

## Law and Society in Africa

**Dr George Karekwaivanane (Centre of African Studies)**

**Dr Jessica Johnson (Peterhouse)**

*Contact Hours: 12 x two-hour seminars (6 weekly classes in Michaelmas and Lent)*

This interdisciplinary course explores the role that law has played in shaping society in colonial and postcolonial Africa and the ways that social actors have in turn sought to shape the law. Among other topics it will examine: the efforts of individuals, groups and institutional actors to use law in order to implement their visions of social, economic, and political order; the ways that ideas such as 'crime', 'human rights' and 'justice' have been defined and mobilised by social actors; and the concepts that scholars have used in their efforts to come to terms with these processes. The course is divided into two modules, which will be taught in seminar format. The first, taught by Dr Karekwaivanane, focuses on key themes in the social and political history of law in Africa while the second, taught by Dr Johnson, focuses on important themes in the anthropology of law in Africa. During the classes the students will engage with the different methodologies, forms of evidence and ways of structuring arguments that the disciplines of history and anthropology use in analysing and discussing the operation of law in society. Students will be exposed to case studies from across the continent as well as primary and secondary sources, and they will be invited to present to their peers on key themes.

The Michaelmas term module will include sessions on: the role that law played in aiding the colonial project; the fortunes of African legal systems during the colonial period; African interactions with colonial legal systems and the diverse ways in which Africans asserted their agency; the construction and deployment of notions of crime and deviancy; the discourses and practices of punishment; and diverse efforts to implement transitional justice on the continent. The Lent term module will shift the focus to key themes in Africanist legal anthropology, including: debates surrounding the analytical utility of the concept of legal pluralism; critical examinations of human rights interventions; an exploration of the ways in which ideas about justice have been articulated and contested; ethnographic work on policing and vigilantism; law in the realm of sexuality and gender relations; and the anthropological study of Islamic law in Africa.

### **Select Bibliography**

Chanock M., *Law Custom and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge, 1985).

Clarke, K. M., *Fictions of Justice: the International Criminal Court and the challenge of legal pluralism in sub-Saharan Africa*, (Cambridge, 2009).

Comaroff J. L., 'Colonialism, Culture and the Law: A Foreword', *Law and Social Enquiry*, 26 (2001), pp. 305-314.

Englund H., *Prisoners of Freedom: Human Rights and the African Poor*, (California, 2006).

Gluckman M., *The Judicial Process among the Barotse of Northern Rhodesia* (Manchester, 1955).

Griffiths, A., *In the Shadow of Marriage: gender and justice in an African community*, (Chicago, 1997).

- Hirsch S., *Pronouncing and Persevering: Gender and the discourses of disputing in an African Islamic Court*, (Chicago, 1998).
- Hodgson, D. L. (ed), *Gender and Culture at the Limit of Rights*, (Philadelphia, 2011)
- Hornberger J., *Policing and Human Rights. The Meaning of Violence and Justice in the Everyday Policing of Johannesburg*, (London, 2011).
- Hynd S., 'Killing the Condemned: The Practice and Process of Capital Punishment in British Africa, 1900-1950s', *Journal of African History*, 49 (2000), pp. 403-418.
- Mann K. and R. Roberts, 'Introduction', in Mann and Roberts (eds), *Law in Colonial Africa* (London, 1991), pp. 3-58.
- Merry S. E., 'Law and Colonialism', *Law and Society Review*, 25 (1991), pp. 889-922.
- Moore S. F., *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880-1900* (Cambridge, 1986).
- Ross F., *Bearing Witness: Women and the Truth and Reconciliation Commission in South Africa* (London, 2003).
- Wilson, R. A., 'Reconciliation and revenge in post-apartheid South Africa: rethinking legal pluralism and human rights', *Current Anthropology* 41 (2000), pp. 75-98.
- Zimudzi T., 'African Women, Violent Crime and the Criminal Law in Colonial Zimbabwe, 1900-1952', *Journal of Southern African Studies*, 30 (2004), pp. 499-517.