritical ways out of this ‘messy dialectic’ (as Frantz Fanon would call it): an ethnosophical denial of the tension, which often glorifies Ubuntu as an expression \textit{avant la lettre} of the essential insights offered by Christianity, human rights and socialism, as if there were nothing by way of axiological residue that was then, as it is now, incompatible with these discourses.

Against this nostalgia is a second response that sees nothing but incompatibility between Ubuntu and the core values embodied by the Constitution. Here, the patriarchal values, of which ubuntu \textit{qua} praxis was a function, combined with the fact that it is fundamentally a religious, not spiritual (in the post-secular sense of the word) world view, renders Ubuntu fundamentally at odds with the requirements of liberal democracy. This is the claim put forward by Ilze Keevy in Chapter 3. It is an important argument because it represents the view of many ordinary South Africans and scholars for whom the emancipatory potential of Ubuntu \textit{qua} African humanism is limited by its own core values. What is the status of these critiques, by which we mean: What conceptions of history, time and culture are presupposed by them? Perhaps, ultimately, that ‘things do not change’, cultures and traditions do not reinvent themselves or, where they do, it is the prerogative of hegemonic traditions, such as liberal constitutionalism, which, far from being the ‘common law’ of its own imagination can, from another perspective, be described as nothing but Western customary law. The merit of Keevy’s contribution lies in the fact that it pushes to the fore this \textit{archê} contestation over what is hegemonic and what is ‘merely’ customary. It forces into the open the political question of who and under what conditions can assert the prerogative to reinvent tradition, without \textit{therefore} being dismissed as ‘mere’ ideological and identitarian imitation. At work in this dismissal – and in fact, we would argue, in the vast majority of critical engagements with Ubuntu – is a failure to distinguish between the historical ubuntu
praxis and the contemporary, retrodicted reinvention of Ubuntu philosophy of the postcolonial imagination.

The third lens through which the question of the emancipatory potential of Ubuntu is approached is therefore a philosophical argument for the usefulness and relevance of this distinction. In Chapter 4, Leonhard Praeg considers what he calls the four historical conditions of the possibility for Ubuntu as postcolonial philosophy. In effect, he asks what needed to have happened historically in order for us to ask the kinds of questions about Ubuntu that we do. His analysis of four of these conditions (or a prioris) suggests a difference between, on the one hand, an ubuntu deeply embedded in historical praxis or a political economy of obligation, where what it meant to recognise ‘shared humanity’ amounted to the mutual reaffirmation of a number of culturally and time-specific values and, on the other hand, a contemporary, postcolonial use of Ubuntu that seeks expansion and application beyond that political economy, in order to engage with questions of justice and belonging presupposed by our imagined community. When, for instance, a contemporary Constitutional Court judge invokes Ubuntu, s/he is deploying an abstract philosophy that, over many decades, has retrodicted this expansion as a result of mutually enriching interfaces with glocal discourses, such as Christian theology and human rights. In this precise sense, Ubuntu is both a function and a critique of Western modernity and therein, Praeg argues, lie both the conditions of its possibility and the limitations of its emancipatory potential.

Having considered the contextual, axiological and philosophical questions generated by the reinvention of Ubuntu, the other chapters engage with the question that comes after this: Now that we understand how we have come to speak about Ubuntu in the way that we do, why bother? What is the emancipatory potential of an Ubuntu so conceived? This question is addressed at two levels: in the first instance, at the level of the big picture, where Ubuntu is invoked to challenge, not the laws of the land, but the conception of justice that informs those laws. In the second instance, two contributions consider Ubuntu more immediately, in terms of its potential as form of ethical activism. Let us briefly outline the main concerns of both approaches.

A number of contributors – Gordon, Drucilla Cornell, Issa G. Shivji, Katherine Furman and M.B. Ramose – ask a very similar question that can be summarised as follows: Is the concept of justice projected by the contractual axiomatic of the Constitution adequate for a postcolonial South Africa or might Ubuntu, as Gordon argues, amount to a form of potentiated movement into a normative field,
where justice so understood is recognised as a political and historical construct, as customary law with (at best) universalising ambitions? And once we have followed this potentiated movement to the originary *archê* of the political, what alternative or complementary conception of justice does Ubuntu offer us?

In Chapter 5, Ramose takes up this challenge by advancing a radical argument: the right to life is inseparable from the right to express the meaning of that life in terms that make sense to the individual. Where a politico-juridical order exists that recognises the former right, but not the latter, the ‘right to life’ is but an abstraction. For Ramose, this is how we need to understand what it means to have a right: it includes, among other things, the right to development and a livable environment, in addition to the freedom to express, in ethno-specific terms, what having rights means to the individual. This is a holistic and therefore radical, because expansive, understanding of ‘rights’; ‘expansive’ because it insists that although rights may be universal, they still have meaning and this meaning is never simply universal. Rights mean something specific, both phenomenologically – in terms of the construct an individual deploys in making sense of what ‘having rights’ means – as well as practically, in the sense that rights become inseparable from the conditions of their meaningful and substantial realisation.

This suggestion – which appears radical only to the extent that liberal democratic understandings of both rights and justice have managed to naturalise themselves, along with the distinction they have generated between first- and second-generation rights, between immediately realisable individual rights and the promisorial structure of socio-economic rights – is also echoed in Chapter 6 by Shivji, who reminds us of the equally radical understanding of justice in Nyerere’s political philosophy, one that radically subverts the very assumption upon which such distinctions are based. What inspired Nyerere’s socialist Ujamaa project was the realisation that the notion of ‘equality of rights’ captures something essential about the ‘juridical outlook’ of the bourgeoisie, for whom human beings are considered equal because they possess equal rights – a conception of equality that is superimposed on the fundamental social and economic inequalities inherent in the capitalist system. In such a system, our very conception of ‘justice’ is a function of a double abstraction that makes it possible and that is replicated and sustained by it: The ‘individual being’ is abstracted from the ‘social being’ and this ‘abstract individual’ is then said to possess equal rights. For African philosophers, such as Nyerere and Ramose, the equality of human beings is prior or anterior to any discourse on rights. Equality and (by deduction) justice, does not derive from rights; it is not a function of rights discourse, but rather precedes it. Shivji writes:
Coupled with the idea of *utu* (dignity or humanness), this idea of *usawa* (equality) per force imports the idea of *equity* and *justice*, both of which, in Kiswahili, translate into the word *haki*, which also means rights. Here, rights are not separated from justice – unlike in the bourgeois understanding where ‘right’ connotes a legal right, so that justice merely translates into ‘legal’ justice. In Kiswahili, equity, justice and right are all connoted by one word, *haki*, which is often used interchangeably. *Utu* and *usawa* are inseparable in the sense that all are equal in their dignity. *Haki* is not equivalent to the concept of rights in bourgeois philosophy. *Haki* is not justice according to rights, but justice as social justice.

These are fascinating meta-questions – not simply about the justice or justness of laws, but about *the justice of justice* itself, the very conception of justice we invoke when we decide on the justness of laws. However, in this volume, we do not pursue this question any further at a meta-level. Instead, in Chapter 7, Katherine Furman discusses, among other things, the kinds of objections judges regularly encounter when they invoke Ubuntu in an attempt to expand our understanding of justice along these lines. Juxtaposing the jurisprudence of Johan van der Walt’s *Law and Sacrifice: Towards a Post-Apartheid Theory of Law* with Drucilla Cornell’s ‘A Call for a More Nuanced Constitutional Jurisprudence’ and ‘Ubuntu, Pluralism and the Responsibility of Legal Academics’, Furman identifies, in order to refute, three main criticisms routinely levelled at Ubuntu-engaged adjudication: a lack of conceptual clarity, a lack of African particularity and a lack of appropriate cultural context when making use of Ubuntu in the law. Her chapter brings to a conclusion the contributions that deal with Ubuntu’s emancipatory potential at a macro-level.

Straddling the transition between this macro-level discourse and the chapters that consider Ubuntu as an activist ethic is Drucilla Cornell’s concise argument in Chapter 8, in which she defends Ubuntu on the basis that it engages racist, Western modernity at the totality of the levels at which it presents itself: philosophical, political and juridical. In doing so, she argues, it presents us with a new ethical vision of what being human together can mean and look like. In her account, Ubuntu needs to be taken seriously not simply because it is an African or South African value or philosophy, but because it offers a way of renewing and reinvigorating the philosophical and political project of human solidarity. This it can only do if we take seriously the emancipatory potential for radical transformation embodied by ‘revolutionary Ubuntu’ – a phrase used by, among others, members of Abahlali baseMjondolo, for whom Ubuntu is irreconcilable with the capitalist system.
The potential of Ubuntu as an ethical force or critique is also the topic of Chapter 9 by Siphokazi Magadla and Ezra Chitando, in which they attempt to reconcile the disjuncture between the formal/legal equality achieved between men and women after apartheid with the harrowing day-to-day cases of sexual and gender-based violence against women in South Africa. The authors examine how, if at all, Ubuntu can/should contribute to reconfiguring masculinities and femininities. They do so specifically because tradition has been used as a basis to articulate the backdrop as to why men use violence to control women, in a context where they presumably perceive legal equality as an attack on their ‘traditional’ superior role as men, in both the public and private spaces. The authors reveal a complicated relationship between what has until now been a binary representation of this tradition versus legal equality discourse, which sees men represented as using tradition as a tool to preserve male hegemony and ordinary women and/or feminists who perceive the reinvention of tradition as potentially eroding the liberal constitutional values of equality that offer protection to women. Magadla and Chitando argue that Ubuntu does not exclusively belong to the male traditionalists because many women also see themselves as custodians of its associated values. Thus, the argument is that liberal rights discourse is not irreconcilable with traditional values, since it is possible to aspire to legal equality that destroys the gender inequality inherent in the language of tradition, while also considering oneself a custodian of the same tradition.

In her concluding reflection in Chapter 10, Danielle Alyssa Bowler argues that the current positioning of Ubuntu in state discourse anticipates a future irrevocably different from the past and, as such, tends to present us with a vision of an easy and uncomplicated road to the future, devoid of the hard work of first finding and insisting on what is truly common in our shared humanity. In its obsession with progress, Ubuntu discourse often fails to address the present as present and, in doing so, deprives us of a vision of the future as future. The question that should haunt us in this strange temporality that is postcoloniality is: What sort of moment is this in which to pose the question of Ubuntu to the contemporary South African reality? This is a question, Bowler argues, that restores temporality to the present because it insists on the way in which memory and its repetition can pave the road towards the unprecedented.