
Abstract: Matters related to money were fundamental to the causes of the formation of Ethiopian-type churches. These included inter alia the raising of funds abroad and the subsequent need to control such funds by white ministers, delay or refusal of ordination due to cost factors and differentials in stipends, lack of or poor allowances, lack of trust in the use of funds, poor emoluments and accommodation. This was in contradiction to emerging mission policy as propounded by Henry Venn in his Three-Self formula, particularly with regard to the principle of self-support following Pauline methods. At the heart of such issues was the need for missionaries to control what they had created, and maintain and perpetuate a sense of dependency. The Mzimba Secession offers substantial evidence to support the suggestion that finance was a central concern in fostering inferiority and subjection in the mission field leading to the formation of a new church movement. Bibliogr., notes, ref., sum. [Journal abstract]


Abstract: There has been limited research into the activity of South Africa's national independent human rights institutions (NIHRIs) and their roles in protecting and promoting the rights of children. This article addresses this gap by analysing the mandate and the effectiveness of the South African Human Rights Commission (SAHRC) in respect of children's rights. The mandate and the work of the SAHRC are assessed against the guidelines issued by the United Nations Committee on the Rights of the Child. The article shows that the SAHRC largely complies with the above general guidelines, although improvements are required in terms of the specificity of the mandate pertaining to children, priority given to the rights of children, the diversity of rights issues addressed by the SAHRC, as well as promoting, protecting and monitoring the right of the child to be heard. Positive practices from foreign jurisdictions are used to suggest improvements to the activity of the Commission. Notes, ref., sum. [Journal abstract]


Abstract: This article analyses the regulation of autologous stem cell (ASC) therapy in South Africa. The analysis is structured in three parts: In the first part of the analysis it is argued that ASC preparations qualify qua registrable medicine in the subclass of biological medicine within the regulatory framework established by the Medicines and Related Substances Control Act (Medicines Act). In the second part of the analysis it is argued that ASC therapy is indeed subject to regulation, primarily in terms of the regulatory framework established by the Medicines Act that effectively requires an ASC therapy to pass the rigorous test of clinical trials before it may be prescribed or supplied to a patient. It is further argued that there exist various layers of additional regulatory rules - some from the regulatory framework established by the Medicines Act and some from the regulatory framework established by the Human Tissue Act - pertaining to the harvesting, storage and preparation activities of the ASC therapy process. In the third part of the analysis a possible human rights challenge to the regulation of ASC therapy is explored: an argument is developed that employs the right to control one's own body to argue for special exemption of ASC therapy based on its autologous nature that differentiates it from mass-produced medicine. With reference to case law, it is argued that such challenge will fail. Finally, it is argued that the system of clinical trials that is core to the current regulation of medicine in general and ASC therapy in particular is aligned with human dignity. It is therefore concluded that ASC therapy is not only comprehensively regulated in South Africa, but also that
the current regulatory regime is for the public good and aligned with our country's commitment to human rights. Notes, ref., sum. [Journal abstract]


Abstract: J.W. Breyer, the young South African military administration's first game warden in Namibia, was based at Namutoni on the south-eastern margin of the Etosha pan. Breyer died a lonely death and a meticulous inventory was rendered of Breyer's estate. Viktor Franke, the German commander in south-western Africa, and Cocky Hahn, the second South African commissioner of native affairs stationed at Ondangwa, similarly left a visual record of their intimate surroundings. An itinerary of their material worlds and hence of colonialism in Namibia is here revealed using photographs and other evidence, highlighting some of the complexities of the cultural practices of colonial administration and policing in southern Africa. Bibliogr., notes, ref., sum. [Journal abstract]


Abstract: In South Africa, an extensive debate on how regional history studies should be broadly defined and understood when undertaking research, still falls short. This is due to the variety, diversity and complexity of knowledge contributing to the pool of information that should be packaged as regional history studies. To contribute towards a framework of understanding and packaging knowledge in this field of meaning to regional history studies, the reader is further exposed to an extended structure of perhaps understanding and doing research in this field: a field that has always been regarded as having the potential to be both integrative and multidisciplinary by nature. Yet its integrative analytical abilities also rest on the outcome of narrow-defined histories done on spaces and places before it is possible to embark on bigger research analyses in, for example, the spirit of modern social history applications to regional history studies. This discussion on ways to understand the limited past and present of regional studies (historiographically and methodologically) in South Africa is offered to encourage further debate. Bibliogr., notes, ref., sum. [Journal abstract]


Abstract: Since September 11, 2001, the aid component of American foreign policy toward Africa has undergone a significant evolution: U.S. security has come to rival development as an increasingly explicit rationale. Development programming and project implementation now contain a security dimension that is underpinned by Pentagon strategists working through AFRICOM as much as by USAID officers partnering with the State Department. This article argues that given the potential of terrorism for undermining development in Africa itself, soft counterterrorism should be envisioned as a strategic developmental defense activity. Making use of unpublished country risk assessments (on Mauritania, Niger, Chad, Burkina Faso, Mali and Nigeria) and the author's participant observation during USAID field mission consultancies in the Sahel, as well as the scholarly literature and relevant policy documents of the Bush and Obama administrations, this article explores the new agenda and grassroots dynamics of development projects as tools for terrorism prevention. It contends that policy and institutional responses to 9/11 have resulted in a greater convergence of operational goals among U.S. government agencies that in the past, at least according to publicly stated goals, had pursued distinctly different missions in Africa. Normative implications of this change are mixed. Because of differing expectations with respect to separation of powers, African public opinion, paradoxically, may be more sympathetic to U.S. military engagement with civilians for developmental purposes than American public opinion is. App., bibliogr., notes, ref., sum. in English and French. [Journal abstract]

Abstract: This article examines the early history of disability rights activism in Kenya. The transitional years from colonialism to independence were a period of great expectations. For persons with disabilities in particular, decolonization held additional possibilities and potential. National independence promised not just majority rule but also an all-inclusive citizenship and the commitment to social justice. Among the visually impaired of Kenya, such collective aspirations led to the birth of the Kenya Union of the Blind in 1959. In 1964, after years of futile correspondence with government officials, the Union organized a street march to the prime minister's office to attract attention to its grievances. The result was a government panel, the Mwendwa Committee for the Care and Rehabilitation of the Disabled, whose published report became the blueprint for social and rehabilitation programs. The government possessed limited resources, and the reforms that ensued were long overdue. Yet the sociohistorical dynamics behind the march are of particular significance. From the social historian's point of view, they affirm not only the historical agency of persons with disabilities, but also the need to recast and broaden the scope of African social history. Bibliogr., notes, ref., sum. in English and French. [Journal abstract]


Abstract: L'étude a pour objet d'examiner les risques encourus par les espaces périurbains littoraux de plus en plus convoités par les populations à cause de leurs potentialités naturelles. En effet, la bande côtière nord de Libreville (Gabon) en est une illustration : elle est caractérisée par la formation d'excavations et le recul de la végétation à cause d'une exploitation intensive des gisements de sable qu'elle recèle. En dépit du fait que cette exploitation contribue à l'embellissement de la capitale gabonaise et à la lutte contre la pauvreté, la déstabilisation de l'équilibre naturel constitue un risque qui pourrait se traduire par la disparition à terme de cette bande côtière. Afin d'éviter une telle catastrophe, les autorités compétentes doivent prospecer d'autres zones d'extraction de sable à l'instar du bassin inférieur du fleuve Ogooué, nanti d'importants gisements de sable. Bibliogr., rés. en français et en anglais. [Résumé extrait de la revue]


Abstract: When South Africa's rape law of 1957 was amended in 2007, consent was retained as a key element in the definition of the crime of rape, in contrast with the Law Reform Commission's recommendation that the criterion of consent be replaced with the notion of coercive circumstances that would determine whether an act of sexual penetration should be deemed prima facie unlawful. The most salient aspect of the reformed law is its ostensible gender neutrality. However, this apparent neutrality is belied by, firstly, the preamble's mention of 'vulnerable persons', explicitly understood as women and children, whose protection against sexual violence forms a main focus of the reformed rape law, and secondly, by the law's retention of the notion of consent whose meanings are deeply embedded in modernity's contradictory view of women's sexual autonomy. Instead of the current (consent) approach in rape law which assumes even as it undermines the sexual autonomy of persons classified as feminine, an approach should rather be adopted which focuses on the material and symbolic conditions of meaningful consent. By asking about the possibilities for dissent from and refusal of sexual advances, and by focusing on a range of coercive circumstances which would undermine such possibilities, rape law has a better chance of protecting those most vulnerable to sexual violence, because it would help to equally protect everybody's conditions for sexual autonomy rather than assume such autonomy to be always already in place. Notes, ref., sum. [Journal abstract]

Abstract: The development of reproductive technologies in the last century, such as effective contraceptive methods, artificial insemination, pre-implantation genetic diagnosis, amongst others, has fundamentally reshaped traditional concepts of reproduction parenthood and has raised practical and ethical concerns. This article describes one such development, namely, post-mortem gamete retrieval (PMGR) for the purposes of posthumous reproduction. In exploring the particular concerns arising from this technology, the author argues that South Africa lacks a coherent, considered approach to the issue. In considering models adopted in overseas jurisdictions, and the various bases for the legalization of such a procedure, she adopts an interest theory of rights to argue for restricted access to such a technology in suitable circumstances. Notes, ref., sum. [Journal abstract]

Abstract: The recent emergence of homosexuality as a central issue in public debate in various parts of Africa has encouraged a stereotypical image of one homophobic Africa, often placed in opposition to a tolerant or depraved West. What is striking is that this image of Africa as homophobic is promoted by both traditionalists who insist that homosexuality is a Western intrusion 'and' by the Western media that focus on homophobic statements from African political and religious leaders. What both neglect, however, is the existence of internal debate and disagreements among Africans on the subject of homosexuality. In this article we try to counter this image of a homophobic Africa with a more nuanced discussion, including a comparison of different trajectories in the emergence of homosexuality as a public issue in four countries (Senegal, Cameroo, Uganda, and South Africa). The comparison highlights considerable variations in the ways in which the issue became politicized. There is a world of difference, for example, between the image of the homosexual as 'un Grand' (a rich and powerful 'Big Man') who imposes anal penetration as a supreme form of subjection (as in Cameroo or Gabon, where homosexuality is associated with witchcraft and other occult forces; compare Achille Mbembe's visionary evocation of a 'phallocracy') and the often quite marginal persons who become victims of gay persecution in other contexts. More insight into the variations of what is loosely and inaccurately called 'homophobia' can help connect international pressures for decriminalization and protection to local circumstances. Working through local activists is crucial for the effort to counter homophobia in Africa. Bibliogr., notes, ref., sum. in English and French. [Journal abstract]

Abstract: En 1975 paraissait l'Atlas de Kinshasa (R. De Maximy, J. Flouriot et M. Pain, 1975) établi par trois géographes, s'appuyant sur les études menées au cours des années précédentes par la Mission Francaise d'Urbanisme et le tout nouveau Bureau d'Études d'Aménagement et d'Urbanisme (BEAU) qui en a pris la suite au sein de l'administration congolaise. Trente ans après, l'un des auteurs de l'Atlas est de nouveau en poste à Kinshasa dans ce même BEAU qu'il s'agit de reconstruire physiquement et intellectuellement après les années de tourmente qu'a connues la République Démocratique du Congo. La ville n'a pas été le lieu de combats pendant les périodes de guerre mais elle a subi les contrecoups des bouleversements politiques et guerriers qui ont affecté le Congo. Kinshasa compte aujourd'hui environ 10 millions d'habitants. La mise en place de municipalités, élues localement, qui permettraient une véritable participation démocratique - condition essentielle à la mise en place d'une gestion réaliste de la ville - n'a toujours pas eu lieu. Comment font les Kinois pour vivre? Cet article rapporte quelques informations de terrain sur les thèmes suivants: I. Croissance urbaine: Occupation de l'espace; Évolution démographique. II. L'habitat: Typologie de l'habitat; Un écosystème fragile. III. Les grands réseaux: Voirie primaire; Trafic automobile; Transports urbains (transports routiers et transport ferroviaire); Eau potable; Assainissement (les réseaux, les exutoires, les déchets, déchets industriels, déchets hospitaliers, eaux usées, eaux vannes). IV. Énergie: Électricité; Bois et charbon de bois. Les activités et l'emploi: Secteur informel, Secteur formel, Les emplois publics. V. Les conditions de vie: L'équipement des ménages; La consommation; L'approvisionnement de Kinshasa; Scolarisation. VI. La gestion urbaine. La ville en crise. Bibliogr., notes. [Résumé ASC Leiden]
Abstract: Comme de nombreuses métropoles d’Afrique subsaharienne d’aujourd’hui, la ville de Bangui est une création coloniale. Le centre-ville de la capitale centrafricaine avec ses bâtiments, ses rues et autres infrastructures constitue les traces matérielles de la colonisation. Ce tissu urbain, héritage du passé et vitrine de la ville, est cependant en décadence: les édifices construits avec un grand souci de fonctionnalité et de confort sont aujourd’hui très délabrés, voire en ruine pour beaucoup d’entre eux. Les voies de circulation et bien d’autres infrastructures sont dans le même état. Tout laisse à penser que la préservation de ce patrimoine urbain ne présente pas d’intérêt pour les propriétaires, à la fois publics et privés, qui jouissent de leurs biens sans se soucier de leur pérennité. La population, également, ignore ce que représente un patrimoine à préserver. Il appartient aux pouvoirs publics de s’impliquer de manière volontariste dans la préservation de ce patrimoine. Bibliogr., rés. en français et en anglais. [Résumé extrait de la revue]

Abstract: La gouvernance est devenue un terme récurrent pour analyser les mutations qui touchent aux modes de gouvernement des sociétés, à toutes les échelles géographiques. Accompagnant les discours sur le retrait de l'État, la notion a été introduite dans les pays du Sud par les bailleurs de fonds et imposée comme mode de gestion devant permettre une plus grande pluralité d'acteurs dans la prise de décision, en particulier en matière de gestion urbaine. Ainsi, au Gabon comme ailleurs, l'idée a suscité ou accompagné des évolutions dans l'administration des villes. Le cas de Libreville, étudié ici à partir de la gestion des ordures ménagères, illustre certaines de ces évolutions, en particulier l'association croissante du secteur privé dans la gestion des services de base. Mais ce texte, fruit d'un minutieux travail de terrain, met aussi en lumière le décalage entre les discours et la réalité; il révèle en particulier la manière dont les élites politiques nationales freinent les velléités d'affirmation des autorités municipales. Bibliogr., notes, réf., rés. en français et en anglais. [Résumé extrait de la revue]

Abstract: The doctrine of aboriginal title allows for a distinct form of redress, empowering communities to use the judiciary to take action against the State for foundational acts of historical dispossession. It has not taken root in South Africa, yet in other former settler colonies of the British Empire, it remains important to this day. This article interrogates history and law to explain why this is the case. Such an approach allows for a critical reflection on the system of land restitution that developed in South Africa instead of aboriginal title. By exploring the past and present realities of 'dispossession' in South Africa, this article discredits the inclusion of cut-off dates in the Restitution of Land Rights Act. These dates have discriminated between claimant communities irrationally and insensitively - even racially. History should not be mobilized in statute law to obstruct the pathway to redress. It should, instead, be used positively to restore the rights of those formerly dispossessed, and to preserve the rights of those facing disposessions pending, in South Africa. Notes, ref., sum. [Journal abstract]

Abstract: Against a background of rhetorical and potential legal assaults on freedom of information and media freedom in South Africa, the authors set out to investigate levels of support for freedom of expression amongst law students at the University of the Witwatersrand. The findings were mixed, with evidence that students strongly support generic pro-freedom of expression statements but that their support buckles when confronted with hard cases, such as
satirical Zapiro cartoons. While students give weak support to political freedom of expression directed at the government, they are outrightly hostile to citizen-on-citizen offensive speech, many being willing to contemplate bans. Final-year students show up as somewhat more supportive of political freedom of expression than first-year students, while white students across both years are somewhat more supportive of freedom of expression than black students. There is however considerable diversity of views amongst black students and some evidence that racial differences in support for freedom of expression are influenced by attitudes to the current government. The results add to other evidence suggesting that supporters of freedom of expression in South Africa may not be able to call upon consistent or robust elite and popular support in resisting repressive government moves. App., notes, ref., sum. [Journal abstract]

Barata, D.D. 2012. Minority rights, culture, and Ethiopia's 'third way' to governance. African Studies Review: (2012), vol.55, no.3, p.61-80., vol. 55, no. 3, p. 61-80. Abstract: Following a successful armed resistance against a dictatorial state regime, a new government of former rebels took control of the national state in Ethiopia in 1991. Prompted partly by unfolding sea changes in global politics in the early 1990s, the new Ethiopian government pledged to undertake radical governance reform. More than twenty years after the new government took office, contested assessments of its record vis-à-vis its human and minority rights pledge, among other issues, have generated waves of debate, criticism, controversy, and global protests. Based on observations from southern Ethiopia, this article takes an ethnographic look at both the process and the outcome of Ethiopia's experiment with ethnic self-government, with a special focus on understanding the value of minority rights as an ideological construct. Conceptually, the paper attempts to explain a disjuncture between the globally prescribed ideal of human/minority group rights and the realities of governance on the ground. Bibliogr., notes, ref., sum. in English and French. [Journal abstract]

Gordon, R. 2013. Moritz Bonn, Southern Africa and the critique of colonialism. African Historical Review: (2013), vol.45, no.2, p.1-30 : foto., vol. 45, no. 2, p. 1-30. Abstract: In 1906/7 Moritz Bonn (1873-1965) set out to test Hobson's theory of Imperialism in southern Africa. His extensive analyses, published in the leading social science journal of the era and in pamphlet form, constitute the first systematic analyses of southern African societies. Bonn's experiences in the region also led him to become the first scholar to argue for the necessity and inevitability of decolonization; he also anticipated the rise of fascism. While Bonn was well known and well connected during the inter-war period, he is today virtually forgotten even among specialists. This paper offers an intellectual biography in order to understand how Bonn's first-hand experience of colonialism, in Ireland, South Africa and German Southwest Africa led to important insights. A fresh consideration of this important liberal political economist of colonialism and empire challenges the established genealogy of ideas and approaches to world system theory and to empire, and especially the recent tendency to view German liberals as imperialist boosters. Bibliogr., notes, ref., sum. [Journal abstract]

Pieterse, M. 2012. Procedural relief, constitutional citizenship and socio-economic rights as legitimate expectations. South African Journal on Human Rights: (2012), vol.28, pt.3, p.359-379., vol. 28, p. 359-379. Abstract: It is often argued that the Constitutional Court of South Africa adopts an 'administrative law approach' in deciding socio-economic rights matters. Following from this, this article considers the methodology inherent to the so-called 'second wave' of the Court's socio-economic rights jurisprudence. It argues that several features of this methodology correspond to the logic and method inherent to the doctrine of legitimate expectation in South African administrative law. While welcoming the extent to which this method of adjudication appears to have deepened participative democracy and enhanced accountability in the formulation and implementation of socio-economic policy, the article also points to the limits inherent to the Court's approach. First, as with the conventional application of the doctrine which it appears to reflect, the Court's method appears capable of yielding only procedural relief. Secondly, in reflecting the liberal foundations of the legal culture from which it was adapted, the method appears to hinge on a neo-liberal concept of market-citizenship, which foregrounds entrepreneurial conduct and individual payment
for public services in deciding whether a particular socio-economic rights claim is worthy of vindication. The article therefore argues, first, for the modification of the Court's approach so that it may be capable, in appropriate circumstances, of yielding more tangible relief and, secondly, for the realignment of the notion of citizenship informing the approach with the concept of social citizenship evident from a purposive reading of the Bill of Rights. Notes, ref., sum. [Journal abstract]

Abstract: This article examines the extent to which mediation and ADR (alternative dispute resolution) can be used to modernize civil litigation in South Africa in line with comparable developments in other jurisdictions. It does so in the context of Amartya Sen's theory of justice, based on individuals' capacity to order their lives, and of contemporary access to justice notions relating to court procedures. Through a fictional case study on court-based ADR in a franchise dispute the article explores ways in which a regulatory framework can accommodate ADR in case management systems and delineates some of the institutional requirements for such an arrangement. It makes a proposal along these lines, and evaluates it in terms of Sen's theory and other justice norms. Notes, ref., sum. [Journal abstract]

Abstract: 'For many believers, their relationship with God or creation is central to all their activities. It concerns their capacity to relate in an intensely meaningful fashion to their sense of themselves, their community and their universe. For millions in all walks of life, religion provides support and nurture and a framework for individual and social stability and growth. Religious belief has the capacity to awake concepts of self-worth and human dignity which form the cornerstone of human rights. ' In this quote, Sachs J. highlights the crucial significance of religious belief to many millions of individuals in South Africa. Yet, surprisingly, there has been very limited legal academic writing concerning the implications of the Constitution of the Republic of South Africa, 1996 for religious rights and freedoms, even though there is an urgent need for an examination of these fundamental issues. This special issue is divided into two sections. The first section is a more general one and includes articles on a wide range of topics where the central theme is a connection to advancing discourse on religious rights and freedom. The second part concerns the relationship between religious freedom, associational rights and prohibitions against discrimination. Contributions: Religion and the public sphere: towards a model that positively recognises diversity (David Bilchitz and Alistair Williams) - Mottos, prayer and the public university (Shaun de Freitas) - Judging Jews: court interrogation of rule-making and decision-taking by Jewish ecclesiastical bodies (Stu Woolman and David Zeffert) - The positive role of public policy in private international law and the recognition of foreign Muslim marriages (Jan L. Neels) - The right of religious associations to discriminate (Patrick Lenta) - Freedom of association as a foundational right: religious associations and 'Strydom v Nederduitse Gereformeerde Gemeente, Moreleta Park' (Shaun de Freitas) - Seek justice elsewhere : an egalitarian pluralist's reply to David Bilchitz on the distinction between differentiation and domination (Stu Woolman) - Why courts should not sanction unfair discrimination in the private sphere: a reply (David Bilchitz). [ASC Leiden abstract]

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Abstract: This article examines how the Zimbabwe African National Union-Patriotic Front (ZANU-PF) sought to inscribe a nationalist monologic history in Zimbabwe in order to prop up its claim to be the progenitor and guardian of the postcolonial nation. Since its formation in 1963, it has worked tirelessly to claim to be the only authentic force with a sacred historic mission to deliver the colonized people from settler colonial rule. To achieve this objective, ZANU-PF has deployed the ideology of ‘chimurenga’ in combination with the strategy of ‘gukurahundi’ as well as a politics of memorialization to install a particular nationalist historical monologue of the nation. After attaining power in 1980, it proceeded to claim ownership of the birth of the nation. While the ideology of ‘chimurenga’ situates the birth of the nation within a series of nationalist revolutions dating back to the primary resistance of the 1890s, the strategy of ‘gukurahundi’ entails violent and physical elimination of enemies and opponents. But this hegemonic drive has always encountered an array of problems, including lack of internal unity in ZANU-PF itself, counternarratives deriving from political formations like the Zimbabwe African People's Union (ZAPU); labor movements; and critical voices from the Matebeleland region, which fell victim to ‘gukurahundi’ strategy in the 1980s. With the formation of the Movement for Democratic Change (MDC) in 1999, which soon deployed democracy and human rights discourse to critique the ideology of ‘chimurenga’ and the strategy of ‘gukurahundi’, ZANU-PF hegemony became extremely shaky and it eventually agreed to share power with the MDC in February 2009. App., bibliogr., notes, ref., sum. in English and French. [Journal abstract]


Abstract: This special issue of the Journal of Southern African studies is about politics, patronage and violence in Zimbabwe. All articles are all grounded in qualitative empirical research (most relying on interviews), attuned to material and normative questions, and insistent on the importance of institutions and history. The articles are grouped around four themes: (1) the transformations to state institutions and ZANU(PF); (2) the cultural politics of opposition; (3) the political economies of resource control; and (4) the 2013 elections. Contributors: Susanne Verheul, Jocelyn Alexander, Blessing-Miles Tendi, Blair Rutherford, Dan Hodgkinson, Sam Wilkins, Thys Hoekman, Showers Mawowa, Phillan Zamchiya, Brian Raftopoulos, Neil Parsons. [ASC Leiden abstract]
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Abstract: Disabled learners are a protected group with rights to equality and basic education under the Constitution of South Africa. Taking substantive equality and the right to basic education seriously requires the State, especially, to commit significant resources and take positive measures to ensure that the education system adequately accommodates the needs of disabled learners. However, the historical exclusion and marginalization of disabled people from the education system, the finite nature of economic resources and the fact that socio-economic rights are generally realizable incrementally, can easily provide the State with excuses rather than valid justifications for not meeting the learning needs of disabled learners. The aim of this article is two-fold. Firstly, it uses the decision of the Western Cape High Court in Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa (2010) as an opportunity for interrogating the relationship between substantive equality and socio-economic rights as well as the relationship between the State and its obligations towards private ‘partners’ in the discharge of its socio-economic obligations through the use of so-called State ‘subsidies’. Secondly, the article uses the education policy that was challenged in Western Cape Forum to highlight that disability is a severe site of discrimination. Even in post-apartheid South Africa, where the Constitution protects the equality rights of disabled people, it is easy for State policy that claims to be advancing a transformative agenda to paradoxically become an instrument for giving legitimacy to a disabling discourse. Ultimately, it is argued that when dealing with disability, equality jurisprudence needs a transformative theory of difference in order to guarantee inclusive citizenship. Notes, ref., sum. [Journal abstract]


Abstract: Many legal scholars, practitioners and judges have overlooked the ways in which racial identities and hierarchies have been woven into social systems like law, labour, social power, knowledge and ideology. This article suggests that this oversight can be addressed by developing a post-apartheid critical race theory that puts ‘race’ back on the agenda by situating it within legal, political and social discourses. Such a critical race theory is proposed as an alternative to, and critique of, traditional (liberal/conservative) approaches to race and racism that emphasize individual autonomy, colour-blind constitutionalism and race-neutrality. Critical Race Theory (CRT) seeks to examine, from a legal perspective, the ways in which prevailing conceptions of race (and to some extent, culture and identity) perpetuate relations of domination, oppression and injustice. In South Africa, the necessity of such a critical engagement with race and law is justified by a long history of institutionalized white supremacy and white racial privilege which today coexists with ongoing (and lingering) forms of anti-black racism and racial exclusion. The starting point will be a broad discussion of competing approaches to race and racialism that inform equality jurisprudence and socio-political discourse followed by a theoretical discussion of the conceptual tools of US CRT and an analysis of post-1994 constitutional jurisprudence. The main aim is to problematize the contradictions and tensions that characterize South African equality jurisprudence and human rights discourses by exposing and critiquing the racial ideologies embedded in them. The broader concern of this article, however, is to point to the significance of critical race perspectives in South African legal and interdisciplinary thinking in a way that might disclose possibilities for racial justice and equality. Notes, ref., sum. [Journal abstract]
Abstract: This article argues that Ethiopia's agricultural extension program, which received more government funding and donor support than other similar programs in Africa, reinforced the rural presence and authoritarian powers of the ruling party while largely failing to improve smallholder agriculture. The principal reason for this outcome has to do with the systematic entanglement of the Green Revolution package delivery system with the immediate goal of guaranteeing the party's political security. In one Amharic-speaking community that provided ethnographic information for this article, overzealous party leaders rewarded supporters at the expense of imagined opponents. This distortion, coupled with a culturally embedded concept of success (defined as upward mobility), caused pervasive fear, insecurity, suspicion, and rivalry among farmers. Not surprisingly, this insecurity has a deleterious effect on hardworking farmers. The article suggests that any meaningful attempt at improving the program must recognize the centrality of politics, especially at the community and household levels, where parochial interests interface with cultural expectations. Bibliogr., notes, ref., sum. in English and French. [Journal abstract]

Abstract: This article explores the representation of Africa in director Edward Zwick's 2006 film 'Blood Diamond', examining in particular the ways in which the film's liberal-humanitarian orientation works to demonize black African communities, nationalisms, and governments while constituting a white and largely American subject as the center of ethical value. The article also examines the film's account of diamond consumption as a global phenomenon, and considers the ways in which sound and vision operate to devalue black diasporic as well as black continental African subjects. Bibliogr., notes, ref., sum. in English and French. [Journal abstract]

Abstract: The human experience is informed by the sex assigned to an individual at birth, either as a male or female, and societal perceptions attached to sex and gender. However, this basic premise does not hold true for those individuals who do not develop from their assigned sex such as transsexual and transgendered individuals. South African law, as informed by the Constitution, has comparatively developed extensively regarding the accommodation of the 'transsexual experience' and allows post-operative transsexual and transgendered individuals to change their assigned sex in terms of the Alteration of Sex Description and Sex Status Act 49 of 2003 and the Births and Deaths Registration Act 51 of 1992. However, this legal framework is based on prevailing gender stereotypes and constructs that conflate the notions of sex, gender and sexual orientation. As such, the current legal framework does not allow pre-operative transsexual and transgendered individuals to change their assigned sex, which is arguably discriminatory and inconsistent with the Constitution. This framework ignores the valid reasons of individuals not choosing to undergo invasive 'sex change' operations and can therefore be challenged on a myriad of constitutional guarantees. It is doubted, however, whether any future laws will meet these individuals' needs unless there is a clearer understanding of the concepts of sex, gender and sexual orientation and their interaction with each other. It is proposed that the application of Francisco Valdez's eight-point strategy to dissipate these confusions in law would lead possibly to the elimination of existing legal discriminations. Notes, ref., sum. [Journal abstract]