THE LAW IN AFRICAN HISTORY: METHODS, SOURCES AND INTERPRETATIONS
History 275A (Winter 2018)
Tuesdays 2:00-4:50 in Bunche 2175

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All societies are bound by written, unwritten or implicit legal codes regulating behavior. Indeed, the law is the cornerstone of all societies for it defines the rights and non-rights of men and women. In any given time and place, the laws of society, together with the institutions in charge of deliberation and enforcement, are products of historical interactions and precedents that typically were defined within patriarchal settings hinging upon human rights inequality.

The complexity of legal systems and their functioning was compounded in colonial contexts. The hegemonic impositions of foreign rules of law and the invention of local legal traditions, generally defined as “native law,” created quite arbitrary forms of legal hybridity. This is the case in Africa, a continent that has experienced multiple waves of colonial occupation, since before Alexander the Great overran Pharaonic Egypt. Later, the spread of Islam in Africa brought about new legal regimes. Then, in the modern period, Portuguese. Dutch, French, British, Italian and other European colonizing powers imposed colonial systems of domination upon African societies. Consequently, codes were invented and tribunals created that transformed local legal practices. Colonial courts became public fora where men and women of different ethnicities came to seek justice. Africans tended to speak languages other than the language of the colonial court. From colonial registries to Islamic fatwas, legal sources represent unique evidence documenting human relations at the most personal and intimate levels. At the same time these sources are cryptic and partisan in nature, and as such they pose challenges to the historian eager to decode them. This seminar will introduce you to the methods, sources and interpretations of legal history in Africa, based on cases studies from around the African continent.
Requirements
Class participation and Presentations (50%) – Three Short Papers and a Book Review (50%)
Your seminar grade is based on both your oral and written participation. You will be expected to do the following:
1. Come to seminar with questions and prepared to actively discuss the common readings.
2. Participate in the formulation of agendas for leading discussion during one meeting.
3. Write five short papers discussing the week’s readings and one book review written in publishable academic format.

Final syllabus forthcoming