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What Obligations Should Be Owed to [African] People with Disabilities?

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Abstract

Although obligations are central to African communitarian philosophy, little is known about how they account for people with disabilities and even less about their practical application. An asymmetrical conception of obligation is proposed to remedy the exclusion, and tax as a means to practically discharge obligations to people with disabilities.

Keywords: African philosophy, obligations, disabilities

Obligations are at the core of the literature on African communitarian philosophy. They are fundamental to defining what it means to be a person and what it means to share and experience community with others. Despite the importance of obligations, little is known about how they account for people with disabilities and even less about their practical application. Given that personhood can be earned only by individuals who live up to their obligations to others and/or to the community, individuals who cannot are designated the lower status of “human beings.” “Persons” are distinguished from “human beings,” with persons more highly valued, consequently undervaluing people with disabilities, particularly people with cognitive and extreme physical disabilities. Put differently, demanding obligations may overlook the particular characteristics of people with disabilities, who are thus excluded from the regime of obligations synonymous with being part of a community. I am not suggesting that people with disabilities cannot contribute to or be recipients of the obligations of others. Nevertheless, it must be recognized that the ability or capacity to contribute to or benefit from obligations may be contingent on the type of disability concerned. Some have disabilities that make them unable to participate in or benefit from mutual reciprocal obligations. This may be better appreciated in the context of the social model of disability, which can be used to make clearer the environmental barriers and social or cultural attitudes that may prevent people with disabilities from participating in or experiencing obligations because of their impairments (Grut et al., 2012, p. 154). In relying on insights from the social model of disability, I am not insensitive to or unaware of the relationality between impairments and disabilities (World Health Organization & World Bank, 2011, p. 4). Neither am I unaware of the limits of the social model of disability (Maybee, 2017; Shakespeare, 2013; Oliver, 2013), particularly the neutrality it assumes over the creation or production of certain impairments (Soldatic & Grech, 2014). Despite this limitation, the social model provides the analytical tools necessary to appreciate the

implications of exclusion from a regime of mutual reciprocal obligations.

This article has two related aims. First, it offers an asymmetrical conception of obligation, which better accounts for people with disabilities. My argument here is contingent on understanding obligations as a product of a fundamentally “altruistically freighted” (Gyekye, 1997, p. 67) morality, which imposes obligations on capable members of a community to assist vulnerable co-members, particularly those not able to reciprocate or, at least, to equally reciprocate. This is at the core of the distinction I draw between those with disabilities and those without disabilities, even though I am not unmindful of the continuity between the former and latter. I argue that asymmetry offers a more accurate interpretation of the diverse needs and abilities of members of a community, including how they may support and be supported by each other, particularly in times of need because of the irreducible vulnerable nature of being human. In the course of this argument, I identify and show how core obligations in African communitarian philosophy resonate with and can be used to counter many exclusions or injustices faced by people with disabilities. If it is not already obvious why people with disabilities should be owed special obligations, anecdotally, the vast majority of the approximately 80 million disabled Africans (World Health Organization & World Bank, 2011, p. xi) count themselves among the most marginalized and poorest people on the continent who suffer exclusion and injustice (Onazi, 2020). Together with other vulnerable people on the African continent, poverty exacerbates their exclusion and negatively impacts the quality of community experiences and relationships of people with disabilities (Onazi, 2020; Eide & Ingstad, 2013). Exclusion and poverty are just some of the injustice that have made an obligation-based approach to disability justice a necessary, but underappreciated, response to violations faced by people with disabilities across the African continent.

Given that little is known about the practical application of obligations (i.e., whether this is in relation to people with disabilities or to other members of society), the second aim of this article is to consider what these obligations will look like in practice. It proposes a hypothetical tax scheme as a vehicle to concretely convey the obligations of people without disabilities to people with disabilities. Tax is not a perfect institution, but it provides the most fitting medium to collectivize and institutionalize the core obligations in African communitarian philosophy in ways that can have a substantive impact on the lives of people with disabilities. This would range from implementing structural changes to public infrastructures to meeting urgent basic needs, healthcare services, educational and employment opportunities, housing, and assistive services (e.g., wheelchairs, walking sticks, and other technologies).

The argument will be presented as follows. First, I clarify how obligations, including the importance attached to them, are characterized in African communitarian philosophy. After showing how the routine characterization of obligations as mutual reciprocal concepts leads to the exclusion of people with disabilities, an asymmetrical conception is proposed as a remedy, including how it can be extended to people with disabilities. Finally, a hypothecated tax scheme is offered as a means for people without disabilities to practically discharge their obligations to people with disabilities.

Obligations in African communitarian philosophy

Broadly speaking, obligations mean to be bound to do something through a particular course of action. Obligations commonly refer to ties or bounds between people that cuts across personal and institutional relations (Veitch, 2021, p. 8, 2017, p. 416). Obligations, according to Himma (2013, p. 20), are “claims about what someone (or some class of persons) ought to do in some state of affairs[... , which] arise only where there are

prescriptions that guide and enable the appraisal of human acts” (Himma, 2013, p. 21). Thus, obligations are normative and practical in nature (Bertera, 2019, p. 30). In a normative context, obligations refer to standards that guide and enable appraisal, “by thus securing a basis for judging one’s performance as correct or incorrect,” while in a practical context, they serve “as a means by which our conduct is guided and assessed” (Bertera, 2019, p. 30).

Therefore, obligations are “action-centred” because they are “concerned with one’s doing, or acting” (Bertera, 2019, p. 30).

Obligations can be distinguished from duties in that the former is a voluntary undertaking whereas the latter is natural, unconditional, and binding on each person (Rawls, 1971, p. 98). Traditionally, obligations have been associated with promises or agreements, even though obligations have been understood outside these contexts. Over time, obligations have been extended to other uses in different contexts (Gilbert, 2006, p. 28). Although the word has had an older usage, obligation is commonly fused as a synonym for duties: “whereby a person’s duty or obligation is equivalent to the right thing to do, the best thing to do or what a virtuous man would do” (Whiteley, 1952, p. 96). Obligations and duties are synonymous in this article because of the interchangeable use of the terms in the literature on African philosophy. More rarely, obligations are a synonym not only for duties, but also for responsibilities (Gyekye, 1997, p. 66).

While obligations are often treated as correlating to rights (Van der Walt, 2018; O’Neill, 2000; Hohfeld, 1913), they can be understood independently or ahead of rights (Veitch 2017, p. 417; Weil, 2002, pp. 4–7). This is because some practices make it inaccurate to speak of obligations and rights in correlative terms (Veitch, 2017, p. 417). For instance, obligations to future generations, family, and friends, and to the poor, needy, and vulnerable—in addition to, as argued in this article, people with disabilities, particularly those with extreme or cognitive disabilities—arise not because they have some clearly defined

rights over the obligation bearer. African philosophy is precisely a tradition that prioritizes obligations and not rights in theorizing about justice, including, in this context, disability justice. Although African philosophy tends to be seen as a reflective exercise of the culture and beliefs of Africans "...which rigorously and critically explicate a life-world" (Janz, 2007, p. 690), it is also a recent academic or professional discipline with an evolving body of literature as well as "...codes, standards, recognized practitioners, and customs" (Janz, 2007, p. 690). While not mutually exclusive, this distinction represents the oral and written African philosophical tradition. In this article, I draw from the written rather than oral African philosophical tradition because I want to avoid arriving at conclusions that are too particular and relativist (Hallen & Sodipo, 1997; Oruka, 1990; Hountondji, 1970) to meaningfully contribute to our understanding of obligations to people with disabilities in abstract, general, or universal philosophical terms. While it may be tempting to argue as some writers (Cornell, 2014, p. 159) have done that community and the obligations intrinsic to it are a historic, contemporary, and universal feature of the traditional thought of all African societies, my claim is, rather, that they can be understood in an abstract and general way that make them applicable to different African societies. For example, although Kwame Gyekye's (1997) seminal account of obligations or Godfrey Tangwa's (2000) account of personhood (both discussed in this article) may be influenced by the traditional thought of the Akan people of Ghana and the Nso people of Cameroon, respectively, my interest in them is only to explore how they can be universally extended to people with disabilities across Africa.

In the literature on African philosophy, an understanding of obligations is contingent on appreciating how personhood is integral to the formation of community. Obligations are usually referred to as virtues and human excellences derived from community membership and participation (Metz & Gaie, 2010, p. 275; Menkiti, 1984, p. 171). This is also because obligations are distinctively relational. Social relations are predicated on a morality that is

based on obligations among those who share community life. Therefore, obligations are not only central to constituting community, but also vital in constituting what it means to become a person. In the process of constituting community, personhood is achieved or granted to those who can discharge their obligations to others. In other words, personhood is contingent on a type of mutual reciprocity (Stuit, 2016, p. 15; Sanders, 2007; Tutu, 1999, p. 67) between each member of the community. Kwame Gyekye (1997), whose influential work provides one of the most compelling insights into obligations in African communitarian philosophy, calls this feature “social reciprocities” (p. 67), which make (or should make) the concern for the interests of others a mandate for African communitarian morality. For this reason, Gyekye suggests that African communitarian morality is best understood as “an altruistically freighted morality” (Gyekye, 1997, p. 67). According to Gyekye (1997), an altruistically freighted morality of obligations

...requires each individual to demonstrate concern for the interests of others. The ethical values of compassion, solidarity, reciprocity, cooperation, interdependence, and social well-being, which are counted among the principles of the communitarian morality, primarily impose duties on the individual with respect to the community and its members. (Gyekye, 2010)

The strongest undercurrent in the passage above is altruism, which is also distinctly present in Gyekye’s definition of obligation. For Gyekye (1997), an obligation is “a caring attitude or conduct that one feels one ought to adopt with respect to the well-being of another person or other persons” (p. 66; for similarities, see Metz, 2015, p. 189; Matolino & Kwindigwe, 2010, p. 199; Bell, 2002, p. 59). This definition can be broken down into the following core obligations: “the obligation to help others in distress, ...the obligation to show concern for the needs and welfare of others, and...the obligation not to harm others”

(Gyekye, 1997, p. 66). These core obligations resonate with the exclusions or injustices faced by people with disabilities, who are among the most excluded people on the African continent. Obligations, as will be shown in the next section, can be relied on to respond to injustices and exclusions suffered by people with disabilities because obligations have a stringent and compelling nature that distinguishes them from supererogatory acts.

Indeed, Gyekye's work is helpful in understanding this. African communitarian morality collapses the distinction between binding moral obligations and supererogatory acts (Gyekye, 1997, pp. 71–72). Unlike supererogatory acts, obligations have a degree of stringency that imposes moral sanction and/or criticism on those who fail to assist people in need or distress (Gyekye, 1997, pp. 71–72). For example, it would be considered morally reprehensible to refuse to aid a person in distress or need. Only morally weak or incompetent persons may be exonerated from discharging their obligations to others (Gyekye, 1997, p. 72). The lack of capacity, practicality, social rules, or individual rights of autonomy should not exonerate anyone from living up to their obligations to others. As Gyekye, 1997, p. 75) argues, no obligations that ought to be performed for the purposes of cooperative living and human well-being should be considered supererogatory or morally optional.

In combination, the compelling and altruistic character of obligations explains the skepticism or rejection of rights-based conceptions of justice in certain strands of the literature on African communitarian philosophy. Once more, Gyekye's work is illuminating. Rights-based conceptions of justice lead to unsatisfactory outcomes in the context of "a communitarian morality [where] ...love or friendship or concern (compassion) for others may be considered the first virtue of social institutions" (Gyekye, 1997, p. 66). Gyekye raises doubts about the possibility of cultivating the virtues of compassion and love through the dominant liberal individualist rights-based paradigm. Although the liberal rights-based

paradigm offers attractive values of fairness and equality that can lead to charitable and generous behavior, it is difficult to cultivate such conduct through an individualist rights-based justice paradigm. As much as Gyekye's argument is not open to thinking of justice independently of rights, the broader point he is making is that obligations are not derived from or correlative of rights, as is commonplace in the literature (Molefe, 2019; Menkiti, 1984; Famakinwa, 2010). It would be wrong to suggest that there is a consensus on rights skepticism, because some leading African philosophers are supportive of rights, particularly human rights (Metz, 2020, 2014a, b). In my view, there is very little understanding of the applied dimension of obligations to reach an informed opinion either for or against rights or obligations. In the context of disability justice, it is dominated by rights-based perspectives (United Nations, 2006), which make it clear how to respond to exclusions or injustices. Disability justice is largely uninformed about obligations, particularly how they can be applied to contemporary exclusions or injustices faced by people with disabilities.

Obligations to people with disabilities

With their fundamental compassionate and altruistic starting point, it is not difficult to appreciate how African communitarian obligations offer a framework to recognize and respond to the exclusions and injustices experienced by people with disabilities. The compulsory and non-supererogatory nature of obligations further contributes to their attractiveness, as they could be used to create a mandate for people without disabilities to respond to the needs of people with disabilities among other vulnerable people. Nevertheless, the difficulty is that the literature has not been attentive to people with disabilities due to the routine characterization of obligations in mutual reciprocal terms. My argument is that this leads to a demanding standard of obligations that overlooks the particular characteristics of

people with disabilities, who are excluded from the regime of obligations synonymous with being part of a community. Although the mutual reciprocal nature of obligations is prominent in the literature (Gyekye, 1997, p. 67; *Bhe and Others v. Magistrate, Khayelista, and Others*, 2005, para. 163), the problems it presents for people with disabilities can be illustrated from this comment by Drucilla Cornell (2014):

...what makes us human is not just the reality of our social connectedness, but the way in which each of us lives up to the obligations to those who have supported us, and to the broader community in which we live. But this living up to the obligation is not altruism or sacrifice, because the other side of it is that others must live up to their obligation to us [...]. (p. 69)

In the above passage, the demanding nature of obligations is apparent, which explains why Cornell rejects that obligations are altruistic. Cornell appears to be alluding to the mandatory or, indeed, non-supererogatory character of obligations, which are never optional. Everyone must contribute to the flourishing of each other and/or of the community. The problem is that this reading of obligations is not accommodating to those who cannot live up to their obligations. Perhaps due to the perfectionist nature of personhood (Metz & Gaie, 2010, p. 275), it is assumed that all individuals would have no difficulty in living up to their obligations. As a result, little is known about those who cannot perform such obligations or those on the other side of the obligations of others. People with disabilities, particularly those with cognitive and extreme physical disabilities, are most likely to fall in the category of individuals who cannot perform obligations. My aim is not to characterize people with disabilities as individuals lacking in agency; neither do I suggest that they can only be the passive recipients of the obligations of others. As much as the term “disability”—“a human condition with a diverse and unsettled range of meanings that stretch across the biomedical,

psychological, social and cultural domains” (Onazi, 2020, p.7)—attempts but fails to capture the immense variety of and differences in impairments among people, so too it would be wrong to suggest that all people with disabilities are incapable of performing obligations. Seminal insights from the social model of disability can shed light on obstacles that might affect a person’s ability to perform obligations, particularly if the impairment in question is socially, environmentally, or culturally (Shuttleworth & Kasnitz, 2006) conditioned. The combination of the absence of assistive and mobility devices and the lack of infrastructure, ranging from inaccessible roads, street sidewalks, and public transport to inaccessible buildings, would certainly affect the ability to perform obligations. Poverty, not simply in economic terms, but in terms of lack of access to healthcare, food, education, housing, and employment opportunities, among other things, would also be a huge obstacle to the ability of people with disabilities to perform their obligations. Many people with extreme disabilities, ranging from those with spinal cord injuries, cerebral palsy, cystic fibrosis, and multiple sclerosis to people with severe cognitive impairments, mental illness, and brain damage, among other conditions, may not have the capacity to perform ethical obligations (Onazi, 2020). The same can be said of people without the ability to speak or see, if such are prerequisites for discharging certain obligations. Discharging an obligation will also depend on their institutionalized form. An obligation that takes the form of military or community service may prove too difficult for a person with a disability to discharge without reasonable adjustments (Onazi, 2020).

Asymmetrical obligations

Having described the problems with the conventional characterization of obligations, an asymmetrical conception of obligations is proposed as a remedy. My argument hinges on amplifying the fundamentally altruistic nature of obligations in African communitarian

philosophy. There is no better way of achieving this than emphasizing the profoundly moral nature of the African communitarian civic order, which elevates acts of compassion and care or concern for others to the highest value. This is a salient aspect of the literature. For instance, Masolo (2010) underscores the significance of charity and other altruistic virtues as the most important practical manifestation of African philosophical communitarian ideals. Similarly, Gyekye (1997, p. 70) writes about how African philosophical communitarianism is underpinned by a moral universe of caring, compassion, and generosity, while Bell (2002, p. 59) suggests that African philosophical communitarianism is fundamentally a compassion-based and moral civic order.

My argument here is simple. A civic order that presupposes compassion, care, and concern for others cannot at the same time presume mutual reciprocal obligations. While it is not unusual to find forms of social cooperation based on mutual compassion and benevolence (Nussbaum, 2006), asymmetry is a more attractive way of recognizing altruistic obligations. This is because a person who is unable to reciprocate an obligation is likely one who requires the compassion, care, and concern of others. Compassion, care, or concern for others does not (and should not) apply only to those who can reciprocate. My argument is that asymmetry, and not symmetry, is not only a more attractive way of understanding obligations but a more accurate interpretation of the concept in the context of the altruistic underpinnings of African communitarian philosophy. If an obligation means “a caring attitude or conduct that one feels one ought to adopt with respect to the well-being of another person or other persons” (Gyekye, 1997, p. 66), then it is fundamentally altruistic in nature and must entail regard for others, particularly for people incapable of reciprocation. A caring attitude and conduct that respects the well-being of others must entail charitable, sympathetic, generous, benevolent, kind, helpful, respectful, sacrificial, and hospitable dispositions toward others, which are values that further lend themselves to an asymmetrical conception of obligations. Having an

attitude positively oriented toward the well-being of others, including the belief that the “other merits aid for her own sake, an empathetic awareness of the other’s condition, and a sympathetic emotional reaction to this awareness” (Metz, 2015, p. 189), cannot be properly appreciated in terms other than asymmetry. It importantly draws attention to the diversity of the needs and abilities of members of a given community, inclusive of how they support or are supported by each other in times of need (Onazi, 2020).

Despite the attractiveness of asymmetrical obligations, their inclusiveness depends on their ability to recognize the equal humanity of people with disabilities. In other words, asymmetrical obligations must recognize that people with disabilities are equal to other people. Therefore, there is a need to rethink the dominant conception of personhood in African communitarian philosophy in a way that recognizes people with disabilities as persons and not simply human beings. A plausible way of achieving this is to think of personhood along the lines of the conception of “person” associated with the Nso people of Cameroon. The most influential account of the Nso conception of person is found in the work of Godfrey Tangwa (2000). Captured by the phrase *Wir dzi wir* in Lamnso language, which means “a human being is a human being is a human being, purely and simply by being a human being” (Tangwa, 2000, p. 39), the Nso conception of person, importantly, makes no distinction between human beings and human persons. It asserts an equality between all human beings, who are defined independently of their features or properties. Human beings are defined by an open-endedness that adapts to changes in shape, size, and weight. In doing so, the Nso conception of person is resistant to rigid definitions of human beings. As Tangwa (2000) explains, any attempt to define or place the notion of person into “...a hard analytic frame, by specifying necessary and sufficient criteria, conditions, or capacities for being human or for being a child, would make it evaporate into thin air” (Tangwa, 2000, p. 40). Such flexibility ensures that the moral worth of human beings is consistently valued,

regardless of “physical, mental, and socio-politico-economic changes” (Tangwa, 2000, p. 40) to the lives of individuals. Given that it does not attach any significance to the individuating features (age, characteristics, status, or social rank) of each human being, the Nso conception of personhood is best understood as non-essentialist. The attractiveness of the Nso conception of person is the way it values all human beings, even though the properties of being human are not permanent, but rather adaptable and inclusive (Tangwa, 2000, p. 39).

If it is not already obvious how the Nso conception of person is inclusive to people with disabilities, its comprehensiveness can further be demonstrated by the way it conceives of obligations to entities (nonhuman animals, plants, and inanimate objects) that are incapable of reciprocation. It is this feature that has the greatest bearing on people with disabilities, as through its obligations it ceases to have an exclusive function in creating persons. An individual is a person irrespective of the lack of capacity to live up to their obligations to others. A further effect of the Nso conception of person is that it “widens the scope of people to whom obligations are owed, since the moral consideration of others is not contingent on individuating features or moral qualities” (Onazi, 2020, p.26). The only criterion to be the recipient of the obligations of others is that one is a human being. This implies that “people incapable of reciprocation are owed obligations in the same way as they are owed to people capable of reciprocation” (Onazi, 2020, p.26). Although obligations are no longer fundamental to attaining personhood, the suggestion is not that they desist from being valuable. Rather, the Nso conception of person transforms and enriches obligations into an asymmetrical concept.

Institutionalizing obligations: Tax as a bridging instrument

This considers what asymmetrical obligations to people with disabilities would look

like in practice. I start by revisiting Gyekye's (1997) definition of obligations, broken down into the core obligations "...to help others in distress, to show concern for the needs and welfare of others, and... not to harm others" (p. 66), to ask the question: How do African states, societies, and communities realize these obligations in practice? How should such core obligations, which largely require altruistic forms of behavior, be implemented or practiced widely in countries across Africa? Put differently, how do members of a state, community, and society, particularly people without disabilities, convey their obligations to be generous, benevolent, compassionate, and friendly or to love, help, and respect the most vulnerable people with disabilities? Given that I have suggested in the previous section that such obligations are not supererogatory acts, this requires some understanding of how a state, community, and society should commit to them collectively, as opposed to leaving it up to citizens on an individual and voluntary basis. In exploring this, my aim is not to discourage or undervalue the importance of individual or voluntary obligations that people with disabilities should encounter daily from people without disabilities; rather, it is to understand how such obligations can be widely institutionalized and used to tackle large forms of injustices suffered by people with disabilities in Africa.

I start with the third obligation from Gyekye's (1997) account—the obligation not to harm others—because, unlike the first and second, it appears to be much easier to achieve in practice. The obligation not to harm others has a striking resemblance to a negative obligation that would require people without disabilities to desist from habits and practices that harm other people in general and people with disabilities in particular. Negative obligations not to harm people with disabilities should be straightforward and relatively easy to institutionalize (Lichtenberg, 2010, p. 559). In the African context, harmful practices are defined as the "...behaviour, attitudes and practices based on tradition, culture, religion, superstition or other reasons, which negatively affect the fundamental freedoms of persons with disabilities

or perpetuate discrimination” (African Union, 2019, Article 1).

Harmful cultural and traditional practices are widespread across Africa and are easy to identify. For instance, an obligation-based approach that outlines the negative duties of citizens among other duties could easily lend itself to African states to fulfill their undertaking under the Protocol to the African Charter on the Rights of Persons with Disabilities to “take appropriate measures, including legal sanctions, educational and advocacy campaigns, to eliminate practices, such as witchcraft, abandonment, concealment, ritual killing or the association of the disabilities with omens” (African Union, 2019, Article 11). Legal sanctions could be introduced by states that would take the form of negative obligations to desist from carrying out such harmful practices.

The first and second core obligations—to help others in distress and to show concern for the needs and welfare of others—are more complex and difficult to implement legally or achieve in practice. Indeed, it is difficult to understand how these core obligations can be anything other than moral obligations that all individuals ought to discharge. It is rare to find examples of situations where individuals are legally penalized or sanctioned for failing to help people in distress or to show concern for the needs and welfare of others (Brady, 1980). The lack of generosity, compassion, care, and kindness or the unwillingness to help can lead to the discrimination, abuse, or exclusion of a person with a disability, but it does seem implausible that the failure to show compassion, generosity, or benevolence toward, or to care for or help, people with disabilities can or should attract legal sanctions or penalties.

Considering the above observations, tax is proposed as an instrument that can convey the obligations of people without disabilities to people with disabilities. Tax may be seen as a bridging concept that can transform and translate such obligations into legally binding commitments to people with disabilities. Like obligations in African communitarian

philosophy, tax not only has a binding and stringent character, but is also moral and legal in nature. While the obligation to pay tax is primarily a moral obligation, it is, in the absence of law, unfinished, empty, and uncertain (Honore, 1993, p. 5). Tax without law is simply a moral obligation that cannot command extensive conformity.

Therefore, tax is proposed to channel the ordinary and abstract moral obligations of people without disabilities into practicable and legally enforceable commitments to people with disabilities. Tax is not simply a source of revenue for the state, but a placeholder of the altruistic obligations of people without disabilities to be generous, benevolent, compassionate, and friendly, or to help, love, and respect the most vulnerable people with disabilities. For this to be properly appreciated, tax itself is understood as "...a means through which citizens in a political community share the burdens of living together based on fraternity and mutual dependency" (Saffie, 2014, p. 199), which entails a collective obligation to care for the sick, elderly, poor, and vulnerable, including people with disabilities. As discussed earlier, people with disabilities are likely to be among the poorest and vulnerable in Africa and, therefore, people to whom obligations are owed. Tax may be seen as an obligation through which members of various communities support the physical, mental, biological, and social welfare of people with disabilities. From removing the barriers to sharing community relationships with others, to enabling access to public goods and services, tax may provide people without disabilities across Africa with an important legal mechanism to discharge their obligations to show concern for the needs and welfare of people with disabilities among other vulnerable people.

Hypothecated tax scheme

To better understand how tax can serve as a placeholder for the altruistic obligations

of people without disabilities to people with disabilities, a hypothecated tax scheme (Barrett, 2012, p. 111) is proposed to earmark (Buchanan, 1963) revenue from a single source or diverse sources (Wilkinson, 1945) to care for the needs of people with disabilities. Because hypothecation is defined as the practice “of directing the revenue from tax to funding of some relatively narrow set of policies” (Halliday, 2015, p. 128), it is precisely the type of collective device that can be used to demonstrate how people without disabilities can fulfill their obligations to people with disabilities. Hypothecation can be either strong or weak (Barrett, 2012, p. 111). In the former sense, it entails setting aside the income from a type of tax for a particular purpose, such as building or maintaining roads or transportation (Barrett, 2012, p. 111), while in the latter sense, it entails crediting the income generated from a particular tax into a general account to fund a specific expenditure (Barrett, 2012, p. 111).

For purposes of the argument here, it is suggested that a strong version of hypothecation should be adopted to enable people without disabilities to live up to their obligations to people with disabilities. Taking a cue from the stringent and binding nature of obligations in African communitarian philosophy, it is important that all (and not just a few) people without disabilities should be encouraged to live up to their obligations to people with disabilities. Income generated and set aside from a particular type of tax (e.g., income tax or consumption tax) should be used to create a national disability service, particularly in African countries where none exists. In countries with national disability services of some sort (e.g., national disability commissions), hypothecation can be used to provide an additional stream of revenue. A national disability service would, in turn, serve as a body representing the collective obligations of people without disabilities to people with disabilities. Primarily, it would be responsible for distributing funds in response to the different needs of people with disabilities, while more broadly carrying out research, formulating, implementing, and coordinating policies and practices concerning people with disabilities (Onazi, 2020).

To effectively fulfill its remit, a national disability service should have a country-wide presence to enable it to administer, distribute, and provide relevant services to people with disabilities (Onazi, 2020). Not only would this ensure that it reflects local knowledge, it would also give local communities a sense of ownership and respond to a diverse range of needs. In fulfilling its mandate, a national disability service would have oversight and supervisory functions over structural changes to public infrastructures and the physical environment (public transportation, wheelchairs, buildings, pavements, or ramps) to make them more inclusive to persons with disabilities relative to their needs (Onazi, 2020). A national disability service would “fund healthcare services, scholarships, housing, assistive devices (i.e., wheelchairs, walking sticks and technologies, etc.), and establish welfare programs for the poor and destitute as well as creating caring institutions (with professionally trained staff) for the community participation of persons with extreme physical and cognitive impairments” (Onazi, 2020, p.160). A national disability service would also be an important avenue to provide financial support to families and caregivers to show concern for the needs and welfare of people with disabilities, particularly the most vulnerable ones among them. My aim here has not been to be exhaustive; it has been to sketch out some possibilities. Countries interested in these proposals can certainly expand on and adapt them to meet their own needs and contemporary realities.

Objections may be raised about relying on a hypothecated tax scheme to fund a national disability service. This is partly because the success of a hypothecated tax scheme is contingent on the economic well-being of each country, making it an unsuitable option for a large majority of poor African countries. Hypothecation may also be unsuitable for relatively economically strong and stable African countries because of the low tax base due to the generally large informal economic sector (Simone, 2001, 2004) in Africa, as well as doubts

about whether a national disability service could survive periods of economic hardship, recession, or political instability. Regardless of the level of wealth of an African country, tax is generally a weak institution across the continent, in addition to its susceptibility to corruption and abuse by the state. In response to these objections, hypothecation is precisely the kind of approach relevant to the unique problems of Africa, because it is one of the best ways to secure and protect resources for specific policy objectives such as discharging a collective obligation to show concern for the needs and welfare of people with disabilities. The urgent and drastic human condition of millions of people with disabilities across Africa points to the need to explore new solutions. Therefore, hypothecation may be an important option worth considering. It may provide an immediate and short-term solution to the pressing nature of the problems until national disability services or other interventions become permanently written into the legal and political order or general tax systems of various African countries. Regardless of the merits or demerits of hypothecation, the argument here should not be lost: *Tax* provides a viable means to enable people without disabilities, particularly those with the ability to pay, to discharge their obligations to show concern for the needs and welfare of people with disabilities.

Conclusion

Two related contributions have been made in this article. First, an asymmetric conception of obligations has been proposed to remedy the neglect of people with disabilities in the literature on African communitarian philosophy. I have argued that asymmetry offers a more accurate interpretation of the diverse needs and abilities of the members of a community, including how they may support and be supported by each other in times of need, particularly considering the irreducible vulnerable nature of being human. The success

of this argument is contingent on rethinking the concept of personhood in ways that its boundaries for inclusion are flexible, open-ended, and non-essentialist. Second, the article has contributed to our knowledge of how obligations to people with disabilities can be achieved in practice. It has set out the case for a hypothecated tax scheme to serve as a vehicle to translate obligations to people with disabilities into concrete terms. Acknowledging that tax is not perfect, I have nonetheless argued that it provides the best medium to collectivize and institutionalize obligations of disability justice in a way that can have a substantive impact on the lives of people with disabilities in a diverse number of ways. Even if it fails to live up to this objective, it would at the very least provide resources to respond to the variety of drastic and urgent needs faced by people with disabilities.

Cumulatively, these proposals offer some new ideas of what can be achieved in diverse African countries to attain disability justice, which in theory and practice has been dominated by rights-based approaches. As with any new ideas, the proposals here are open to refinement and further modification. It is for this reason that the ideas here have been presented as abstract and general as possible, so that they are adaptable and applicable to different African countries. The proposals have been presented in the form of a prolegomenon; they are not a blueprint on how to create and implement a hypothecated tax scheme. For this, more research is required, and experts in other fields (e.g., economics) should be consulted to explore the viability and practicability of these ideas. Similarly, the acceptance of these proposals also depends on opportunities for democratic debate (in consultative forums, town hall meetings, and legislatures) in African states to examine, discuss, and, where necessary, modify and legitimize them.

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