

LAW AND HUMAN RIGHTS

Bonny Ibhawoh. *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History*. Albany: State University of New York Press, 2007. xvi + 226 pp. Photographs. Notes. Bibliography. Index. \$60.00. Cloth.

This is an important contribution to the historical analysis of human rights discourses—and particularly to the discussion of human rights before the 1948 United Nations Declaration of Human Rights. Using colonial Nigeria under British rule as a case study, Ibhawoh sets his study in the context of the earlier traditions of human rights, arguing that the contemporary focus on universal human rights indeed had antecedents in African traditional political and social institutions as much as in earlier European encounters. The conceptual framework of the book centers on this complex link between African notions of rights and the formalized discourses of human rights that emerged with the colonial encounter. The major strength of this work is the way it challenges the view that human rights discourse is almost exclusively a Western affair.

Ibhawoh's analysis of Pax Britannica in relation to the issue of rights and liberties, couched in the discourse of ending internal slavery and extending the frontiers of commerce, is a good way to begin. Antislavery proponents and missionaries employed notions of rights and liberties in the attempt to restructure local societies and guarantee a new notion of rights and liberties for local peoples. Yet the process of pacification forcefully brought to the fore issues of the rights of local peoples and the limits imposed on their liberties by imperial structures. Indeed Western rights discourse was qualified, nonuniversal, and tinted by racial categorizations that differentiated between Africans and Europeans.

This general overview gives way to a more specific discussion of human rights concerns of both Europeans and Africans. While the legal system served as an instrument for fostering colonial hegemony, it was also quite influential in the colonial discourse on the rights of Africans. From the repugnancy doctrine, which sought to extend imperial law and notions of rights and justice to the colony, to the elimination of perceived obnoxious laws, colonial regulation was seen as an instrument for the protection of the rights and liberties of Africans. Ironically, Africans used the colonial legal system—an instrument upon which officials based their conception of a new social order—to engage the state. Although the colonial state and missionaries were imbued with the Western notion of individual rights, they often doggedly protected seemingly contradictory communal ethos and customary communal rights, especially land and property rights.

In chapter 5, Ibhawoh deals with the question of social rights and social justice, including affinal relationships, inheritance, gender equity, and women's rights. While the issues of social rights and social justice were sup-

posedly meant to protect the most vulnerable in the society, such discourses did not often embrace the demands of certain elements in society, including demands for inclusion into the mainstream society by people of servile position. The ambivalent attitude of colonial officials toward slavery and its vestiges suggests the limits of social rights and justice policies.

Finally, Ibhawoh engages the issue of human rights from the vantage point of international developments, including the United Nations Universal Declaration of Human Rights at the end of World War II. While the rhetoric of rights was employed as a hegemonic instrument for establishing and legitimizing colonialism, it was also employed as a counterhegemonic discourse by Africans of all strata to frame and legitimize their own demands within the colonial context. Yet the emergence of African-educated elite seeking a place within the colonial bureaucracy and the ambivalent attitude of colonial officials toward these demands made clear the limits of acceptable counterdiscourses on human rights.

I would have liked more discussion of the fact that European discourses of human rights also involved wide-scale use of language, imagery, and European epistemology in legitimizing relations of inequality with Africans as well as the often ambivalent relationships that developed at times between missionaries and colonial officers in regard to issues of native rights. Yet this is a fine book that should be read by all interested in the ambivalent nature of imperialism and the mission to civilize, as well as African agency in understanding the debate over human rights as a cultural, global, and local phenomenon.

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Diana Gordon. *Transformation and Trouble: Crime, Justice, and Participation in Democratic South Africa*. Ann Arbor: University of Michigan Press, 2006. xiii + 382 pp. Notes. Bibliography. Index. \$75.00 Cloth. \$27.95. Paper.

This is a good book on an important subject. The issue of pandemic criminality is the common dark side of transitions to democracy. (One of the many virtues of the book—all too rare in discussions of South Africa—is its awareness of similar problems in other countries.) In all democracies the question of which responses will, on the one hand, reduce crime, and, on the other, ensure that the criminal justice system adequately addresses crime are complex. As a society in which exaggerated hopes accompanied the apparent “miracle” of its transition from the horror of apartheid to the accomplishment of the human rights state, South Africa has had to face an efflorescence of ongoing criminal violence for which few were prepared. The new constitutional bill of rights contains extensive provisions to ensure that the oppressive policing and legal practices of apartheid criminal justice