

The Ohio State University
Department of African American and African Studies

AAAS 732
Law, Politics and Human Rights in Africa

Course Description

As an instrument for the regulation of human actions, the significance of law in the creation and sustenance of a well-ordered society can not seriously be gainsaid. At its most instrumental, law secures the prevailing order, and seeks to maintain the status quo. Typically, law is the product of the political process—a process in which the contending groups in a society work mightily to vindicate their interests and values.

Increasingly, these interests and values, it is said, include human rights—a concept which is vigorously contested and which remains unsettled in much of the world. What are human rights? What is their source? What purposes, if any, do they serve and in the specific context of post-colonial Africa, can the state, consistent with its own interests, including its very survival, faithfully embrace human rights in its scheme of interests and values?

Our primary concern in this seminar will be an examination of these and related questions.

Text

The following will be the require reading in this seminar:

1. An-Naim, A. A. and Deng, Francis (eds.): *Human Rights in Africa, Cross Cultural Perspectives*, Washington, D.C., 1990.
2. Donnelly, Jack: *Universal Human Rights in Theory and Practice*, Ithaca, N.Y., 1989.
3. Hamalengwa, H., Flinterman, C., and Dankwa, E.V.O., *The International Law of Human Rights in Africa*, Boston, 1988.
4. Howard, Rhoda: *Human Rights in Commonwealth Africa*, Totowa, New Jersey, 1986.
5. Ishay, Micheline (ed.): *The Human Rights Reader*, New York, 1997.
6. Lindholt, Love: *Questioning the Universality of Human Rights*, Copenhagen, 1997.

7. Nickel, James: *Making Sense of Human Rights*, London, 1987.
8. Nyerere, Julius: *Ujamaa, Essays of Socialism*, New York, 1974.
9. Ottaway, Mariana (ed.): *Democracy in Africa: The Hard Road Ahead*, Boulder, Co., 1997.
10. Shea, Dorothy, *The South African Truth Commission: The Politics of Reconciliation*, Herndon, Virginia, 2000.
11. In addition to the above, a number of journal and law review articles on politics, law and human rights in Africa will be assigned as required reading during the quarter.

Course Outline

Week 1

The Political Environment in Post-Colonial Africa:

- Nyerere, all
- Ottaway, all

Week 2

An overview of law in Africa: Customary Law, Religious Law, Statutory Law, Civil Liberties and Land Law.

- Assigned Articles on Reserve

Week 3

The Concept of Human Rights

- Donnelly, all
- Ishay, all

Weeks 4 and 5

How Universal are Universal Human Rights?

- Lindholt, all
- Nickel, all

Weeks 6 and 7

The Post-Colonial State and Human Rights in Africa

- Howard, all
- An-Naim and Deng, all

Weeks 8 and 9

International Law and the African State

- Hamalengwa, et al., selected sections
- Assigned Articles on Reserve

Week 10

Politics and the Legal Process in Africa

--Assigned Articles on Reserve

--Shea, all

Student Assignments and Responsibilities

Each enrolled student is required to read all assigned work in advance of each class meeting, and come to class prepared to discuss same. Class attendance is required, as is punctuality. Absence and/or tardiness which, in my judgment, are excessive will be penalized.

Grading

Class attendance and participation 50%

Attendance is required and rewarded, and absence is penalized. An enrolled student earns five (5) points for each class session for which he is present, or a maximum total of twenty-five (25) points for the quarter. In addition to being present, the student is required to participate in class discussions, and is called on to respond to questions posed by the instructor. That response is scored and a perfect performance over the 10 weeks of the quarter earns the student a maximum total of twenty-five (25) points.

Research Paper 50%

Each enrolled student is required to write an original paper based on her research on a topic which arises directly from the substance of the course. Her earned score accounts for 50% of her final grade in the course.

Outcome

The student who successfully fulfills the requirements of this seminar will have been involved in a careful consideration of one of the more interesting and contentious intellectual debates of this period. Accordingly, he or she will be better equipped: to analyse and evaluate the contending submissions of the protagonist; to understand some of the unusual forces which give direction to politics in Africa; and to appreciate the place of culture in the interplay of politics and law in contemporary Africa.