

**Bonny Ibhawoh.** *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History*. State University of New York Press, 2007, 226 pages, Hardcover, price not listed.

Authored by Bonny Ibhawoh, *Imperialism and Human Rights*, is an in-depth analysis of the relationship between European imperialism and human right discourses in African history. The book contains seven chapters, elaborate notes, a selected bibliography, and a very useful index.

Ibhawoh's excellent book evokes much debate and complex discourses among students of human rights; the text is very much akin to some of his earlier writings.<sup>1</sup> At the heart of the thematic debate of the publication is whether the philosophical journey of the modern concept of universal human rights began with the inception of the Universal Declaration of Human Rights as some Western scholars tend to stress, or whether or not it had its genesis from "time immemorial" in many societies. Instead, the author argues, and rightly so, that the tradition of right discourses in the African continent goes much further beyond 1948. This debate has been explored by scholars in their attempts to explain the epistemological character and the *complementarity* or interlacement of human dignity and human rights in the African context. For an expatiation, Makau Mutua has affirmed:

... Proponents of the concept of human rights in pre-colonial African societies are accused by their opponents of confusing human dignity with human rights. This view holds that the "African concept of justice," unlike human rights, "is rooted not in individual claims against the state, but in the physical and psychic security of group membership." While it is probably correct to argue that African societies did not emphasize individual rights in the same way that European societies did, it is not a correct presumption to claim that they did not know the conception of individual rights at all.<sup>2</sup>

In many parts of the *ancien regime* in Africa, as noted in chapter one of the book, rights discourses underlined several aspects of local history – the workings of traditional social and political system, European missionary incursion and activities, the antislavery movement, colonial conquest and control, the colonial legal system, contestations over land, press activism and most significantly, the nationalist movement (p. 2). These aspects of the rights discourse, which predate more recent concerns with "universal human rights", have

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<sup>1</sup> See Bonny Ibhawoh, "Restraining Universalism: Africanist Perspectives on Cultural Relativism in Human Rights Discourse," in Paul T. Zeleza and Philip J. McConaughay (eds.), *Human Rights, The Rule of Law, and Development in Africa* (Philadelphia, PA: University of Pennsylvania Press, 2004), pp. 21-39; "Between Culture and Constitution: Evaluating the Cultural Legitimacy of Human Rights in the African State," *Human Rights Quarterly*, Vol. 22, No. 3 (2002), pp. 838-860

<sup>2</sup> Makau Mutua, *Human Rights: A Political & Cultural Critique* (Philadelphia, PA: University of Pennsylvania Press, 2002), p. 75. See Rhoda Howard, "Group Versus Individual Identity in the African Debate on Human Rights," in Abdullahi Ahmed An-Na'im, and Francis M. Deng (eds.), *Human Rights in Africa: Cross Cultural Perspective* (Washington, DC: Brookings Institution, 1990), pp. 165-166.

received very little attention – particularly by non-Africanist scholars. The author notes with lucidity from the onset that the primary object of this volume is to produce a historically grounded study of rights discourses in an African society in a way that engages, and yet goes beyond, contemporary fixations with universal human rights (p. 2). The foregoing approach, it is hope, could help in broadening one's epistemological understanding of human rights genres as they have metamorphosed in different societies until it reached its crescendo in the aftermath of WWII.

The focus of this book is on late colonial and immediate post-colonial Western Nigeria, and it is intended to provide a glimpse from which to visualize rights issues in colonial African history. Indeed, to tackle human rights questions continentally would have been too colossal a project. Nevertheless, Ibhawoh poses a challenge to the theory of linear progressivism that tends to dominate human rights scholarship by arguing that, in the colonial African context, rights discourses were not monolithic or progressive narratives. The language of rights has been variously and strategically deployed for purposes of legitimization, opposition, and even negotiation. In short, rights discourses have served to insulate and legitimize power just as much as they have facilitated transformative processes (p. 3).

Taking Nigeria (particularly Western Nigeria) from the introduction of colonial rule at the end of the 19th century, through the early post-colonial period as a case study, the 226-page *Imperialism and Human Rights* focuses on the complex dynamics engendered by the intersection between existing African notions of rights and the more formal regimes of rights introduced within European Christian humanism, colonial customary law, and the imported English common law systems. The work seeks, in its own way, to examine how diverse interest groups within this African society – including colonial administrators, missionaries, African elites, women's groups, and later, nationalist activists – employed the language of rights and liberty to serve varied social and political objectives (p. 3). The conceptual framework of the book is grounded on the complex link between African notions of rights and the formalized discourses of human rights that emerged with the colonial encounter and conquest in the region. In a characteristic way the author challenges the view that human rights discourse is almost exclusively a Western affair.

The author brands Julius Nyerere's argument of a concept of human rights that is peculiar and relevant to Africa in the immediate post-independence years as cultural nationalism. He affirms that if the emerging universal culture of rights is to develop a taproot in Africa and other non-Western societies in a sustainable way, the association of human rights with Western thought and worldview in the public imagination constitute a hindrance (p. 27) to a deeper knowledge and understanding of the concept. In brief, colloquially, one size may not fit all. Discussions about rights as the heritage of all humankind must be construed as something that has been developed, struggled for, and won by people of all societies using their own "peculiar societal ammunitions." To explicate this view, the author proceeds in the following chapters by drawing extensively on archival materials to depict how the lingo of rights became a significant part of the discourses in order to rationalize and legitimize colonial empires.

In the second chapter, Ibhawoh embarks on an analysis of the British imperial policies in Nigeria in relation to the issue of right and liberty embedded in the strategy of extending the frontiers of commerce and ending internal slavery. Paradoxically, British intervention in the economic rights of the local communities in Nigeria was interpreted, by the colonial

power, to benefit the local peoples by expanding their rights and liberties.<sup>3</sup> Some African elites, particularly the emergent Western educated intelligentsia, shared this view (p. 34). They saw British influence in the area, *inter alia*, as a better guarantee of the rights and liberties of the local peoples. Such dilemmas in the multiple understanding and uses of language of freedom and liberty by colonial officials, African chiefs and educated elites and missionaries informed the rights discourse in the early colonial period (p. 35).

Scholars of slavery and comparative slavery should find comfort in the anti-slavery discourse. According to the author, 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. Debates about the personhood of the native and his/her rights and freedoms were, arguably, central to both missionary activities and colonial rule in many parts of Africa. Colonization began with the ideological onslaught on the part of Christian missionaries – the self-styled bearers of European civilization (within the overarching interests of promoting the 3-Gs: God, Gold and Glory). Discourse on rights, as clearly and usefully discussed, were an important part of the ideological construct, message, linguistic forms and preachments of missionary activities in Nigeria. Such discussions about native rights in missionary circles, which were founded on Christian humanism and the notion of the “civilizing mission”, provided the foundation for the more formal and codified regimes of rights that were later introduced under colonial rule (p. 37). For the colonial state, the language of rights proved effective for advancing specific political and social agendas that were in the main beneficial to the colonizer (p. 54).

The third chapter probes into the circumstances that made legal rights imperative for both the colonial state that employed it to legitimize empire and African elites who subsequently appropriated it to strengthen nationalist demands. The discussion examines the tensions and contradictions in the use of law as an instrument of coercion to consolidate British control in western Nigeria and the legitimizing rhetoric of rights, liberty and social justice underlying this process (p. 55). While coercion played a crucial role in Britain’s conquest of Nigeria as in other parts of Africa, law clearly proved a more effective means of colonial administrative control. Force, for awhile, could weaken the will of the conquered peoples, but it could not make colonial rule endure. By the 1920’s, the system of military conquest and repression had largely succeeded and the British authorities moved from military to civilian forms of rule. This process of consolidating and stabilizing colonial rule was founded on law – and specifically the English legal system. Law, in the form of ordinances and proclamations administered through British-style colonial courts, became the *cause celebre* for promoting British hegemony in the colony. Indeed, “in the hands of the British colonial administration, law was a veritable tool, stronger in many ways than the Maxim gun (p. 57).” Though instigated by the colonial administrators, the influence of law within the colonial state was almost total. Europeans used law to promote colonial hegemony; Africans used it as a tool in the struggle against Europeans for their emancipation (p. 58).

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<sup>3</sup> E. Ike Udogu, “Historicizing and Contextualizing the Discourse on African International Law and A Concise Overview of the Pacific Settlement of the Cameroon-Nigeria Bakassi Peninsula Dispute,” *African and Asian Studies*, Vol. 7, Issue 1 (2008), pp. 77-99.

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. Interestingly, in their opposition to coercive colonial laws, the African elites employed, strategically, the same rhetoric of rights and liberties in the fight for independence. However, the language of rights as employed by African elites who dominated public debates was not merely a form of oppositional discourse. As was the wont of the colonial authority to rationalize empires, the language of rights along with those of “self determination” and “development” became powerful tools for nationalist cause/s (p. 64).

In the fourth chapter, the author discusses the issues of land and property rights in the colonial and immediate post-colonial period that were conducted largely in relation to the liberal economic ideas and systems introduced by missionaries and the colonial state. European missionary activities provoked much of the early debates about land and property rights in West Africa. The missionaries saw the inculcation of European liberal and “egalitarian” values as part and parcel of the “civilizing mission.” This mission involved changing African orientation toward property as part of the remaking of the native’s conception of selfhood. Missionaries believed that once the principles of private property and property titles were adequately instilled in local peoples, all other bases of rights – bearing citizenship – e.g., the right to life, liberty, wife, children and property – might take root (p. 85).

Chapter five of the book deals extensively with the question of social rights and social justice, including kinship relationships, inheritance, gender equity, and women’s rights. While the issues of social rights and social justice were supposedly meant to protect the most vulnerable in society, such discourses did not often embrace the demands of certain fundamental elements in society, including demands for inclusion into society by people of servile position. The colonial officials had ambivalent attitude toward slavery and its vestiges. This behavior may have suggested the limits of social rights and justice policies.

Chapter six, which focuses on the issues and debates that dominated the struggles for political influence and control, further explores the debates on rights and liberties that characterized the political process of policy-making, nationalism and constitutionalism in the colonial and immediate post-colonial state. Two major events shaped these discourses – the First and Second World Wars (p. 141). World War I (WWI) had far-reaching consequences that contributed to the rise of organized nationalist movements in Africa and the Occident. The rhetoric of rights was employed as a hegemonic instrument for establishing and legitimizing colonialism. However, it was also employed as a counter-hegemonic discourse by articulate Africans of all sections to frame and legitimize their own demands within the colonial context. The loyalty and contributions of Africans to the Allied cause during the war produced a new sense of entitlement – a *quid pro quo* of sorts – that was forcefully expressed in the language of rights. In Nigeria, vocal elites were no longer content with their status as colonial subjects and British-protected persons. They agitated for their rights as “full citizens of the empire” (p. 142). WWII and its aftermath had even more significance for discussions about political rights. The emergence of contemporary human rights movement was linked to certain outcomes of the war, particularly the Universal Declaration of Human Rights, which became central to the definition of human rights. In Nigeria, as

elsewhere in the colonized world, the language of universal rights in the Atlantic Charter and the UDHR became an important part of the nationalist rhetoric. One of the central issues was educated Africans opposing their exclusion from colonial administration (p. 142). The nonchalant attitude of colonial officials toward these demands made clear the limits of acceptable counter discourses on human rights.

In the last portion of the book (chapter seven), the author very ably sums up what he discussed in the previous six chapters. His study indicates that before the postwar universal human rights “revolution” there was a thriving colonial discourse on rights, which has in many ways shaped contemporary notions and discussions about human rights in Africa. This colonial rights discourse may originally have been produced to legitimize empire-building but it was also one in which Africans were fully engaged. Various groups within civil-society, European colonial officials, missionaries, chiefs, Westernized African elites, marginalized social groups (particularly women’s groups) all employed the language of rights to serve varied social, economic and political objectives (p. 174).

Overall, the author did a splendid job in highlighting the human rights discourses in Africa. Toward that end, the volume encapsulates in the analysis a broader examination of the issue than just the explication of the character of colonial imperialism on human rights issues in Western Nigeria. Moreover, drawing extensively on archival materials, Ibhawoh was able to demonstrate, in reference to Nigeria and the other part of Africa, that the rhetoric of rights was more than merely an instrument of colonial hegemony; it was the instrument with which African nationalists emancipated the continent. The book is a must read for student of human rights – particularly those interested in the development and advancement of human rights in Africa.

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