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Claiming the State: The Impact of Human Rights Education and Legal Mobilization on Ghanaian Political Subjectivity

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Claiming the State: The Impact of Human Rights Education and Legal Mobilization on
Ghanaian Political Subjectivity

Catherine Fluegeman Buerger, PhD

University of Connecticut, 2016

In this dissertation, I investigate the relationship between human rights participation and political subjectivity in Ghana. Specifically, I address two primary questions: 1) does participation in human rights-based activities have an impact on individual beliefs about democracy and the state? And, 2) if so, how do these altered beliefs manifest themselves in behavioral changes, including the way that individuals advance claims, settle disputes, and talk about the responsibilities of the state? To answer these questions, I conducted 12 months of ethnographic fieldwork in two low-income communities in Accra, Ghana. I argue that participating in human rights activities has had a long-lasting impact on the way that activists settle disputes, the frequency with which they contact government officials, and the way that they speak about corruption and the responsibilities of the state. Although many scholars have argued that the human rights system may be depoliticizing as it universalizes participants and contains their resistance within controllable state channels, I argue for a nuanced understanding of how social and historical contexts may affect the way that citizens encounter human rights and take on rights-bearing subjectivities. In the communities in which I worked, legacies of colonial urban planning and social exclusion have combined to produce a post-colonial environment where residents continue to feel excluded from the governmental processes that regulate their lives. Therefore, for activists living within these communities, even representing oneself in front of the government as an acceptable political subject may feel like a radical act and may have the potential to challenge existing power inequities and alter subjectivity in a way that it may not in other contexts.

Claiming the State: The Impact of Human Rights Education and Legal Mobilization on
Ghanaian Political Subjectivity

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APPROVAL PAGE

Doctor of Philosophy Dissertation

Claiming the State: The Impact of Human Rights Education and Legal Mobilization on

Ghanaian Political Subjectivity

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Claiming the State: The Impact of Human Rights Education and Legal Mobilization on
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Chapter 1: Introduction

“Some City over There”

The first seeds for this project were planted back in 2008, before I began the PhD program at the University of Connecticut. I was working in Accra as an intern with the Legal Resources Centre (LRC), a Ghanaian legal aid and human rights NGO. One day, as I was talking with a community organizer from the LRC, I asked him whether he thought the presence of the organization in Nima and Maamobi, two of Accra’s poorest communities, had made an impact on residents. The community organizer had grown up in the area and had therefore seen how it had changed over the years. He responded by telling me a story about how people had behaved before the LRC began its programming. In the 1990s, a portion of a concrete drain had been constructed from the center of Nima and Maamobi northward to the Paloma Hotel. This drain had replaced part of the deteriorating gutter that divided the neighborhoods. A large portion remained, however, and since then had become the center rallying point for much of the human rights activism in the community. After telling me about this, the community organizer stated:

When the other part of the drain was built, people did not ask questions. Many people do not think about human rights. They do not think about development. They just live. Then they begin to realize. Then there are strange and specific questions that are presented to lawyers. They are very interesting questions. They begin to realize that as citizens, they are supposed to be part and parcel of the government. Government is not some city over there anymore. Now they say “Oh! So it is our right! They are not being good. That is what they are supposed to be doing.”¹

After I left Ghana that summer, the phrase, “government is not some city over there anymore,” remained with me. In his response, the community organizer is either stating that he hopes that human rights education has changed the perspective of community residents or that he believes it has already done so. From his perspective, residents, who before felt very distant from the operations of government, now felt connected. For him, residents no longer saw government as an altruistic entity, like so many other organizations that had made an appearance in Nima and Maamobi over the years. Instead, government leaders were participants in a social contract. The perceived relationship had changed, and residents had developed a new sense of their own citizenship status. This altered notion of the relationship between person and state is particularly radical in a community that has long been categorized as a “slum.” Within the literature, slums are general described as places that *are governed*, rather than places that *participate in government*.² Therefore, if true, the claim made by the community organizer presented a potentially valuable new way to consider the impact of human rights participation from a local perspective.

Research Focus

When I entered a doctoral program, I knew I wanted to return to Ghana to revisit the relationship between human rights and subjectivity. I ended up returning to the communities in which I first worked to conduct 12 months of fieldwork over the course of four years. This dissertation is the culmination of that research. In this dissertation, I investigate the relationship between human rights participation and political subjectivity in Ghana. I do so by addressing two primary questions: 1) does participation in human rights-based activities have an impact on individual beliefs about democracy and the state? And, 2) if so, how do these altered beliefs manifest

themselves in behavioral changes, including the way that individuals advance claims, settle disputes, and talk about the responsibilities of the state? In taking subjectivity as a primary focus, this dissertation seeks to understand the “procedures by which the subject is led to observe himself, analyse himself, interpret himself, [and] recognize himself,” (Foucault 1984, 942) as a rights-bearing individual. How does taking part in human rights activities (such as capacity building workshops, community forums, or lobbying efforts) inform the way that activists interpret themselves as citizens and “rights-holders” as well as the way that they analyze their relationship with the state? How does this specific subjectivity influence the manner in which activists engage with political figures and the way that they deem acts legal or illegal, ethical or corrupt? And in turn, how do community activists engage with, and occasionally challenge, the particular versions of rights-claiming subjectivity endorsed by other loci of authority such as political parties or human rights NGOs?

When addressed together, this dissertation contributes to a larger conversation about the manner in which marginalized populations gain access to decision makers in order to lobby for their rights. By embracing a human rights-based approach, the activists discussed in this dissertation are choosing a particular form of political engagement over other advocacy possibilities such as violent confrontations or using the system of political patronage to advance their concerns. As I will discuss at several points throughout the dissertation, however, the decisions about which forms of advocacy in which to engage are continually negotiated, and there is not always consensus among activists. As I will describe in Chapter 7, decisions over advocacy strategy can be highly contentious and are actively reshaping the landscape of political engagement in the community.

The data for this dissertation is drawn from ethnographic fieldwork that I conducted over the course of 12 months in Accra, Ghana (June-July 2010; July-August 2011; June-November 2013; March-April 2014). The project employs a mixed-methods approach, combining classic ethnographic participant observation and semi-structured interviews with community surveys, and archival research. During my fieldwork, I attended meetings with community groups and conducted interviews with their members, human rights activists, and local and state authorities involved in various community development projects. I accompanied local activists to their meetings with community stakeholders, opinion leaders, and human rights lawyers.

My research focused on the two communities of Nima and Maamobi within Accra, the capital city of Ghana. The two communities are both densely populated and officially designated as slums. There are only a few roads large enough for vehicles to pass, and most residents must travel by way of narrow alleys that wind their way between concrete and plywood structures. The neighborhoods have also developed a reputation for violent crime and were the site of a highly publicized arrest of a notorious group of armed robbers in 2005 (Ntewusu 2005). Because of the community's poverty and reputation, residents often struggle to gain access to justice and social services. In 1997, motivated by these challenges, two University of Ghana law students opened the LRC in Maamobi, and began providing legal aid services and human rights education to community residents. In Chapter 4, I describe the history of the organization in more detail. Although human rights are formalized through the Constitution in Ghana, citizens still often struggle to claim these legally guaranteed rights. This is especially true for residents in Nima and Maamobi who are often excluded from political processes due to their social and economic position. Although residents of these communities are geographically very near the site of government, they are often kept at a distance socially. In part due to this social distance,

residents have attempted to address community development concerns using a variety of strategies. Political patronage, the threat of violent protest, and the use of the courts are all strategies often proposed by community residents. The approach introduced by the LRC was therefore not the first attempt at community activism, but rather a new form of political engagement. Thus, these communities provide a rich location for the study of the impact of human rights participation on political subjectivity.

Theoretical Framework

This research is informed generally by scholarship on the anthropology of human rights and specifically by anthropological research on the relationship between legal participation and subjectivity. The study of law has long been a central focus of anthropologists. For early scholars, law was seen as an indicator of civilization. For these scholars, law was defined by its relationship with the state. Therefore, societies without a state could have no law, and thus they could not be considered to be a civilization (Tamanaha 1993, 197). Anthropologists, however, particularly those conducting research in Africa, challenged these notions. Through their fieldwork, these anthropologists documented multiple spheres of legal authority that were simultaneously operating within one geographic location. Individuals used both state and customary law to settle disputes, and strategically “forum shopped” between various legal venues (Benda-Beckman 1981).

The knowledge that multiple legal authorities could exist simultaneously and that individuals could use these systems to their own advantage changed the general understanding of law in Europe and the United States. It also reinforced the understanding that culture and law are mutually constitutive. As Malinowski noted in *Crime and Custom in Savage Society*, “The true problem is not to study how human life submits to rules – it simply does not; the real problem is

how the rules become adapted to life.” (1959, 127). Legal anthropology added to the scholarship on law by not only studying the intricacies of written law, but also by examining how cultures challenged, redefined, and constructed systems of law and authority. In the latter quarter of the century, the areas of inquiry for legal anthropologists grew beyond state and customary law to also include international law, and particularly relevant for this dissertation, human rights law.

The relationship between anthropology and human rights over the years has been fraught, marked by the American Anthropology Association (AAA)’s 1947 “Statement on Human Rights,” in which the Association rejected the concept of universal human rights. As time passed, however, the stance of the Association changed. Beginning in the 1980s, there was a renewed interest in the anthropological study of human rights. This interest solidified into the production of several influential compilations of work around the turn of the century that guided how anthropologists thought about their relationship with the study of human rights (Wilson 1997; Cowan et al. 2001; Goodale 2006; 2007). Rather than concentrating on the legitimacy (or illegitimacy) of the concept of universal human rights, these scholars focused their research on the way that people around the world use, challenge, and speak about human rights. These research foci were labeled “the practice of human rights” or “human rights talk,” and they allowed anthropologists to interrogate the relationship between culture and rights while maintaining some distance from the normative questions surrounding universal human rights.

Within the overarching field of the anthropology of human rights, anthropologists studied international courts, truth commissions, social movements, cultural rights claims, NGOs, and the United Nations. They considered questions of how rights shape subjectivity (Sierra 1995; Merry 1996; Cowan 2001; Sieder and Witchell 2001; Englund 2006; Leve 2007), how human rights knowledge is “translated” between the global and the local (Merry 2006a), and how human rights

institutions contribute to constructing identity (Hayner 1994; Wilson 2001; Clarke 2009). This dissertation positions itself within the scholarly debates surrounding the relationship between human rights and subjectivity. Engaging with the human rights system influences behavior by compelling individuals and groups to make claims in particular ways (Merry 1996, 2006a; Cowan et al. 2001; Leve 2007; Speed 2007). As such, participating in human rights activities, whether through rights talk or legal processes, “entail[s] certain constructions of the self and sociality, and specific modes of agency” (Cowan et al. 2001, 11-12). This participation creates certain legal categories (violations, victims, perpetrators, etc.) and then compels individuals to represent their claim within the parameters of these categories. As a result, human rights serves to universalize political subjects and contain resistance into “appropriate” channels. This process of universalization, some argue, decreases the radical potential of actors to challenge the power of the state (Speed 2007).

This dissertation does not attempt to refute these claims. Rather, it argues for a nuanced understanding of how social and historical contexts may affect the ways that citizens encounter human rights and take on rights-bearing subjectivities. Central to my argument in this dissertation is the notion that the process of claims making not only affects the power of the state, but also the way that human rights activists view themselves and their positionality vis-à-vis the government. Activists may bolster the power of the state by engaging with the human rights legal process (an anthropological critique of human rights that I will discuss further in Chapter 2). But for individuals living in a low-income migrant community, long viewed as “foreign,” and excluded from the political process, such as the individuals with whom I worked, the act of representing oneself in front of the government as an “acceptable” political subject may itself feel like a radical act. Residents of Nima and Maamobi have for years been limited in their ability to effectively engage with the national government. As slum communities, both

neighborhoods are categorized and governed by the state. And yet, as residents of slum communities, individuals living within the two neighborhoods often struggle to gain recognition for themselves as full rights-bearing citizens, entitled to social service provision, property rights, and access to justice. Because of this, the act of representing oneself as a rights-claiming political subject in Nima and Maamobi has the potential to challenge existing power inequities in a way that it may not in other contexts.

I also argue that, as researchers, we must not stop at the point where activists have been incorporated into the “appropriate” dispute channels of the state, but we must also examine what activists do once they are there. As I will discuss in Chapter 7, once the activists with whom I worked gained access to the state, they occasionally broke with the sanctioned behavior of a human rights-claimant, challenging both the government officials of whom they were making claims and also the NGO that was encouraging a particular mobilization strategy. Through their actions, these “interstitial activists” are attempting to redefine what it means to behave as a rights-holder and also what constitutes appropriate political engagement.

Organization

In this chapter, I provided a brief overview of the research question, fieldwork site, and theoretical framing for this dissertation. Chapter Two provides a review of the literature that serves as the theoretical groundwork for this research project. In that chapter I discuss the history of anthropological research on law in Africa as well as an overview of the anthropological research on human rights. Chapter Three provides a detailed description of the research site and also outlines the methods used during this study. Chapter Four provides a review of the colonial and postcolonial legal history of Ghana. It also introduces the human rights context of both the country

and the community in which I conducted research. In Chapter Five, I begin to discuss the results of my study with an examination of the changes in political participation among activists. I explore how individuals have changed the way that they advance claims from their community as well as the frequency with which activists interact with political officials as compared with other residents. Chapter Six explores the concept of “corruption talk” in Nima and Maamobi. In that chapter, I argue that speaking of corruption serves as evidence that activists have adopted a new view of the state and its responsibilities. The chapter then explores the concept of corruption as it relates to the practice of patronage and the handling of disputes. In Chapter Seven, I discuss how many activists have broken with the conventional approach for claiming human rights by introducing elements of political patronage and customary relationships into their campaigns. I explore the actions of these “interstitial activists” as well as the tensions that surround their strategic decisions. Chapter Eight concludes the dissertation by reviewing the primary findings and grounding them within the larger context of Ghana and the country’s place in the global political system.

Chapter 2: Literature Review

One of anthropology's primary contributions to the study of human rights is the way that the discipline has engaged with the relationship between culture and rights. By examining how identity is constructed through the process of claiming human rights, this dissertation fits squarely within this body of scholarship. Traditionally, human rights lawyers, scholars, and activists have focused most of their attention on two conjunctions of rights and culture: rights versus culture and rights to culture (Cowan et al. 2001, 4). In the first of these two relationships, culture is seen as a barrier to the achievement of rights. In the second, which is often brought up in the process of claiming minority rights, culture is portrayed as a distinct quality that is identifiable and able to be protected or preserved. In both of these cases, "culture" is seen as bounded with distinct symbols and values. Many contemporary anthropologists, however, have taken a slightly different perspective on the relationship between culture and rights. Drawing on the understanding of culture as sets of beliefs, values, practices, and habits that are "unbounded, contested, and connected to relations of power," (Merry 2003a, 67), anthropologists have come to view human rights itself as culture. Anthropologists have chosen to identify human rights as culture because the human rights system possesses many of the same qualities that anthropologists identify as qualities of culture. For example, the human rights system creates a body of knowledge that is related to particular ways of being in the world. Additionally, the framework of human rights influences behavior by compelling individuals and groups to make claims in particular ways (Merry 1996, 2006a; Cowan et al. 2001; Leve 2007; Speed 2007).

In this dissertation, I propose a potential fourth permutation of rights and culture: *culture through rights*. Engaging in human rights talk or legal processes can often have a lasting impact on both group and individual identity. Human rights discourse has been used by political elites in

nationalistic struggles (Wilson 2001), and scholars such as Cowan (2001) have demonstrated that the claims-making process itself can serve to reify the identities of emerging groups. The question of how culture may be created and challenged through legal participation is especially interesting in legally plural countries like Ghana. In Ghana, there are multiple legal authorities through which individuals may address disputes. Each one is linked to a specific model of political engagement and therefore, choosing to use a particular legal system has implications that go beyond just that specific dispute.³

Although I will focus on the specific relationship between human rights and subjectivity in this dissertation, the relationship between identity and law is not unique to human rights. For example, in Ghana, during the struggle for independence, Kwame Nkrumah used the symbolic authority of law for the purposes of nation building. Nkrumah supported policies to constrain the individual powers of chiefs, but he also attempted to advance a symbolic Pan-African notion of law that was founded on customary law and values (Nkrumah 1962; 1963). Although this law would be adjudicated by the state judicial system, Nkrumah argued that the legal logic of state courts in Africa should be drawn from the values of customary law. Partly inspired by Nkrumah's ideas concerning law, in the 1950s and 1960s, conceptions of law began to play larger symbolic roles in many newly independent African nations, a process that Martin Chanock has described as "legal nationalism" (1985, 54). In Ghana, this peaceful and official balancing of the potentially conflicting realms of customary and statutory authority has remained central to a Ghanaian national identity.

In this chapter, I begin with the history of legal anthropology in Africa, as well as a discussion of the concept of legal pluralism, which arose out of this early ethnographic work. The theory of legal pluralism is central to my understanding of how human rights law fits into

Ghana's overarching legal system. It has also informed my thinking about how the presence of multiple legal spheres may affect the role that law plays in shaping subjectivity. Next, I discuss how Anthropology's engagement with the subject of human rights has changed over the years and how this altered understanding of human rights has resulted in new thinking about the relationship between rights and culture. Finally, I close with a review of the literature on law and subjectivity, as well as a discussion of how this literature relates to the study of the state.

Anthropologists have addressed the relationship between law and identity in various contexts including international courts, truth commissions, and social movements. Although much of this work has been focused on group identities, a few notable works have also examined the role of legal participation on individual subjectivity (Merry 1990; Osanloo 2006). Through the use of these cases, I illustrate the value of "culture through rights" as a theoretical concept through which we can understand how individual identity is related to human rights.

Legal Anthropology of Africa

The work of anthropologists in Africa has a long history, especially in regard to the study of political and legal systems. In the early 1900s, the British Colonial Administration implemented a policy of indirect rule in their African colonies. Indirect rule involved ruling "through" African political institutions whenever possible, "delegating power to native authorities and native courts" where they existed, and creating new authorities where they did not (Moore 1994, 19).

The cultural knowledge possessed by anthropologists and their ability to conduct fieldwork made them potentially valuable to the Colonial Administration. Although anthropologists attempted to persuade the British government to view them as useful to the Colonial Administration (a period of anthropology that became deeply controversial for future anthropologists), Moore (1994)

notes that many times, the Administration preferred to employ local political officers. Despite the fact that most anthropologists did not work directly for colonial governments, their work still had an influence on the policies implemented in Africa (Moore 1994). Similarly, policies such as indirect rule greatly contributed to the theoretical work of legal anthropologists in Africa, as I will discuss below.

When anthropologists began conducting fieldwork in Africa, legal thought was dominated by the theory of legal centralism. Legal centralism defines law as being necessarily the product of the state, and therefore also suggests that societies that do not have a state cannot have law. As Tamanaha (1993) notes, at the time, law was generally seen by scholars in the West as an indicator of civilization. Thus, legal centralism's linkage of law and the state implies that pre-state societies can have no law, and thus, cannot be civilized (Tamanaha 1993, 197). For early anthropologists, however, the legal centralist conception of law did not hold true. The research of anthropologists such as Malinowski (1926) in small-scale societies revealed complex systems of social ordering, norms, and customary laws despite the absence of a Western style state. For anthropologists working in Africa, such as Paul Bohannan (1957), A.R. Radcliffe-Brown (1952), E.E. Evans-Pritchard (1940), and James Gibbs (1963), law was not something strictly confined to state institutions. Bohannan's (1957) work among the Tiv of West Africa was one of the earliest examples of such studies. The Tiv were long categorized as a society that lacked a central authority structure, and therefore, lacked law. Bohannan's work, however, revealed a system of indigenous "moots" that operated alongside the Colonial Administration's native courts. James Gibbs' (1963) well-known work on the custom of *berei mu meni saa* ("house palaver") among the Kpelle of Liberia provides a similar example. Gibbs (1963) describes the "Kpelle moot" as an informal, *ad hoc* practice where domestic disputes are settled

in front of a group of neighbors and kinsmen. The Kpelle moots do not replace local courts, but instead have a “separate but complimentary” function (Gibbs 1963, 10).

The distinction between formal and informal law challenged early anthropologists studying law in Africa to develop new terminology for what they were seeing. Scholars such as Bohannan (1957) and Radcliffe-Brown (1952) explicitly attempted to avoid direct comparisons between Western legal systems and African ones. According to Radcliffe-Brown (1952), some scholars had previously attempted to map formal and informal law onto the categories of civil and criminal law. To avoid this, Radcliffe-Brown proposed two new categories: “public delicts,” which included sorcery, magic, incest, and the breaking of custom, and “private delicts,” which included acts such as theft, wounding, killing, and adultery (1952, 211-214). These categories allowed anthropologists to avoid simply trying to fit non-Western legal systems into the structures already used in Western ones.

Legal Pluralism

This understanding of the fact that there may be various loci of authority from which law emanated led anthropologists to propose the concept of “legal pluralism.” Generally, the term “legal pluralism” refers to the presence of multiple legal systems or mechanisms within any social field, (Griffiths 1986; Merry 1988). Although the term was initially developed to discuss the simultaneous presence of both customary and statutory law within one context, the concept is also useful when applied to our thinking about human rights law. Human rights law often co-exists with other normative orders including customary, religious, and state law. The system of human rights law is usually codified in distinct treaties and declarations and is generally upheld in stand-alone courts or administrative bodies. This is often even the case in countries such as

Ghana, where international human rights law has been incorporated into the country's Constitution. Thus the application of the theory of legal pluralism to a study of human rights highlights the fact that human rights exists alongside, rather than in place of, other forms of law. And similarly, individuals who choose to engage in human rights talk and mobilization do so in a context in which there are various competing legal orders.

When the concept of legal pluralism was first proposed, notions of "legal centralism," or an understanding that "law is and should be the law of the state, uniform for all persons, exclusive of all other law, and administered by a single set of state institutions," dominated thinking about law (Griffiths 1986, 3). As stated above, however, Anthropologists conducting research in colonial areas often observed multiple legal authorities within a single social space. When it was first conceived, therefore, the concept of legal pluralism was not only seen as a tool of empirical description, but also as a way to directly challenge the dominant paradigm of legal centralism (Griffiths 1986).

Despite its utility, the concept of legal pluralism presented theoretical obstacles for scholars. First and foremost was the problem of how "law" should be defined. If legal pluralism was to break from the former notion of law as rules and behaviors that are mandated by the state, it had to offer an alternative. But the question of what fit into the category of "law" for supporters of legal pluralism has not been easily answered. Merry (1988, 870), for example, states that many works of legal pluralism define "'legal system' broadly to include the system of courts and judges supported by the state as well as non-legal forms of normative orderings." Under this definition, all rules and norms that are seen as significant elements of social ordering within a society are included in the broad definition of "law." This definition has come under substantial criticism from some scholars. Tamanaha, for example, argues that:

So generous a view of what law is slippery slides to the conclusion that all forms of social control are law. Not only does the term “law” thereby lose any distinctive meaning – law in effect becomes synonymous with normative order – other forms of normative order, like moral or political norms, or customs, habits, rules of etiquette, and even table manners are swallowed up to become law. (1993, 193).

Even scholars who support the theory of legal pluralism have noted the potential problems surrounding this definitional ambiguity. Merry (1988, 871), for example, states that the inclusion of informal systems of normative ordering within the category of law “runs the risk of defining legal system so broadly that all social control forms are included.” Moore (1978), one of forebears of the theory of legal pluralism, also notes that “once sensitized to law-like phenomena in pre-state societies, the importance becomes evident of similar, non-government, but law-like phenomena in modern complex societies, but to call it all law, particularly speaking of complex societies, may be to risk confusion” (Moore 1978, 18). To lose definitional specificity by lumping many varied forms of normative ordering into the same category potentially limits the analytical use of the theory of legal pluralism.

Another criticism leveled against legal pluralism is that it occasionally overstates the strict separation between state and non-state law. This can obscure or neglect the state’s role within non-state legal fields such as customary law (Wilson 2001, 124). For example, authors such as Chanock (1985) and Roberts and Mann (1991) argue that customary law cannot be seen as a discrete and immutable legal “tradition,” but instead should be viewed as something that was, in part, invented by the Colonial Administration as a form of domination. Similarly, many scholars have argued that legal systems should be viewed as mutually-constitutive rather than discrete and internally ordered (Wilson 2001; Ameh 2004; Dovlo 2005; Hodzic 2009).

Perhaps one of the most useful contributions of legal pluralism scholarship is the concept of forum shopping. As Keebet von Benda-Beckmann (1981, 117) states, the term “forum shopping” describes instances where disputants have a choice between different institutions, and they “base their choice on what they hope the outcome of the dispute will be.” When individuals find themselves living in contexts where multiple legal systems are present, they may be able to choose to which authority they wish to take their claim. These choices, in turn, impact the procedures individuals follow as well as the language through which they frame their claims.

The works of Crook (2004) and Ubink (2008) on land tenure in Ghana provide a good example of how this works in practice. In Crook’s (2004) quantitative study of legal decision making in disputes concerning land tenure in Ghana, he noted that he was “surprised” to find that overall, “47% of respondents had gone to a state court first, without going through other kinds of dispute settlement procedure” (2004, 13). He argued that this finding (although dependent on region, with rural areas being more likely to seek assistance from a chief first) suggests that for many of the litigants, “the Court was the preferred or most obviously appropriate way of getting their dispute resolved” (2004, 13). Ubink’s (2008) study builds on Crook’s data, using the findings of her supplementary case studies to provide additional explanatory information. Ubink argues that Crook’s finding may have more to do with the type of case than the overall feelings of individuals about the state courts. In Ghana, the majority of land is still held by lineages, and therefore generally under the purview of the local chief (Alden Wily and Hamond 2001). When individuals have disputes about land, they are often in direct dispute with the chief, making the likelihood of their self-interests being met in the chief’s court relatively low. Because of this, individuals may choose a state court, especially in the case of land disputes. This decision may serve as a possible way to increase an individual’s power in a dispute (Ubink 2008).

Forum shopping is also a useful concept when applied to the study of human rights. With the introduction of international human rights treaties, institutions, and social movements, community actors now have new possibilities for addressing their disputes in addition to state courts and local systems of justice, such as customary law. Individuals or groups may be able to increase their power in legal negotiations through forum shopping and framing their claims in ways that appeal to international activism circles. In their work on indigenous rights in Guatemala, Sieder and Witchell (2001) describe how local groups invoked the efforts made at the international level for indigenous rights in their attempt to secure greater recognition within Guatemala. By framing their claims in the language of human rights, indigenous groups were able to appeal to a much larger transnational community that was interested in promoting legal claims on this issue. Additionally, many of the domestic advocacy efforts within Guatemala were led by local NGOs that maintained strong ties with international human rights organizations. Sieder and Witchell (2001) argue that these ties, along with the global push for indigenous rights, dovetailed with the claims made by indigenous groups within Guatemala to increase their power in negotiations with the state.

Occasionally, it is just the threat of taking the dispute to another forum that allows for increased power within negotiations. For example, Sierra (1995) describes how the development of international conventions and declarations on the topic of indigenous rights has provided new tools for groups to use to claim their rights at the domestic level. If the state was to deny the human rights claims of its people, it could potentially be held accountable for this within the international community. Thus, in this case, the presence of multiple legal systems provided indigenous groups with additional leverage in their negotiations.

The introduction of international fora into the layers of law in a community does not always, however, have emancipatory outcomes. In her work on the human rights response to Sharia law in northern Nigeria, for example, Clarke (2009) describes the ways in which the presence of the international community may limit the legal choices of individuals. Clarke describes the cases of two Nigerian women who were convicted of adultery and sentenced to be stoned to death. Several international NGOs including Human Rights Watch and Amnesty International quickly became involved in protesting the case. The groups organized email writing campaigns and sent a petition to the Nigerian courts. The petition became particularly controversial for the way that it portrayed the overall institution of Sharia. As Clarke (2009, 220) notes, “by disrespecting the religious principles of Islam on which the Sharia is built, by regarding it as only a barbaric practice, this petition had the effect of insulting jurists of the lower courts, consequently compromising the defense team’s safety.” Clarke argues that the introduction of the international community into these cases therefore decreased the options available for the defense team. Where before there had been the possibility of working within the Sharia structure to both appeal the convictions and simultaneously enact legal reforms, the international advocacy efforts created a “hostile environment for the defense team,” greatly limiting their legal actions (Clarke 2009, 221).

As Clarke describes, the interests of the international community may not always be the same as those involved in the dispute at the local level. The international community may favor certain types of causes or forms of “justice talk” (Clarke 2009). Unequal power relations and the need for funding may also force those involved in the dispute to cater to the desires of international NGOs and justice institutions. Sally Merry describes this as the paradox of human rights-based social movements; human rights must be grounded in a local context to be accepted,

but they must also challenge these local norms and be “framed in terms of transnational rights principles” to be effective and to receive funding (2006a, 5).

Additional difficulties may arise for local human rights campaigns due to the fact that disputes are often stripped of their cultural context and meaning when brought to the international community. For example, although “custom” is often viewed by the global justice community as being in opposition to human rights (Merry 2006a), individuals sometimes use customary practices in innovative ways to advance emancipatory claims at the community level (Jensen and Poulsen 1993; Manuh 1994; Ibhawoh 2000; Stoeltje 2000). When cases involving custom are brought to a higher legal level, such as a national or international court, they can quickly become separated from this particular and highly embedded social context. These examples illustrate that although various systems of law offer more possibilities for potential locations of adjudication, this arrangement can have varied outcomes. Sometimes, the presence of legal pluralism improves the ability of parties to decrease power differentials. Other times, however, conflicting interests between legal regimes may interact to limit the choices of the parties involved in a particular dispute.

Despite the theoretical utility of legal pluralism, the ethnographic examples contained in this dissertation also illustrate the importance of not replicating past studies that have portrayed normative orders as internally homogenous. To make a theoretical case for legal pluralism, one must be able to identify why a specific legal field is self-regulating and semi-autonomous (Moore 1978). Additionally, the law or legal institutions must be portrayed as different enough from that of other legal fields to justify identifying it as a separate legal “system.” This effort to distinguish legal systems too often leads to a generalized description of the specific legal regime, which neglects the heterogeneity and fluidity of any cultural system. This portrayal also obscures the

fact that the boundaries between normative orders are often not completely clear (Meagher 2007; Smith 2008).

The slip into essentialism is likely an unintentional one. Indeed, part of the initial drive to create a theory of legal pluralism was to counter an understanding of law that suggested a uniform, homogeneous legal experience. There are several factors that may encourage scholars to fall into the trap of essentialism. First, many scholars take on a specific legal field as their research location. If one focuses solely on customary law (Stoeltje 2000; Ubink 2008), the norms of a market (Clark 1999), or village institutions (K. Benda-Beckmann 1981), the norms, laws, and procedures of that system may become the primary focus of the study. In this way, there is a potential for the unit of analysis to become the legal system itself, as opposed to the diverse set of individual actors who are members of the system.

A second related factor that contributes to essentialism in legal pluralism is a neglect of the fact that individuals are members of multiple legal systems simultaneously. This is a point that I will discuss at length in Chapter 7. In that chapter, I discuss how the presence of multiple regimes of authority has created new spaces for activism, but has also caused tension among community activists in Nima and Maamobi. Again, by making one legal system the focus of research, it is possible to forget that each individual is simultaneously affected by multiple layers of law. Additionally, the layers of law experienced by one person in a legal system may not be the same as another person within that legal system. As Bronstein notes, “individuals have multiple identities and operate in a range of contexts” (1998, 393). She continues by arguing that when an individual moves from a customary legal system to a statutory legal system, for example, she does not transcend the norms of the first system and replace them with those of the second. Instead, the norms of both systems are a part of her personal legal experience. If each

individual is impacted by the amalgamation of their personal layers of law, then it is theoretically possible that each person within a legal “system” may have a different overall conception of law informed by their various social memberships. By focusing primarily on one legal system, however, much of this internal diversity is neglected.

Lastly, through attempts to accurately describe the laws and norms of a system, legal pluralism has the potential to portray legal systems as relatively unchanging and constant. This tendency seems to reflect antiquated anthropological understandings of culture as a set of “life-ways” (Harris 1975), more than a contemporary understanding that sees culture as a “fluid, contested, and changing set of values and practices” (Merry 2003a, 67). As I will illustrate at various points in this dissertation, actors seldom reach consensus on the exact definition of human rights or how best to behave as rights-bearing individuals. Instead, in Nima and Maamobi, the borders of what constituted a “human rights-based approach” were constantly being negotiated between various individuals at the NGO, in the community-based organizations, and in governmental offices.

These critiques also suggest the utility of considering legal pluralism from the individual level. Legal systems do not exist in a static form untouchable by the people who engage with them. Rather, individuals are continuously attempting to reshape law to pursue various concerns and disputes. Similarly, as Bronstein (1998) notes, individuals have multiple legal identities and are affected to varying degrees by different legal and moral authorities. Because of this, we cannot speak to how legal systems interact. Rather, we should focus on how individuals behave within, and are transformed by, various legal forums and practices. By attempting to join the literatures on legal pluralism and law’s effect on subjectivity, this dissertation attempts to do just that.

Culture through Rights

The field of anthropology has long grappled with the subject of human rights. In 1947, the American Anthropological Association (AAA) published their “Statement on Human Rights,” famously rejecting the concept of universal human rights. Their argument was based on several primary claims. First, it was argued that the study of anthropology revealed significant global variation of moral and ethical values. As the Statement notes, “what is held to be a human right in one society may be regarded as anti-social by another people, or by the same people in a different period of their history” (American Anthropological Association 1947, 542). Second, anthropologists argued that to choose between these values, designating some as “universal human rights” would be to make normative judgments, a process that was in conflict with the way that anthropology viewed culture. Third, anthropologists also felt that these judgments were based in Western conceptions of law and morality, and that therefore, the human rights framework was a new kind of imperialism to be imposed on the rest of the world (Goodale 2006, 2).

Despite this formal rejection, however, anthropologists continued to encounter human rights in their work. According to Goodale (2006) in the 1980s, there was a renewed interest in studying human rights due to the publication of several influential articles dealing with human rights (see Geertz 1984; Cohen 1989; Messer 1993 for examples), the AAA Executive Board’s creation of a Commission for Human Rights (later converted into a permanent Committee for Human Rights), and the adoption of the “Declaration on Anthropology and Human Rights” by the AAA in 1999. This new declaration, which stated the AAA’s support of human rights, was a significant change in the official stance of anthropology toward human rights. The declaration

stated that the field of anthropology should support the promotion and protection of “the right of people and peoples everywhere to the realization of their humanity, which is to say their capacity for culture” (American Anthropological Association 1999, preamble).

This updated position on human rights within anthropology represented a change in the disciplinary understanding of both human rights and culture itself. The 1947 “Statement on Human Rights” largely reflects the beliefs of “Boasian Cultural Relativism” (Engle 2001, 537; Merry 2003a, 65), where cultures are seen as unique and dependent on their particular histories and social environments (Boas 1920). When culture is seen as static, the imposition of beliefs, such as human rights, can be interpreted as a threat to culture. Contemporary anthropologists, however, tend to highlight the fluid and contested nature of culture (Merry 2003a). When culture is understood in this way, the system of human rights becomes one of the many forces that interact with individuals to shape beliefs, meaning, and identity.

This changing understanding of human rights and culture also contributed to one of anthropology’s primary theoretical contributions to the study of human rights: thinking of the human rights system as culture itself. The concept of human rights as culture reflects a notion of culture that is contested, negotiated, and made of shared symbols and structures that influence meaning, values, and behavior. Sari Wastell explains it this way: when “universalism” and “human rights” are studied as part of a culture of rights, they are “understood as ‘discourses’ or ‘concepts,’ the sorts of lenses through which we apprehend and constitute objects of knowledge, rather than objects of knowledge in and of themselves” (2007, 332). Understanding human rights in this way challenges the presumed uncontested unity and normativity of the human rights framework. Instead, human rights discourse is seen as something that is created and reproduced through such things as rights talk, human rights reports, and international legal structures. This

dissertation follows along in this tradition, understanding human rights not only as a specific set of laws, but also as the way that individuals practice the act of claims-making and participate in rights talk, often attempting to transform a local understanding of human rights in the process (Wilson 2007).

As these arguments highlight, the human rights framework is reproduced (and also adapted and negotiated) through interaction between various groups including international human rights lawyers, NGO workers, politicians, activists, and community members. In Merry's (2006b) research on gender violence, she argues that human rights move from their international origins and are adapted into community level discourse through a process called "vernacularization." Merry defines vernacularization as the process by which international human rights are "presented in terms of existing cultural norms, values, and practices" (2006b, 39). The social actors who aid in this process are referred to as "translators." Translators must be well versed in both international and local norms. As Merry notes (2006b, 42), translators must be able to portray human rights as not being inconsistent with local beliefs so that they will be accepted, but they must also continue to speak the language of international human rights organizations to continue receiving funding. A view of human rights as culture adds even more insight into this process. As previously discussed, cultures are contested, and connected to relations of power (Merry 2003a). By taking this view, anthropologists not only see how human rights knowledge moves, but also the various power dynamics to which it is exposed. Not all countries or communities have equal power in the international community, so their ability to negotiate during translation will vary (Merry 2006b; Clarke 2009).

Within the larger body of scholarship on the anthropology of human rights, this dissertation focuses on one aspect of the human rights as culture relationship, the impact of

human rights claims-making on the construction of social identities. On the surface, the discourse of human rights may seem to be in conflict with the creation of specific and particularistic group identities. The founding tenets of human rights place normative value in the universal. In fact, as Goodale notes, human rights “assumes the most global of facts: that all human beings are essentially the same, and that this essential sameness entails a set of rights” (2007, 10). On the other hand, social groups generally, and nations specifically, have “an inherent need to divide others into insiders and outsiders,” into those who belong and those who do not (Eriksen 2010, 139). Anthropological research on human rights talk and human rights as culture, however, has illustrated that although the theory of human rights may argue for universality, human rights discourse is often employed in attempts to achieve particularistic ends.

For post-conflict nations, human rights institutions (such as truth commissions and human rights tribunals) present mechanisms for the establishment of legitimacy and the construction a new shared history on which to establish national identity. Human rights may also be used along with a general model of Constitutionalism as a way to unite polyethnic nations. For others, human rights may present a set of tools with which minority groups may transcend state borders and appeal for support and recognition from the international community. In all of these cases, viewing human rights as culture allows anthropologists to see the many intersecting social, political, and economic forces that work to create legitimacy, normativity, and a sense of community. Although many of the studies that I will discuss below focus on how human rights processes contribute to the formation of group identities, their conclusions demonstrate the real impact that participation in human rights cases and campaigns can have on shifting notions of identity. In that way, they support my larger goal of investigating the concept of culture through rights.

Identity through Institutions and Constitutions

One body of anthropological literature on the connection between rights and subjectivity centers on the question of how formal human rights laws and institutions affect identity. Much of this work is particularly concerned with the construction of national identity. Since the break-up of the Soviet Union, Constitutionalism and human rights have been used by governments as a primary rhetoric of nation-building (Wilson 2001; Englund 2004). Jean and John Comaroff (2006) point to the fact that 36 African nations have written new Constitutions since 1989 as evidence of an increased “legal fetishism” that has swept the postcolonial world. In many of these cases, governments embrace the language of democracy and human rights as a way to both officially and symbolically make a break with the past to establish a new sense of national identity (Ackerman 1997).

In Ghana, human rights became part of the national vernacular during the country’s last transition to democracy in 1992. In the late 1980s and early 1990s, countries had to demonstrate that they were meeting “good governance” standards if they wanted to continue receiving aid from international agencies. Human rights discourse was closely linked with these efforts. Law and human rights also hold tremendous symbolic value in Ghana due to the fact that the country was one of the first to gain its independence from colonialism and is often cited as a model of African democracy (Bob-Milliar 2014). Because of this, the state has often embraced human rights language as a way to gain legitimacy both among the citizenry and within the international community. I will discuss this in more depth in Chapter 4.

Wilson’s (2001) study of nationalism and the South African Truth and Reconciliation Commission provides another example of a country embracing human rights language for the

purposes of nation-building. During the period of political transition after Apartheid, the new South African government embraced the language of human rights in an effort to create a new “culture of rights” that broke with the ethno-nationalist sentiment of the past. Wilson argues that the language of human rights became a way to unite two opposing groups: the ruling National Party and the African National Congress (2001, 6). Wilson also notes that the concept of human rights was employed in a general enough manner that both political parties, although sometimes in conflict, saw rights as being consistent with their goals. In this way, the political rhetoric of human rights quickly lost any connection to a set of universal moral values. As Wilson states, “because of its role in the peace negotiations, human rights talk came to be seen less as the language of incorruptible principles and more as a rhetorical expression of an all-inclusive rainbow nationalism” (2001, 5). This example also illustrates another point about nationalism. When specific ideas of law, political composition, or culture become the basis for nationalistic claims, they can lose their connection to earlier meanings and become “subjected to the imperatives of nation-building and state formation” (Wilson 2001, 3). Specific notions of cultural practices or political beliefs are often essentialized by leaders seeking to portray a unified notion of national character.

Formal legal institutions, such as truth commissions and human rights courts, may also have an impact on identity construction. A sense of shared history is often seen as one of the building block of national and ethnic identities (Anderson 1991). After moments of war or mass atrocities, nations may be left with an unsettled notion of history and several competing versions of the events that took place. In these cases, human rights mechanisms may serve to construct a shared version of the past. One of these mechanisms is a truth commission. Priscilla Hayner (1994, 604) defines truth commissions as having four primary elements: 1) a focus on the past;

2) a goal of painting a general picture of human rights abuses over a period of time; 3) the commission's temporary nature, and 4) the commission's authority to obtain information.

Hayner (1994) notes that most truth commissions occur at a moment of political transition in order to mark a historical break with the past. In his ethnography of the South African Truth and Reconciliation Commission (TRC), Richard Wilson (2001) argues that this symbolic break in history constitutes a major element in the rebuilding of the nation, as nationalism and identity are necessarily constructed in opposition to "the other." Wilson states:

The most significant site of otherness for the new South Africa has not been other nations, it has been itself. The relationality of Constitutional nationalism is often constructed in an opposition between the present self and the past other. The old nationalism was based upon a particular view of history/culture/race/truth/rights, etc., which is ritually rejected in favor of a revised formulation of those concepts (2001, 16).

In many ways, the creation of truth commissions reflect Benedict Anderson's (1991) concept of "official nationalism." Anderson defines official nationalism as "an anticipatory strategy adopted by dominant groups which are threatened with marginalization or exclusion from an emerging nationally-imagined community" (1991, 101). In the case of truth commissions, official nationalism is established through the official writing of history. This strategy may be adopted when the post-conflict political regime feels threatened with a complete loss of legitimacy or national unity.

In addition to truth commissions, international human rights tribunals may also serve as a location for the assembling of an official national history. In many human rights criminal trials, historical evidence has become an integral component of the legal arguments. Lawyers attempt to use history in a way that contextualizes crimes, makes a case for mitigating circumstances, or

proves special intent in genocide cases (Wilson 2011). Although these proceedings have the potential to create a rich historical record, Wilson (2011) notes that there are also challenges to using a human rights court to write history. Law is often guided by positivist epistemology which values verifiable, tangible, and forensic evidence. And, as Wilson states, “legal institutions cannot do anything – judge, convict, acquit, or sentence – without pronouncing somehow upon truth” (2007, 363). History, on the other hand, recognizes many (sometimes competing) narratives (Wilson 2011, 7). Another challenge extends from the fact that the scope and length of criminal trials is necessarily limited. The mandate of each trial therefore affects the historical record that is produced (2011, 219).

Trials, and the history that they produce, are also shaped by local political forces. Wilson notes that in many cases, human rights criminal trials have become tools of nation-building. Trials are a way to establish legitimacy within post-conflict regimes. Because of this, governments may seek to “portray themselves as liberators of the nation, construct a new, shared ‘collective memory’ (as in Israel in the 1960s), or wish to rehabilitate the reputation of state institutions and officials tarnished by their authoritarian past (as in France in the 1980s)” (Wilson 2011, 34). Wrongdoing by the succeeding regime may be blocked from prosecution and the “official” history being produced. Political forces of this kind are often referred to as “victor’s justice,” with some of the most notable cases occurring in the Nuremberg and Tokyo trials following World War II (Robertson 1999). Although holding international human rights trials outside of the nations in question may lessen the impact of nationalist political forces, states may still choose not to cooperate with the prosecutions of members of their regime or they may limit the amount or kind of evidence that is released (Peskin 2005; Wilson 2011). In this way,

international human rights trials may still be used as a tool by state governments to construct a particular version of history and identity.

In addition to contributing to how a nation views itself and its past, international justice institutions also play a role in influencing how others may view a region. In her book, *Fictions of Justice*, Kamari Clarke problematizes the notion of justice by situating her study of the International Criminal Court (ICC) within a global context of political pressures. Clarke notes that in regards to the ICC, strong countries maintain “a monopoly of symbolic and enforced power to exercise the authorial meaning of justice – the fiction of justice,” (2009, 13). Because of this, stronger states such as the U.S. can evade the power of the court and play a major role in managing the meaning of “justice” while weaker ones (such as Uganda) must exist within the other’s conceptions of justice. The monopoly of power is not restricted to states, however, and instead is generally possessed by a “cosmopolitan elite” who have come to have the power to sway the way that justice is constituted around the world (2009, 18). This group includes international NGOs, political leaders, and the UN.

Many, including Clarke, argue that the International Criminal Court is proof of these power inequalities as, thus far, the ICC has only indicted individuals from African countries.⁴ This type of case selection results in a global perspective that Africans are human rights victims and perpetrators, and the rest of the world must intercede to protect and prosecute. Although African countries initially signed on to the Rome Statute, the treaty that established the ICC, with great enthusiasm, attitudes toward the court within the continent have changed over time (Mills 2012). By 2009, following the indictment of Omar Al Bashir, the African Union called on countries to not cooperate with the court (Tladi 2009; Mills 2012). Since this time, the African Union’s relationship with the ICC has remained contentious. Although prominent figures such as

Desmond Tutu and Kofi Annan have remained in support of the court, other leaders have proposed withdrawing from the Rome Statute altogether. These feelings were especially prominent after the court's indictment of Kenya's President, Uhuru Kenyatta. The indictment was later withdrawn, in part due to Kenya's unwillingness to cooperate with the court

Minority Rights Claims

A closer examination of the anthropological literature on the topic of minority rights claims also adds to our understanding of "culture through rights." In many cases, group identity has been shaped through the process of making indigenous rights and rights to culture claims. Despite many assertions that globalization is making the world more similar, the recent years have also witnessed an increased political presence of social movements based on identity politics.

Jonathan Spencer notes that paradoxically, "the more the world is culturally 'fluid' and 'permeable,' to use Wolfe's terms, the louder are assertions on all sides of cultural difference" (1990, 290). Similarly, Eriksen notes that the "centripetal" forces of globalization and the "centrifugal" forces of identity politics should be studied as "two sides of the same coin" (2007, 145). For indigenous and minority groups, globalization, immigration, and international networks of indigenous people have provided new ways to contest nationalist claims of homogeneity. The language of human rights has increasingly become part of this resistance. Groups may claim cultural rights in an effort to seek international support and bypass an uncooperative state (Sierra 1995; Merry 1996; Sieder and Witchell 2001) or to establish formal group recognition (Cowan 2001; Leve 2007). In both cases, viewing one's group as rights-bearing may become a component of that identity itself.

When minority groups are unable to succeed in their claims for recognition within a state, human rights presents another potential forum in which political and legal claims may be made. The language of human rights provides an avenue for individuals to transcend territorial boundaries and engage in transnational political and legal advocacy movements. In her work on Tepehuano Indian communities in Mexico, for example, Maria Sierra (1995) describes how the discourse of human rights opened up new advocacy possibilities for indigenous groups. By framing local claims for cultural recognition in the language of human rights, local advocates were able to link up with global indigenous rights movements. As discussed above, Rachel Sieder and Jessica Witchell's (2001) research on indigenous rights claims in Guatemala reveals a similar process. Both Sierra (1995) and Sieder and Witchell (2001) argue that indigenous groups can increase their power in their negotiations with the state when they call on international advocacy tools and support. The examples discussed here, along with many other studies of indigenous rights, illustrate how the language of rights has become a way for social groups to make appeals for group recognition that transcend the territorial barriers of the state. Wilson (2007) describes this process as the "verticalization of conflict." When conflicts are "verticalized" they are removed from a local context and raised to a higher legal forum where they are exposed to a different set of institutional resources (2007, 355-356).

Sometimes, as in the cases just discussed, the verticalization of conflict may increase a group's power in legal negotiations. In other cases, using the language of human rights is a way to cater to the interests and advocacy goals of international donor agencies. In his study of refugee camps in Sudan, Massoud (2011) argues that the language of human rights is often used at the community level because international donors respond to human rights claims more than other claims. As he states, "human rights are like a password to the global bank account from

which humanitarian aid money might be withdrawn,” (2011, 18). Massoud also notes, however, that even though there is a clear pragmatic use of rights language by refugees seeking humanitarian assistance, many individuals draw more from the discourse than just humanitarian aid (2011, 20). In the same way that researchers should separate the acceptance of human rights values and the use of human rights talk, they should also be cautious not to assume that individuals only use human rights language due to financial incentives.

Using the human rights framework may be able to advance collective identity-based claims against the government, but this does not mean that groups are directly challenging “the architecture of power,” as Shannon Speed (2007, 180) has noted. In fact, for some time, anthropologists who study human rights have critiqued the potentially depoliticizing and universalizing processes of making human rights claims, particularly within neoliberal states. Shannon Speed (2007) notes that although other human rights scholars such as Jack Donnelly (2003) and Michael Ignatieff (2001) have argued that neoliberalism and human rights are antagonistically positioned, in many ways, the system of human rights laws creates processes that strengthen the authority of the neoliberal state. By creating an “appropriate” way to advance claims, the state maintains its structure of law while simultaneously producing subjects that are “autonomous and self-regulating” (Speed 2007, 175). These claims do not challenge the generalized social inequalities or power dynamics built into the neoliberal state system, but rather work within, and potentially reinforce, its structures (Merry 1992; Speed 2007).

Speed’s arguments remind readers that although these identity-based groups are advocating for their right to a distinct culture, by using human rights, they are using a universalizing structure to do so. These claims reflect Richard Wilk’s concept of “structures of common difference” (1995, 118). Wilk notes that in today’s interconnected world:

We are not all becoming the same, but we are portraying, dramatizing, and communicating our differences to each other in ways that are more widely intelligible. The globalizing hegemony is to be found in structures of common difference, which elevate particular kinds of diversity while submerging, deflating or suppressing others. (1995, 118).

As noted by Wilk and others, such as Rajagopal (2003), when claims are made within structures of common difference, there are limits placed on the versions of diversity that are accepted within the international community. Within claims for cultural rights, often it is the picture of a unified, bounded culture, rooted in historical traditions that denotes the type of diversity worth celebrating and protecting (Eriksen 2001). Because of this established vision, groups with differing conceptions of culture that do not fit this definition may feel the need to alter the portrayal of their cultural beliefs in order to fit within the established parameters of cultural rights advocacy. In this way, the human rights system compels a particular portrayal of culture. Sierra (1995,247) notes, for example, that the singular vision of customary law promoted by Mexican indigenous groups in collective advocacy efforts was quite different from the diverse strategies employed on an everyday basis. If the culture was not seen by the government as unique enough or if it was seen as disjointed in some way, it may not have been granted the right to partial autonomy. Because of this, the indigenous groups described by Sierra catered the official version of their group identity to the accepted, essentialized notion of an indigenous group.

Work such as Sierra's points to one of the ways in which participation in human rights activities may affect identity. As she and others such as Jane Cowan (2001) have shown, the claiming process itself often produces many of the essentialized notions of "culture" that are

used as the basis for right to culture claims. Cowan (2001) describes how, after being ignored by the Greek government, the Macedonian minority of Greece recast their claims for recognition in the language of human rights to appeal to the global community. To further appeal to international cultural rights movements, Macedonian activists within Greece sought to portray a united Macedonian culture in an effort to make a “persuasive” right to culture claim. Two important components of this image of “culture” were the use of a single group name (Macedonians), and the solidifying of an official Macedonian language. As Cowan describes, efforts were made by Macedonian rights advocates to “impose unity and suppress differences within the population” (Cowan 2001, 170). Where the population that was now being characterized as Macedonian once lacked a common name for their language or a common sense of group identity, the process of claiming a right to their “Macedonian” culture created a united sense of a Macedonian nationalism and reified the group’s differences from the Greek majority.

Examples such as these have led Leve (2007) to claim that the human rights system has become a “transnational identity machine.” By this, Leve means that human rights have become part of “a global cultural imaginary that compels people to represent themselves in certain terms and make their claims in certain ways” (2007, 80). As a discourse, human rights has created acceptable ways of categorizing actions (violations), human rights actors (victims, perpetrators, activists), and the categories of people who are able to make claims (cultural groups, for example). Because of this, individuals are compelled to make their claims within these structures (Leve 2011, 517). Although I am particularly interested in the relationship between human rights participation and *individual* identity, these studies contribute to our understanding of the mechanisms through which identity and human rights are related. As I will discuss in the

following section, processes of legal participation may also directly impact the way that an individual understands their own subjectivity in relation to their community or their government.

Legal Participation and Individual Subjectivity

Most directly, this dissertation contributes to the body of scholarship concerned with the relationship between individual subjectivity and legal participation. Anthropologists have examined this relationship from multiple angles, many concluding that the relationship is a mutually constitutive one (Merry 1990, 2003b; Osanloo 2006). One's individual subjectivity affects the way that one chooses to participate in legal processes, but that participation also impacts individual subjectivity.

In her work on legal consciousness among working class Americans who bring cases to court, Merry (1990) notes that even entering the legal arena require a certain level of legal consciousness. She states, ““Before a person can bring a problem to court, he or she must conceptualize it as something that ‘law,’ whatever it is thought to be, can help.” (1990, 37). Individuals must understand “law” in a way that allows them to frame their individual problems as legal cases. Merry also notes that individuals are often aided in this new type of framing by others around them such as police, friends, or community leaders. The work of human rights education is not dissimilar. In Nima and Maamobi, LRC lawyers spent a large amount of time in the beginning of their tenure in the community encouraging residents to frame their concerns in terms of human rights violations as opposed to other kinds of problems.

Having legal consciousness, Merry argues, encourages an individual subjectivity that motivates individuals to feel entitled to bring their cases to court. Once there, however, the court challenges this subjectivity. Judges may attempt to move the case outside of the courtroom and

into mediation, or may attempt to recast the case as a moral issue rather than a legal one (Merry 1990). Merry's study reflects notions of "forum-shopping" as theorized by Keebet von Benda-Beckmann (1981). Benda-Beckmann argues that individuals forum shop on the basis of where they believe they have the highest chance of fulfilling their self-interest. Forums, however, are simultaneously attempting to "acquire and manipulate disputes from which they expect to gain political advantage or to fend off disputes which they fear will threaten their interests" (1981, 117). Individuals may have adopted a rights-holding subjectivity, but the court is not a passive receiver of this subjectivity. Instead, it is an active participant in shaping the subjectivity of the plaintiff. In her later research on domestic violence, Merry (2003b) explains the impact of the legal sphere pushing back strongly against the rights-holding subjectivities adopted by women. She argues that when the police do not make an arrest, the prosecutor does not push to press charges, or court mandated battering rehabilitation programs are not enforced, women are less likely to continue representing themselves using rights language (2003b, 352).

Arzoo Osanloo (2006) found similar results in her study of women in Iranian family court. She notes that women come to court with multiple and shifting subjectivities. They are rights holders, but in other environments might choose to highlight a different aspect of their subjectivity. Osanloo argues that in the legal system, the court "sanctions" subjectivity by approving of particular lines of argument or discourses. For example, although women have multiple subjectivities, the court rewards women who represent themselves as both autonomous rights holders and Muslim women (Osanloo 2006, 193). In this way, particular versions of subjectivity are favored due to their effectiveness.

Rather than focusing on the way that legal processes contribute to group identity, both of these studies stand out for the manner in which they consider the impact of legal participation on

individual identity. These studies are particularly useful in understanding the plurality of subjectivities within any group. In Chapter 6, I apply this logic to my thinking of the state as well. I draw on Akhil Gupta's (1995) notion of the "imagined state," to explain how encounters with the state through human rights campaigns lead activists to develop a new conception of the state. Gupta argues that individuals come to conceptualize the state through their interactions with bureaucracy as well as through public media portrayals of the government such as those on television and in newspapers. Because these notions of the state are formed through individual experiences, understandings of the "imagined state" vary from person to person. For Gupta, the imagined state is multilayered and translocal. It is multilayered in that there are various levels of the state apparatus, some with which citizens do not regularly engage. By stating that the state is "translocal," Gupta is emphasizing the fact that the state, in the way that is it experienced by its citizens, is always a local institution. Although a central government exists, the state comes to be imagined through the experiences individuals have with local politicians and bureaucratic offices throughout the country (1995, 384).

This theoretical conceptualization of the state is useful when applied to the question of political subjectivity in Nima and Maamobi for several reasons. First, it illustrates the way that individual citizens can come to conceive of their government in widely different ways depending on their own individual experiences. Focusing on how the state comes to be imagined within the citizenry runs counter to much of the research on non-Western states, which has focused on the coercive nature of state control. This research tends to focus on how states proactively seek to shape national identity from the top down. Nugent (1994) notes that an "emphasis on state autonomy, and coercion rather than legitimacy as the basis of rule, actively informs the work of most authors working on non-Western "imposed states" (1994, 335).

Secondly, Gupta's theory of the imagined state emphasizes the fact that the state is not a monolithic entity, but instead is multilayered. This argument is part of a larger body of scholarship focusing on the disaggregated nature of neoliberal citizenship (Ong 2006). In contrast to many of these studies of "flexible citizenship" (Ong 1999), which point to the deterritorialized forces of globalization, however, Gupta emphasizes the translocal qualities of the imagined state. This is especially important when considering how one will use the methods of ethnography to study the state. As scholars such as Eriksen (2010, 118) have noted, the sheer scale of the state makes it a difficult topic to study. However, by understanding the state as an entity that is discursively constructed through individual interactions with local institutions, one is able to examine the processes of state construction as they occur within one context.

In this dissertation, I apply this understanding of the state to an examination of how political subjectivity and participation in human rights activities are related in Ghana. Human rights education and capacity building workshops contribute to the development of rights-bearing subjectivities among residents. These subjectivities are then both sanctioned and challenged by the Ghanaian state through court cases and also through activists' interactions with politicians. These interactions, in turn, affect the way that individual activists conceptualize the state. Although the hegemony of the government does impact the way that activists choose to represent themselves in their claims for human rights, this influence is not absolute. In Chapter 7, I will argue that activists have found innovative ways to make claims that allow them to challenge the subjectivities favored by the state. Through their use of multiple discourses, activists push against the clearly defined categories of human rights law so often critiqued by anthropologists and challenge the notion of "acceptable" resistance. I will discuss this further in the following chapters.

Chapter 3: Research Site and Methodology

As I noted in the Introduction of this dissertation, the seeds for this research project were already planted before I entered the PhD program at the University of Connecticut in the fall of 2009. Because of my earlier work in Ghana, when I entered graduate school, I began the process of developing a project to study the relationship between political identity and human rights in Ghana. Over the course of several years (and several more summers in Ghana), I honed my research questions. In 2010, I spent six weeks in Ghana studying Asante-Twi language and conducting preliminary research involving observation at the human rights court, conducting semi-structured interviews with human rights NGO workers, and participating in many unstructured conversations with community members on the topics of human rights, customary law, and justice. The primary goal of this preliminary research was description, which allowed me to delineate the primary “boundaries, characteristics, and component parts” of the human rights field in Ghana (Schensul et al. 1999, 19). Through the understanding gleaned from fieldwork, I was able to formulate preliminary research questions that were grounded in the local context.

During the following summer, I conducted more preliminary fieldwork in Nima and Maamobi. While in the field, I was able to test my initial theories with key informants as well as further distill my dissertation research agenda. The primary focus of this fieldwork was the development of a community survey. Following the model of ethnographic surveys, the survey questions were informed by data collected through unstructured and semi-structured interviews and participant observation during previous trips to the field (Schensul et al. 1999). During the research trip, I also conducted several focus groups with human rights workers and community members on my survey. I received valuable feedback during these meetings on the content and

wording of the questionnaire, and these combined experiences helped me to construct a local “formative theory” that guided my dissertation research agenda (Schensul et al. 1999).

Primary Data Collection

This research project focuses on the relationship between participation in human rights-based community activities and individual political beliefs and behavior. Specifically, my research asks whether participation in human rights activities has an impact on 1) the way that participants pursue community development goals, 2) how they understand their relationship with the state, and 3) how they conceptualize and choose to participate in local level political processes. To answer these questions, in May of 2013, I traveled back to Ghana to begin my primary data collection. In total, I conducted 12 months of ethnographic fieldwork (June-July 2010; July-August 2011; June-November 2013; March-April 2014). I employed a mixed methods approach to data collection, which prioritized the ideals and procedures of ethnography, but also used data collection techniques such as a community survey and archival research. This mixed methods approach accounts for the inherent limitations of ethnographic interviews and observation and allows for the inclusion of a wider breadth of data. Additionally, triangulation of data gathered through a variety of methods increases the validity of the results (Creswell 2009).

The primary data presented in this dissertation was collected through participant observation and semi-structured interviews. During the course of fieldwork, I attended meetings with community groups and conducted interviews with their members. I spent time with human rights activists, and I accompanied activists to their meetings with community stakeholders, human rights lawyers, and opinion leaders such as imams, chiefs, and other local elders. I attended many political meetings and interviewed both local and state level authority figures

involved in various community development projects. I also spent a significant amount of time just walking around the neighborhood, visiting with residents, and taking part in daily community life. I joined friends while they watched the news (and Nigerian “Nollywood” movies) and commented on the day’s events. I engaged in regular political discussions with a group of youth who hung out in the unfinished second floor of a building across the street from my research assistant’s home. I sat with women and assisted with childcare as they prepared evening meals. All of these experiences were part of my participant observation.

Participant observation, the defining method of anthropological fieldwork, allows the researcher to better understand aspects of culture that may not be easily verbalized. Dewalt and Dewalt (2002, 1) refer to this type of culture as “tacit culture” (as opposed to “explicit culture”). Tacit culture becomes intelligible to the anthropologist by taking part in daily life. As Dewalt and Dewalt (2002, 9) note, “it allows us to understand nonverbal communication, to anticipate and understand responses.” This understanding, in turn, allows a more grounded interpretation of data collected through other methods, such as interviews, surveys, and focus groups. In this way, participant observation contributes to both data collection and data analysis.

In addition to participant observation, I conducted 38 in-depth interviews with human rights activists and many other semi-structure interviews with politicians, human rights lawyers, local opinion leaders, and community residents. I also conducted several focus groups. For the semi-structured interviews, I began with a predetermined list of questions, but would often veer away from the list to ask follow-up questions or provide clarification. The in-depth interviews generally occurred over several encounters. Although I would go into these interviews with an idea of the themes and a list of general questions that I was interested in exploring, these interviews were much more open-ended and free-flowing. As I had more time with the activists,

these interviews often included the relaying of lengthy stories about past experiences with human rights campaigns.

As my fieldwork spanned the course of several years, I was also able to interview many of the activists repeatedly, which allowed me to document the changes in their beliefs and behavior over time as they moved between human rights activism and politics. In this way, my fieldwork falls in the category of “longitudinal ethnography” or “longitudinal qualitative research.” This form of research is thought to be most appropriate when exploring changes that occur over time, especially in the context of a “‘career’ of some sort or which involves a developmental process,” (Farrall 1996, 2). When I first began working in Nima and Maamobi in 2008, many of the human rights activists were just beginning their involvement with human rights. For the youth group, many of the members were young and unmarried students. By the time that I finished my fieldwork in the spring of 2014, the individuals with whom I had maintained contact were considered seasoned community activists, and most of the youth club members were now married, some with children of their own. This longitudinal perspective not only enabled me to see the changes in community beliefs and behavior, but also to better understand the kinds of large-scale factors that contribute to these changes (such as a change in national level political regime).

In addition to interviews, over the 12 months of fieldwork, I conducted 100 community surveys (50 with individuals who had participated in human rights activities and 50 with individuals who had not participated in human rights activities). I did not have to remove any participants from the study. The survey themes were informed by my preliminary ethnographic fieldwork. Many of the specific questions relating to political identity were adapted from questions used by the Afrobarometer Ghana Round 5 survey. The Afrobarometer is an

independent multinational survey that seeks to better understand the political, social, and economic climate across the African continent. The survey is currently used in 35 different countries, and it is administered on a cyclical basis (generally every 3-4 years). Survey questions are worded in a way that seeks “to offer comparability across the continent and across the globe but also to make sense to local respondents in each country under study” (Zuern 2009, 586). In addition to questions about political identity, my survey included questions about human rights, community development, and basic demographic information (see Appendix 1).

For the community survey, human rights participants were located using snowball sampling. Bernard (2000, 179) notes that snowball sampling is most appropriate when attempting to identify a “difficult to find” population. Although many of the individuals who are most active in human rights work attend local community group meetings, there are also many individuals who were active at one time, but are no longer. In a densely populated community such as Nima and Maamobi where many residences are not permanent, social contacts are key in locating individuals. I began by conducting surveys among those individuals who regularly attend community meetings. After each survey, I would ask if they knew of others individuals who had participated in human rights activities in the past, but no longer came to meetings. Once I began to only receive names of individuals whom I had already interviewed, I considered the sample saturated.

As no sampling frame exists for Nima and Maamobi, to identify individuals who had never participated in human rights activities, I followed the sampling model previously used by Brydon (1999) in the same community: “Introductions to key people in various ethnic communities... were followed by further introductions and thus a range of people were interviewed, fanning out from several original points of entry” (Brydon 1999, 375-376). In

relation to my study, this method entailed having my friends in the community introduce me multiple individuals (of varying ethnicity, gender, and status in the community), and then having these people each introduce me to 2-3 other people, with whom I administered surveys. By using multiple points of entry, I was able to guarantee that I did not sample people who all lived in the same area or who were all part of the same social group. This second point is particularly important given the importance that social networks play in political and legal participation (a connection that will be discussed at length in the following chapters).

I had to make special efforts to conduct surveys with women. Women in Nima and Maamobi are often employed as traders, working both inside and outside of the market. Many cook and sell food throughout the day. Because they were working, it was sometimes more difficult to find women who would agree to meet with me for an interview during the day. Although I was not able to interview an equal number of men and women, I did interview a significant number of women by the end of my fieldwork.⁵

To complement the community-based fieldwork, I also conducted archival research at the Public Records and Archives Administration Department (PRAAD) and the Balme Library at the University of Ghana. These archives were especially useful in obtaining official documents (such as city planning information) pertaining to Nima and Maamobi from the colonial period and the early years of independence. These documents provided information about how the two communities were social and demographically situated within the larger city of Accra throughout history. They also contributed to my understanding of how being labeled a “slum” within the national plan can affect future development.

Challenges and Ethical Issues

There were several challenges that emerged during the process of data collection. The first challenge was related to the community survey. Within the first week of research, I quickly realized that several of the survey questions were potentially eliciting answers that the respondents believed to be “correct” rather than their true opinions. An example of this was the question “if you want to gain a public service, such as improved sanitation or health care, does human rights help you?” As I will discuss in the following chapter, human rights discourse has permeated many levels of society in Ghana (Anyidoho 2009). Human rights are taught in local schools and are discussed in the public media.⁶ Because of this, some people who may not be able to define human rights may still interpret them, on the whole, as something positive or something with which they *should* agree. To account for this potential bias, I added several open-ended questions to my survey. In the new version of the survey, I asked a three part question in place of the original question. The series began with the question: “If you want to gain a public service, such as improved sanitation or health care, what would you do?” This was followed by, “do you think that human rights could help you?” If the person answered yes, I followed-up with “how do you think human rights could help?” Although adding these additional questions expanded the length of the survey, it also provided much more valuable information about the levels of local knowledge of human rights.

Another challenge that I faced was related to the ethical issue of confidentiality. Life is public in Nima and Maamobi, and everyone constantly seems to be aware of the location of their fellow residents. When my research assistant and I would go to interview someone, if they were not around, we could almost always track them down after consulting with other individuals who lived or worked near their home. As an American woman, my comings and goings were even

more closely monitored. This does have its advantages. One day, as I was walking by myself through a part of the community in which I was less familiar, a man started following me. I did not know him, and I quickly picked up my pace toward my destination. As I would later find out, some young boys noticed what was going on, and ran to tell their mother. She, knowing my research assistant, sent her teenage son to follow us and ensure that the man did not try to harm me. Although being socially visible increased my safety in the community, it also made it difficult to protect the confidentiality of those whom I was interviewing. Although I did ensure that I conducted the actual interview in a space that was either private or specifically chosen by the individual being interviewed, I could not conceal the fact that the person was participating in the research. Although I was concerned with this issue, no one in the community appeared to be.

I had similar challenges ensuring confidentiality among the human rights activists with whom I conducted interviews, particularly members of the Federation of Youth Clubs (FYC). By the time I left, I had interviewed all of the executive members of the FYC. As my fieldwork progressed, my research often became the topic of discussion when we were together. “How did you answer the question about civil society?” one club member might ask another. Because I had added several questions to my interviews with activists about issues that were being broached and causing disagreement at club meetings, the activists were clearly interested in knowing how their fellow club members felt about the topic. To address this issue, at the request of the youth club, I made a presentation of the results of my fieldwork. I described the data in aggregate, mostly speaking of general trends. And the end of the presentation, I was able to answer additional questions, and the group discussed how they might be able to use the results going forward.

Lastly, there are limitations on the extrapolation of the quantitative data that I collected due to the fact that there is no reliable census data for the communities of Nima and Maamobi. For Nima, population estimates ranged from 55,830 (Kang et al. 2010, 2) to 69,044 (Abdul Aziz 2012, 11) in the year 2000. Equivalent data for Maamobi does not appear to be available. One potential reason for the lack of data is the fact that, as an unplanned community that is home to many recent migrants, the population of Nima and Maamobi is always fluctuating. In their work collecting data on urban refugees, Jacobsen and Landau (2003, 195) note that census data often omits many urban migrants “whose ambiguous legal status means they choose not to reveal their presence to government bureaucracies.” This could also contribute to the inconsistent population counts in Nima. Because accurate population data is unavailable, I am unable to calculate a reliable margin of error.

Nima and Maamobi History

Today, Nima and Maamobi are densely populated areas, crowded with livestock, food stalls, and small mosques. The communities have changed drastically from 1902, when Maamobi first appeared on the Gold Coast colonial census. At this time, there were 13 residents, and the area was outside of the city limits of Accra. Nima was first settled in 1931 by a Hausa cattle dealer named Alhaji Amadu Futa (Ainuson 2009).⁷ The land was originally Ga stool land, and Malam Futa had been given the land by the Ga chiefs (Arn 1996).⁸ Although both communities were generally considered suburban pastoral areas at the time, by 1947, the official Accra Town Planning Scheme noted increased population in Nima due to “untoward labour immigration” (Accra Town Planning Schemes: Accra). Some of these migrants chose to settle in Nima due to the fact that they gained employment at an American military base that had been constructed

nearby during World War II (Songsore 2003). Due to the rapid population growth, Nima and Maamobi were already densely populated by the time the city limits were extended, incorporating the two communities into Accra.

Because development occurred while the neighborhoods were outside of the city limits, growth was unregulated. Residents constructed homes, kiosks, and mosques wherever they could find land, many building their structures without direct access to roads, water, or electricity (Harvey and Brand 1974). Nima and Maamobi were especially affected by their lack of coordinated drainage systems, something that continues to cause problems for residents today. For areas inside the city limits, drainage was seen as an essential component of infrastructure. The 1945 Accra Town Planning Scheme Report, for example, instructed town planners to design “the drainage systems of large areas of houses well in advance and calculate the sizes of main drains needed” (Fry 1945, 26). For Nima and Maamobi, however, drainage schemes were not considered until after the areas were already densely populated. Due to the crowded and deteriorating environs, in 1958, the government officially designated Nima as a slum (Ministry of Housing, Town and Country Planning Division 1958).

The population expansion of Nima and Maamobi mirrored overall growth in Accra. In 1877, the British Colonial Authority relocated the administrative capital of the Gold Coast Colony from Cape Coast to Accra. Prior to this, Accra had primarily been a fishing settlement of the local Ga tribe. With the relocation of the capital, Accra became a center for administration, transportation, and trade (Essamuah and Tonah 2004). This new economic activity brought increased opportunities for employment, and with it, many migrants from other regions of Ghana and the surrounding countries. By 1960, the indigenous Ga were no longer the majority in Accra. Instead, more than 50% of the population came from other ethnic groups including Ewe, Akan,

and various Northern tribes (Essamuah and Tonah 2004). Many of these migrants settled in low-income settlements like Nima and Maamobi. In the ensuing years, Nima and Maamobi continued to grow, and by 2000, population estimates for Nima alone ranged from 55,830 (Kang et al. 2010, 2) to 69,044 (Abdul Aziz 2012, 11).

As population density continued to increase, living conditions deteriorated and little was done to improve local infrastructure. According to one longtime resident of the community, in the 1970s, residents (most of whom had migrated to Accra) were not as concerned with development in Nima and Maamobi because they did not think it would be a permanent condition. He stated, “There was not a thought that this was permanent. People thought that Nima one day will be something else. They thought the homes will all be rebuilt in concrete or that some people will be forced to move elsewhere.” He continued, explaining that after decades of governmental neglect and stalled development projects, attitudes have changed. “Now we know we have to do it. Now the questions is, how do we do it?”⁹ As the years have passed, the histories and livelihoods of the two neighborhoods have remained intertwined. Many individuals who now live in Maamobi, once lived in Nima and vice versa. Although there are formal boundaries between the two communities, the border more closely represents that of a “vernacular neighborhood,” a term that refers to “neighborhood boundaries that are broadly recognized and agreed to by residents...even if they may have no premeditated and formal definition,” (Weeks et al 2010, 563).

Nima and Maamobi Today

Walking down a dusty back alleyway in Maamobi, it is easy to get a picture of daily life in the community. Men and women stroll through cramped passages, avoiding the traffic on Nima

Highway, the one major road that runs the length of the two communities. As they walk, they glance down at cell phones, attempting to shield them from the glare of the blazing sun. Many have a cell phone in each hand, a strategy to cut down on out-of-network costs and to maintain contact even during a prolonged local power outage when cell phone charging can be difficult. Most residents live in rooms within larger houses. These homes generally have relatively spacious open courtyards, which serve as communal spaces for cooking, laundry, and childcare. Many of the homes in Nima and Maamobi resemble traditional Nigerian Hausa compounds, with rooms around a courtyard and high walls. Pellow (2003) argues that these homes are reflections of customary “Hausa / Muslim socio-spatial practice” and beliefs about privacy (Pellow 2003, 63). Outside of the houses, men and women can often be seen sitting on wooden benches, greeting passersby. Around nearly every corner is a woman selling some kind of food: biscuits and candy or northern specialties like *Tuo Zafi*, *pinkaso*, and *waagashi* that can be hard to find outside of Nima and Maamobi. Life is public here, and the constant presence of people in the alleys serves as both a gossip network and a neighborhood watch organization. Several times during my fieldwork, when residents saw that I was alone and getting too much of the wrong kind of attention from someone, they could come over and say, “You are Fatah’s (my research assistant) friend, yes? Here, let me walk with you.” Even though I had never met the person, everyone knew who I was and to whom I was connected.

Both Nima and Maamobi have a reputation in Ghana for being violent and crime-ridden areas. But as my research assistant explained when I arrived in May, you are really only in danger if people do not know who you are. Because of this, we spent the first few weeks walking through various sections of the community, stopping in to visit with residents, and in general just being seen. There are many NGOs that have worked in Nima and Maamobi over the years.

Although interns are a common sight, they are generally not trusted or taken very seriously, as they do not spend a significant amount of time in the communities. Therefore, spending time just walking through the neighborhoods was not only a safety precaution, but also a way for residents to see that I was not just someone who was there for a day. It also allowed me to become more aware of the rhythms of the community: the weekly schedule of various youth club, political, and “supporters union” meetings, the five daily calls to prayer echoing from speakers at the many local mosques, and the evening rituals of eating and visiting in the streets after the sun sets. As other scholars have noted, these activities help maintain community connections, which then aid residents by serving as an economic social safety net (Grindal 1973; Owusu, Agyei-Mensah, and Lund 2008). The creation and maintenance of social networks is especially important in places where migration has removed individuals from traditional kin-based networks (Pellow 1987), as is the case with Nima and Maamobi.

Although Nima and Maamobi are relatively distinct from the surrounding areas in Accra, they have many similar characteristics to other “zongo” communities across Ghana. “Zongo” is a Hausa word meaning “the camping place of a caravan, or the lodging place of travelers” (Abraham 1962, 972). As Schildkrout (1978) notes, however, under the British Colonial Administration, the term “zongo” was used to “refer to the section of the town where Muslim traders lived. It was used interchangeably with ‘Hausa settlement,’ ‘Mohammedan settlement,’ and ‘strangers’ quarter’” (67). Today, the term is often used to refer to any low-income “agglomeration of Muslim migrants.” (Pellow 2001, 59). The term does not carry a pejorative meaning and is often used by local residents. In fact, there is even a national political campaigning organization called “Zongo for Mahama.”¹⁰ There is at least one zongo in every major Ghanaian city and over seven in Accra alone (Ntewusu 2005).

Although the character of each zongo is different, most are dominated by migrants from the north of Ghana as well as immigrants from neighboring countries such as Togo and Burkina Faso. Because of this, many Ghanaians continue to see “zongo” communities as communities of outsiders or migrants (Schildkrout 1978, 85). In 1973, scholar Bruce Grindal estimated that 90 percent of Nima’s population was “ethnically non-indigenous, consisting of northern tribesmen and a significantly large proportion of non-Ghanaians from northern Togo and Upper Volta” (1973, 335). Although there continue to be many residents who were born outside of Nima and Maamobi, there is also now a significant portion of the local population that was born and raised within the neighborhoods. Despite this demographic change, many Ghanaians tend to still see all zongos as migrant communities. Some residents feel that this reputation has led them to be treated by policy makers as non-indigenous and transitory, and therefore less worthy of much-needed development funds.

The discrimination faced by zongo communities in Ghana can be noted as early as the colonial period. In the Accra Town Planning Scheme’s Report of 1945, it is noted that “slums at their worst exist at Ussher Town, James Town, and areas generally inhabited by the Hausa or Mohammedan communities.” The report continues, stating “Conditions such as these may be accounted for by poverty and ignorance.” (Accra Town Planning Scheme Report 1945. Document 32, 9). The question of whether deteriorating conditions are the fault of the community (from lack of education) or the government (from a lack of service provision) is one that came up many times in my conversations with community leaders and local politicians about sanitation. It is also central to the reframing of issues as human rights as opposed to charity, as I will discuss in Chapter 6.

When used by outsiders, the category of “zongo” often implies a homogeneity that obscures local social diversity. Many scholars who have worked in zongo communities have noted that, in comparison to other low-income communities in Ghana, zongos are surprisingly diverse in terms of religion, ethnicity, and social background (Essamuah and Toneh 2004; Agye-Mensah and Owusu 2012). In terms of religion, within Nima and Maamobi, somewhere between 54% (Owusu et al. 2008, 184) and 90% (a figure commonly cited by residents in interviews) of the community’s population are Muslims.¹¹ There are also many individuals who practice Christianity or other traditional animist religions. Although generally poor, there is also economic variation within Nima and Maamobi. This is especially apparent in the western portion of Nima, which contains many large single-family homes (including the residence of Nana Akufo-Addo, the leader of the primary opposition party during my time in the field, the NPP). The communities are also very diverse in terms of ethnicity. The following table shows the percentages of the four primary ethnic groups in Nima in the year 2000:

Table 1. Ethnic Composition of Nima in 2000	
Akan	24.60%
Ewe	16.30%
Mole-Dagbon	16.10%
Ga-Dangbe	11.80%
Other	31.20%

(Ghana Statistical Services 2000)

Some of the misunderstanding regarding the diversity of zongo communities may be the result of prejudice, but some can also be attributed to local social practices. Scholars such as Ntewusu (2005) have described the intentional creations of a shared culture within the zongos. He notes that due to the great diversity, a conscious effort is made by many new migrants to

adopt the practices of the zongo, which are loosely organized around Islam and a general “northern identity.” In her work on Sabon Zongo, another zongo within Accra, Deborah Pellow (2003, 60) similarly found that a general sense of “zongo-ness” was far more relevant to local identity than ethnicity. The identity of the zongos remains strong, even in diaspora. In fact, the Bronx in New York, home to one of the largest Ghanaian immigrant communities in the United States, has an association called the Nima Residents Association (Abdul Aziz 2012, 13).¹²

Ethnicity, however, remains present in Nima and Maamobi, and any tribe with a large enough local population will have a “zongo chief.” These chiefs are not the official leaders of their ethnic groups in Ghana, but rather represent the tribes within the community. As Grindal (1973) notes, “while the methods of selection vary from tribe to tribe, the zongo chief is usually an elderly man who is a more or less permanent resident of Maamobi [or Nima] and who through his wisdom and deeds has earned the respect of his fellow tribes-men.” There are over 30 chiefs within the community, and many of them serve on a collaborative council called the “Council of Muslim Chiefs.” Because the community is an urban, multiethnic one, many residents mentioned that although the chiefs may help with settling small disputes or advocating for residents, they do not have the same level of authority as they would in a village. Instead, the Council of Muslim chiefs has taken on the role of providing ceremonial authority for the entire zongo, again highlighting the salience of a collective northern identity.

Although chiefs still play an important role in Nima and Maamobi, other respected members of society, often referred to as “opinion leaders,” have also come to play primary leadership roles as well as serving as patrons or “brokers” that connect individuals with other big men in the community. A chief may be included into the category of “opinion leader,” but the term also refers to individuals who have earned the respect of the community in other ways. The status of

opinion leaders is often achieved through their demonstrated success as problem solvers. As one older man, identified to me by several community youth as an opinion leader, described, “It’s about how people see that you are observant. When something is broken, even if it has nothing to do with you, you take it to be your business to make it work. Then people push you a bit because people know that you can help with their problems.”¹³ Opinion leaders do tend to be relatively wealthy, but they may also earn their prestige by gaining a reputation for objectivity, humility, industriousness, or their ability to assist fellow residents in dealing with the police, family disputes, or potential employers. In Nima and Maamobi, opinion leaders often have as much, if not more, influence with community members than chiefs. As Pellow (1991, 442) states, “the man with the title and the man with the power may not be the same.”

Language

Within the zongos, use of the Hausa language has become one marker of a collective northern identity, even though it is generally not the native language spoken by most of the migrants (Dakubu 1997). In Nima and Maamobi, it is normal to hear Twi, Hausa, English, and even French spoken regularly, although causal greetings almost always occur in Hausa. Most individuals in Nima and Maamobi speak at least Twi and Hausa, and many also speak English. English is the official language in Ghana, and it is widely spoken (Bodomo 1996, 39). In addition to English, however, 90% of Ghanaians use at least one African language in their daily interactions (Bodomo 1996). Asante-Twi is generally the default African language spoken in southern Ghana, and it is spoken as a first language by over 40% of the Ghanaian population and by many others as a second language (Obeng 1997).

During my fieldwork, I was able to conduct interviews with government officials, human rights lawyers, and local political leaders in English. Interviews with community activists were often conducted in English, however, I also enlisted the help of my research assistant who was able to speak and translate an additional five languages, and therefore served as my translator.¹⁴ To prepare for research, I had learned basic Twi, as that is the most common African language spoken in Ghana. To ensure accuracy, however, I continued to use a translator when interviews occurred in Twi. When conversations occurred in a language other than English in situations where direct translation was not possible, I asked others present to separately recount what had occurred. I then checked the descriptions for consistency against each other (and with my own understanding, if the conversation occurred in Twi) to ensure that the interpretation of the situation was shared among participants. All direct quotations used in this dissertation are taken from conversations that occurred in English.

In Nima and Maamobi, the language used in community meetings was generally tailored to the audience. For example, larger political constituency meetings occurred in a mixture of Twi, Hausa, and English, whereas meetings of local youth clubs nearly always occurred in English. Meetings with government officials that I observed (both large and small) also nearly always occurred in English. Occasionally, however, an opening statement would be given in Twi or Hausa. Because of the symbolic connection between Hausa and northern-ness in the zongos, when Hausa was used in these encounters, individuals sometimes interpreted the use of the language by an outsider as a signal of solidarity. For example, I was once speaking with a human rights activist about his experiences bringing a petition to the Supreme Court. He made a point to note that the clerk at the court attempted to speak Hausa. The activist stated, “He was even trying (to speak Hausa), he wasn’t doing well, but it means look, we understood each other at the

Supreme Court, so we were at ease.”¹⁵ During my fieldwork, I was also able to learn enough Hausa to participate in the regular greetings that are performed throughout the day. For residents who did not know me well, my response of “*Lafiya lau*” when asked, “*Kina lafiya?*” always seemed to bring surprise. Hausa is not among the nine official “state sponsored” African languages in Ghana, and it is officially categorized as an “immigrant language.” In Southern Ghana, it is not often used by non-zongo residents, therefore it was even more surprising when it was spoken by a “*Baturia*” (in Hausa, a foreigner, literally a white woman).

Why Nima and Maamobi?

Throughout the process of developing the project, I chose to focus my research in Nima and Maamobi both for practical and theoretical reasons. As an intern at the LRC, I had developed several contacts within the communities, contacts which I was able to maintain over the years. The communities also posed an interesting theoretical context due to their designation as “slum communities.” Over the past few decades, slums have become popular locations for research. According to a 2008 report issued by UN-Habitat entitled, “State of the World’s Cities” there are over 800 million people around the globe living in slums. The Millennium Development goals acknowledged this situation by setting a goal to “achieve, by 2020, a significant improvement in the lives of at least 100 million slum dwellers” (Target 7.D. United Nations Millennium Development Goals). Despite the fact that the United Nations considers this goal to have been met “well in advance of the 2020 deadline,” slums remain pervasive in many countries around the world. In 2005, 63% of the urban population in Sub-Saharan Africa, and 45.4% of the urban population in Ghana, lived in slums (UN-Habitat 2008, 179-180).

Urban slums located in capital cities like Accra also present a particularly rich opportunity for research on the nuances of political involvement as they are simultaneously very near the site of governmental power and far removed from it. Residents of Accra potentially have many more options for advancing claims than individuals living in rural areas as they can relatively easily access local and national politicians in addition to community authority figures such as chiefs, religious figures, and opinion leaders. Due to their socio economic status, however, residents of low income urban communities in Ghana still struggle to advance claims. Despite being closer than one mile from Flagstaff House, the office of the President, residents in Nima and Maamobi often expressed frustration over the fact that they were treated as outsiders by other residents of Accra due to the community's poverty and demographics. Because of these factors, conducting research in Nima and Maamobi allowed me to observe the everyday challenges faced by residents in advancing claims amidst a plurality of authority figures and systems of power.

Another advantage of conducting research in Nima and Maamobi is that the two communities have been the focus of several other academic studies over the years,¹⁶ so there is a relatively large amount of historical data on the development of and challenges faced by the communities. Most notable, and often cited by residents, is the fact that the Millennium Cities Initiative research team from Columbia University's Earth Institute came to Nima to conduct mapping exercises (see Kang et al 2010). The project resulted in the production of intricate design plans for the redevelopment of the community.

Finally, Nima and Maamobi offered a useful location for research due to the fact that they have been the focus of the work of the LRC, one of Ghana's primary human rights NGOs. As previously discussed, local social practices and economic status have led to the community's

boundaries being relatively well-defined, bordered on all sides by wealthier neighborhoods. Once described by scholar Lucie White (2011, 275) as “a city within a city,” Nima and Maamobi function almost as a small town within the larger city. This allowed me to better understand local social practices and to explore how various features of daily life in the community impacted how residents chose to interact with the LRC. As Nima and Maamobi are so close (in terms of proximity) to the national seat of government, but also still have many traditional authority figures (including chiefs, imams, and “big men”), the communities offered a rich political landscape in which to study the connection between human rights participation and political identity. In the following chapter, I discuss this local legal and political landscape in more depth.

Chapter 4: Law and Human Rights in Ghana

This chapter examines the legal context in which human rights activism functions in Nima and Maamobi. Ghana has a complex legal history, one that has for decades been attempting to balance competing normative systems. Current questions of where human rights fit into the legal landscape are part of a long trajectory of contestation between legal fields that began with the system of indirect rule during colonialism (Roberts and Mann 1991). In this chapter, I review the legal history of Ghana, beginning with colonialism and moving through independence, the PNDC military regime, and the transition to democracy. I also outline the legal environment in Nima and Maamobi, discussing the community's relationship with the police as well as the history of human rights mobilization in the neighborhoods.

Law, Legal Pluralism, and the Colonial State

In Ghana, human rights entered into a multifaceted legal system that is influenced by the contestation between multiple legal regimes that began with the system of indirect rule during colonialism (Roberts and Mann 1991). The British colonial system of indirect rule was first implemented in Nigeria by Sir Frederick Lugard, High Commissioner of the Protectorate of Northern Nigeria. It then spread throughout the colonies during the first half of the 20th Century. As a general rule, the system of indirect rule employed a bifurcated legal structure of European and African law. Colonial courts were created to handle disputes that involved Europeans or Creoles (Roberts and Mann 1991, 13). In addition to these courts, African “native” courts (sometimes called “customary courts”) remained in place to hear cases involving Africans. Traditional authority figures were given the power to rule over customary courts as long as the laws passed the repugnancy test and were not deemed to violate the British sense of good

conscience and equity (Davies and Dagbanja 2009, 306). In the Gold Coast, these courts were incorporated into the colonial legal system through the 1883 Native Jurisdiction Ordinance, which created an appeal mechanism in colonial court for those dissatisfied with the African court (Roberts and Mann 1991). The system was conceived of as a way to exert power over African communities through the use of local institutions (Mamdani 1996). Lugard's plan included organizing colonial and African rulers in a way in which there would not be a dual system of rule, but rather, "a single government in which Native chiefs have well-defined duties" (Lugard 1918, quoted in Roberts and Mann 1991, 20). This structure was seen as a way to add local legitimacy to colonial command by drawing from the influential powers that chiefs had over their people (Enwright 1985, 38).

In implementing this system, the British sought consistent sets of justiciable customary laws, easily identifiable leaders, and political structures reminiscent of governments in Europe. Despite this goal, colonial administrators had to contend with local systems of fluid customary laws and variable levels of political cohesiveness. In response to this, colonial administrators attempted to create uniformity amidst diversity. In Ghana, for example, certain regions, like Ashanti, were already organized into a centralized system of authority. Other areas, such as Northern Ghana and the Volta Region, however, had lower levels of political centralization (Nugent 1996). In areas lacking a clear authority figure or hierarchical structure, the British appointed "warrant chiefs" in order to create uniform systems that would facilitate trade and order (Van Rouveroy van Nieuwaal 1987, 11). There were also efforts during this time to codify customary law into a more consistent system to be used in native courts (Davies and Dagbanja 2009, 306).

Although these acts to restructure systems of authority in the colonies should be viewed as strategies of British domination, it would be a mistake, as Martin Chanock (1985) notes, to ignore the ways in which African elites also attempted to manipulate the system to advance their own interests. An example of this can be seen in the codification of customary law. Many of those selected by the British to become warrant chiefs pushed forward their own self-serving interpretations of customary law to be codified and therefore found the system “to be the most advantageous instrument for translating their values and interests into power over others” (Chanock 1985, 236). The advancement gained by chiefs through the system of indirect rule was, however, not without consequence. David Apter (1972) has noted that chiefs who were able to make social and economic gains through their association with colonial officials were often viewed as being in collusion with the colonial rulers. This perceived complicity not only made the system of indirect rule less effective for the British, who relied on the legitimacy of local chiefs, but also led to tensions between customary authority figures and the African elite who assumed power at the time of independence.

Postcolonial Period and Neoliberal Reforms: 1957-1992

At the time of independence, law continued to hold a prominent place in the Ghanaian political imagination. Chanock (1985, 54) describes how during the transition from colonialism to independence, the political leaders of many African nations quickly sought to do away with the bifurcated legal systems that had been imposed during colonialism. Creating a legal system with “proper courts, proper procedures, known laws, and a separation of powers” that was also guided by the principles of customary law became a popular model of postcolonial African “legal nationalism” (1985, 54). The use of these laws and courts therefore became associated with the

notion of citizenship in the newly independent nations. In their book, *Law and Disorder in the Postcolony*, Jean and John Comaroff revisit the role of law in the postcolony by examining the causes and consequences of legal fetishism. As they note, 36 African nations have written new Constitutions since 1989. Accompanying these Constitutions, the Comaroffs argue, has been a certain wholehearted belief among the citizenry in the law's ability to solve problems and to "conjure up equitable, just, ethnically founded, pacific polities" (Comaroff and Comaroff 2006, 22). Within this context, the legal system (including local courts, Constitutions, and other organizations mandated to uphold laws), plays a central role in the country's political imagination.

In the postcolonial period, political leaders have continued to manage the relationship between customary and statutory law in efforts to protect their authority and pursue nation-building projects. In the years following Ghanaian independence, the powers of the chiefs were severely restricted by policies enacted by Ghana's first president, Kwame Nkrumah. Kwame Boafo-Arthur (2003) argues that the policies implemented by Nkrumah in the years following independence were primarily motivated by two factors. First, despite the fact that some chiefs supported the movement to independence, many were still perceived as supporters or collaborators of the colonial system from which they derived significant power. Second, there was still considerable fear that the legitimacy of the chiefs would present too large a risk to the primacy of state authority. This fear was heightened when the traditional ruler of the Ashanti region, the Asantehene, decided to support the National Liberation Movement (NLM) in what was viewed by many as a secessionist campaign against Nkrumah (Ray 1996).

One of the policies undertaken by Nkrumah was the adoption of the 1961 Chieftaincy Act, which established Regional Houses of Chiefs. These councils served as representative

bodies in which chiefs could collectively advise on specific national issues, although they only dealt with matters that were referred to them by state level officials, and their powers were strictly advisory in nature (Rathbone 2000). The Houses of Chiefs therefore provided a controlled space for chiefly participation, while remaining under the direct control of the state. By locating the ultimate authority over decisions concerning the system of chieftaincy within the state apparatus, Nkrumah's policies had a similar effect to the system of indirect rule (Ansere 1977; Francis 1968). The system of chieftaincy was allowed to continue, but chiefs were, at least in a formal legal sense, dependent on the state.

Although the spheres of state and customary authority were strictly divided by law, there are many areas of political life in Ghana where this distinction is not so clear. The practice of patronage is one such area. As many scholars have noted, informal institutions continue to play a prominent role in the daily lives of Ghanaians (Kleist 2011; Pellow 2011; MacLean 2010; Nugent 1995; Lentz 1998). The informal relationships between patrons and clients assist individuals in making political connections, demonstrating status, navigating government bureaucracy, and fulfilling everyday material needs. This hierarchical system has its roots in customary notions of authority and obligation, but has also been reinforced through the policies of indirect-rule and neoliberal reform. Price (1974) argues that current systems of patronage find legitimacy in Ghana due to the fact that both pre-colonial and colonial systems of authority were organized in a similar fashion. For the Akan, the largest ethnic group in Ghana, hierarchical relationships were a primary feature of social organization with elites ruling over both slaves and voluntary servants (Price 1974, 179). Price notes that even among the acephalous tribes in Northern Ghana, status was regimented along the lines of age. In these customary hierarchical relationships, the division between "big men" and "small boys" was distinguished not only by

status, but by obligation. Big men had clear responsibilities in terms of providing for the “small boys” who supported them, and in turn, the small boys displayed obedience to and public support of their masters (Price 1974, 175). Despite the state’s desire to divide customary and statutory practices, this belief that political big men have a responsibility to provide for their small boys has persisted.

As time passed, the state’s negotiations with competing legal regimes also grew to include new normative orders, notably international human rights. The state’s use of rights language actually extends back to the years surrounding the country’s struggle for independence when Nkrumah rejected European colonialism as a violation of the “fundamental human right” of self-determination (Nkrumah 1958, 46). Since this time, Ghanaian state officials have occasionally embraced international human rights as a justification to regulate the customary system or as a way to build legitimacy within the international community. At other times, when the human rights regime has posed a challenge to the power of the state, officials have rejected its values as being foreign impositions (Hodzic 2009).

The negotiation with, and strategic use of, rights language in Ghana became especially apparent, however, during the 10 year period under the military regime of the Provisional National Defense Council (PNDC). When Flight Lieutenant Jerry Rawlings and his military government came to power in 1981, they cited “economic mismanagement” as a primary justification of their coup (Adedeji 2001). During the period in which the PNDC ruled, Rawlings and other government officials loudly promoted collective “economic rights” while simultaneously violating the civil and political rights of citizens (Haynes 1991; Oquaye 1995). Much of the repression came through government actions and new laws put into place that seriously limited the rights of citizens. One such law was the “Habeas Corpus Amendment Law”

(PNDC Law 91). This law prevented courts from making inquiries into discretionary detentions made by the military regime under the Protective Custody Law (PNDC Law 4). Another law, the Public Tribunal Law, (PNDC Law 78) “imposed the death penalty by firing squad for political offenses” and prevented the Superior Courts of Judicature from overseeing or reviewing these decisions (Oquaye 1995, 564). In addition to these laws, associates of the military regime also perpetrated extrajudicial killings, arbitrary arrests and detentions, disappearances, and other acts of violence against suspected political opponents (Haynes 1991, Anyidoho 2011).

This period of time also saw an increase in the use of local patrons to meet individual and community needs (Ubink 2007). Eric Wolf once wrote that a patron’s power “depends in a large part upon his ability to distribute some share of the all-too-limited supply of goods and services,” (1966, 94). He continued by stating if the state is unwilling or unable to provide for the basic needs of citizens, the opportunity exists for individual patrons to attract new clients. Ghana under the rule of Jerry Rawlings provides an excellent illustration of this causal relationship. In 1983, after many years of economic crisis, President Rawlings signed an agreement with the World Bank and embarked on wide scale neoliberal reforms. The reforms instituted by Rawlings conformed to the model of structural adjustment as required by the IMF and the World Bank. Structural adjustment programs (SAPs) have several primary components. To be in compliance, governments receiving loans must implement policies to privatize property and state-owned businesses, cut public expenditures, deregulate international trade, and devalue their currency to encourage foreign investment and trade (Abouharb and Cingranelli 2007, 15). Ghana was one of the first African countries to adopt and institute these policies (World Bank 1984) and quickly became known as a model of compliance in the international development community (Clark 2003, 94; Chalfin 2008, 521). Within the first ten years of policy implantation, the impacts of

structural adjustment were clearly visible in the country's economy. In 1983, when structural adjustment began, the rate of exchange was three cedis (Ghana's currency) to the U.S. dollar. Ten years later, the rate had fallen to 450 cedis to the dollar (Meredith 2005, 372). The Rawlings regime also privatized the cocoa industry (Ghana's largest cash crop), increased levels of foreign investment and trade, and attempted to increase privatized land within the country (Dicklitch and Howard-Hassmann 2007).

The reforms also contributed to new burdens placed on individual citizens. Some of these burdens were purely financial, such as higher costs for utilities, reduced governmental subsidies on education and health care, and higher unemployment rates (Boafo-Arthur 1999b, 53). Public expenditures were also drastically cut including the withdrawal of health subsidies, making health care unaffordable for the average worker (Boafo-Arthur 1999a, 49). These reforms had several effects on the systems of patronage in Ghana. First, where citizens used to rely on the state for the provision of social services, including education and health care, they were now responsible for paying for these costs individually. This created opportunities for wealthy and well-connected individuals to gain status through their ability to assist others in obtaining various services. Janine Ubink (2007, 126) notes, for example, that the institution of structural adjustment policies "created an increased space for the involvement of traditional authorities in law enforcement, dispute resolution, service provision, and the implementation of development projects."

In other cases, local level politicians have found themselves increasingly responsible for self-funding local small-scale development projects that the state is no longer willing or able to complete. One Sunday evening, during my visit with a local Assemblyman, he lamented the fact that he had spent his entire weekend trying to fix a streetlight that had gone out within the

borders of his constituency. When I inquired as to whether this was part of his official responsibilities as Assemblyman, he stated:

Actually, we are not supposed to do it. I am not supposed to pay for anything without using money from the AMA (Accra Metropolitan Assembly). But if you wait to get money from AMA, it won't come. If you want to be reelected, you have to take your own pocket money to build trust.¹⁷

As this example illustrates, weak and poorly funded state institutions often create contexts in which politicians feel pressure to play both informal and formal roles in the community.

Although neoliberal reforms may have decreased the state's presence in some areas of life, such as social service provision, they also altered jurisdictional spaces in ways that increased the need for citizens to interact with the state bureaucracy in others. As previously noted, in Ghana, structural adjustment policies required the state to assume control over some spheres that had historically been under the control of customary authority figures (notably, land regulation). Whereas villagers used to be able to visit their local chief to attend to land disputes, they were now encouraged to take their concerns to state courts and title offices. To assist individuals in navigating these new bureaucratic procedures, a growing number of agents and middle-men sprang up within communities. Within postcolonial settings, scholars have tended to focus on the roles that these "brokers" play in mediating the relationship between citizen and state (Ansell 2010). Brokers serve the role of connecting individuals either to government offices directly or to other big men who can do so. In Nima and Maamobi, residents sometimes refer to these people as "push people," as they are able to help push claims and requests through to higher-level officials. Brokers such as these continue to play a significant role in what one resident

called the “communication channel” in communities such as Nima and Maamobi, earning their status through their “wealth in people” (Bledsoe 1980) rather than their financial resources.

Democratization: Human Rights in the Fourth Republic

During the same time that supporters of the PNDC were cutting social services and committing acts of violence against their suspected opponents, the international community was placing more pressure on developing countries to support policies of democratic rule. As Mike Oquaye (1995) notes, in the late 1980s and early 1990s, “good governance” became a requirement to continue receiving aid from international agencies. These continued domestic and international pressures led the Rawlings regime to prompt a transition to democracy in 1992. Despite their past actions, the PNDC successfully transitioned the country to democracy and helped to write the current Constitution, a document that places a large focus on human rights. As Anyidoho (2011) notes, this was partially due to global political pressure, but also was guided by the initiative of the regime itself.

The Constitution

In many ways, the 1992 Constitution stands as the clearest example of the attempt by the Ghanaian elite to maintain “conscious coordination between legal orders” (Schmid 2001, 10). First, the 1992 Constitution of Ghana blends aspects of various competing legal orders in the country, including customary law and human rights, while continuing to maintain the state’s primacy of law. Chapter 22, Article 270 (1) of the 1992 Constitution states, “The institution of chieftaincy, together with its traditional councils as established by customary law and usage, is hereby guaranteed.” The power of the House of Chiefs is also maintained through a provision

that gives the House advisory power over any issues relating to chieftaincy as well as the duty to oversee, collect and review customary laws (1992 Constitution of Ghana, Article 272 (c)).

Despite these provisions, however, the Constitution draws a clear boundary between the state authority system and the customary system. Chiefs may advise on customary issues through the regional and national Houses of Chiefs, but they also are restricted by Article 276, which states “A chief shall not take part in active party politics; and any chief wishing to do so and seeking election to Parliament shall abdicate his stool or skin.” Individuals may attempt to traverse the border established by the Constitution between the state and chieftaincy, but these actions are contentious. One example of this is when chiefs are perceived as too openly supporting one political candidate or another. The press, as well as elite members of both the government and the chieftaincy, tend to treat actions such as these with suspicion¹⁸ because they see them as threats to the Ghanaian system of “divided sovereignty” that offers both government officials and chiefs protected spaces to rule and adjudicate disputes (Ray 1996).

In addition to outlining a clear divide between the state and chieftaincy systems, the 1992 Constitution also clearly delineates the boundaries of the human rights field in Ghana. Chapter five of the 1992 Constitution of Ghana outlines the “fundamental human rights and freedoms” of all Ghanaian citizens, and many of the human rights described in international treaties and declarations have been incorporated into domestic law within this chapter. The Constitution also makes provisions for a special Human Rights Court devoted to adjudicating cases related to this chapter of the Constitution and a non-judicial institution called the Commission on Human Rights and Administrative Justice (CHRAJ) mandated to “protect fundamental human rights and to ensure good governance for every person in Ghana” (CHRAJ Ghana 2014). CHRAJ, along with an independent Electoral Commission and the National Commission for Civic Education

(NCCE), was initially developed as a “buffer institution” to maintain the public’s confidence in the system of checks and balances (Quashigah 2013). The organization is vested with the ability to investigate complaints of human rights violations, acts of corruption, or “unfair treatment of any person by a public officer in the exercise of his official duties” (Quashigah 2013: 19). In the past, CHRAJ has even conducted investigations which resulted in their recommending the removal of prominent state officials.¹⁹

The contents of the 1992 Constitution were, in part, determined through a process of national consultation. Starting in 1990, the National Commission for Democracy (NDC) (an organization established by the PNDC charged with guiding the transition to democracy) held community forums around the country to solicit information about what the people of Ghana wanted in terms of government. Forums were held in all 10 regions of the country, and participants from a variety of social backgrounds were invited (Ghana Information Services 1994). After determining that the people wished to return to multi-party rule, the PNDC gathered a nine-member Committee of Experts to write a new Constitution for the country. Although the Committee had some independence in writing the Constitution, they were mandated by the PNDC to include certain provisions. Some of these, including the guaranteed freedom and independence of the media, were clear reactions to negative reputation that Ghana had gained in the international community under the rule of the PNDC (Berry 1995). Once the Constitution was written, each provision was then voted upon by a 258-member Consultative Assembly. The Assembly also took suggestions from the public during this time. (Constitution Writing and Conflict Resolution 2005). After the process was completed, the PNDC added an extensive set of transitional provisions, which granted blanket immunity to members of the party for acts taken

under the regime. Before coming into force, the new Constitution was put to a public referendum on April 28, 1992. The referendum passed with 92% of the vote.

Human Rights Discourse and Debates

Despite the formalization of human rights in the Ghanaian legal system, there are still many examples of human rights being contested, both by the citizenry and by the government. In many cases, claims of cultural incompatibility between Ghanaian “traditional beliefs” and human rights have been offered as justification for this opposition. Scholars such as Saida Hodzic (2009) have noted, however, that often, in cases such as these, essentialized notions of “culture” are instrumentalized to achieve particular political aims. A clear example of this can be seen in the case of Ghana’s Criminal Code (Amendment) Act of 1998, commonly referred to as the “Trokosi Law.” *Trokosi* refers to the practice of sending young virgin girls to religious shrines to serve as slaves and atone for the crimes committed by another member of the family. The practice, which is associated with the customary religions of some ethnic groups in Eastern Ghana, was, at one time, somewhat common. The passing of this law, which criminalizes the practice, came after an extended campaign, first casting the debate in terms of Christianity (Ameh 2004; Dovlo 2005). Objectors to the bill quickly characterized it as a “Christian attack on African Traditional Religion,” however, leading supporters to recast their campaign in the language of human rights (Ameh 2004, 58; 63).

Despite the initial support, use of the law has been minimal. Ameh (2004) argues that this has largely been due to the fact that detractors have successfully framed the law as one grounded in “imported values that contradict African traditional values” (2004, 54). In Ghana, the histories of colonial rule and also state repression continue to impact how citizens view the court system.

For example, Hasty (2005) argues that Ghana's colonial history has created a common "narrative of colonial oppression and indigenous resistance" that leads to individuals being skeptical of normative systems (such as human rights) that are framed as impositions from the outside (2005, 272).

Additionally, other scholars suggest that Ghanaians may be less likely to use the court system to claim their human rights due to the supportive role that the national courts have played in various military regimes. At several periods during Ghana's history, the judiciary was used by dictatorial leaders to "legally" imprison and repress opponents. (Oquaye 2000, 62; Tankebe 2008, 77). Ike Udogu (2003, 103) argues that this history of repression may impact the average citizen's belief in the power of the courts to protect their human rights. Although the 1992 Constitution attempts to break with this history by emphasizing civil rights and liberties, Justice Tankebe (2009, 256) argues that there has not yet been a serious attempt to legitimize the police in Ghana. As a result, the populace retains a continued skepticism towards the criminal justice system (Afrobarometer 2013).²⁰ Where courts are seen as expensive, slow, and potentially corrupt (Adinkrah 2005; Tankebe 2009), social mobilization outside of courts or the use of customary authority figures may provide alternatives that are seen as more accessible and legitimate (Mokogoro 1996; Crook 2004; Kane et al. 2005; Ubink 2007).

Another example of the discursive conflict between human rights and custom can be seen in the debate that surrounded the creation of new domestic violence legislation. The Domestic Violence Bill was initially drafted by a Ghanaian women's rights organization. The bill was highly contentious, largely because it contained a provision that criminalized marital rape (Dovlo 2005; Hodzic 2009). There were four primary objections expressed against the bill. Those opposed to the bill argued that 1) the human rights language was a foreign imposition, 2) the bill

threatened the traditional notion of a Ghanaian family, 3) domestic violence should be dealt with privately, and 4) that traditional authorities should be in charge of handling issues of the family (Ansa-Ansare 2003, cited in Hodzic 2009, 337). As Saida Hodzic notes, the debates around this bill “reflect familiar scholarly and activist debates about human rights, which are often structured as an oppositional oscillation between ‘culture’ and ‘rights,’” (2009, 332).

Generally, the literature assumes that this debate occurs between indigenous customary ideals and foreign conceptions of human rights. But, as Hodzic (2009, 331) explains, in the case of Ghana’s Domestic Violence Bill, it was the government, not customary leaders, who invoked the discourse of cultural sovereignty against claims of human rights. Although both Dovlo (2005) and Hodzic (2009) explain that many individuals had nuanced positions about whether or not they supported the bill, the government campaigned against it heavily. During this campaign, government officials stated that they were representing the position of “the people” (Hodzic 2009, 342). Government officials also used this opportunity to campaign for larger nationalist goals by portraying the bill as an imposition of Western values that should be rejected in favor of a more essentially Ghanaian conception of gender and the family (2009, 338). Several scholars note that the use of “culture” in opposition to rights is generally seen in the literature as a form of resistance instead of an exercise of power (Merry 2006a, 65; Hodzic 2009, 352). Hodzic illustrates, however, that the language of culture and tradition may also be employed by a dominant power (in this case, the state) in an effort to maintain sovereignty. As scholars such as Hobsbawm and Ranger (1983) and Handler and Linnekin (1984) note, notions of tradition are often “invented” as a way to imbue opinions and practices with legitimacy.

The Role of Civil Society Organizations

Another aspect of the political environment that has been influential in the advancement of human rights in Ghana is civil society. Although scholars have debated the exact definition of civil society, it is generally described as “the political space between the state and the household” (Mohan 2002, 125). This sphere has historically been regarded by scholars as vitally important to the development and deepening of democracy. When Alexis de Tocqueville visited America in 1831, he noted in his book, *Democracy in America*, that it was the prevalence of civic associations in the United States that contributed to such a strong sense of democratic citizenship among the populace (Tocqueville 1969). Over the years, many other scholars have supported the argument that a strong civil society is related to a more democratic society (Krishna 2002; Putnam 1995, 2000), or at least that civil society and democracy are interdependent (Gill 2000; Paxton 2002).

The growth of civil society in Africa largely followed patterns of urbanization. As people moved away from their villages and kin groups into urban areas, clubs and other voluntary organizations grew in popularity (Woods 1992). These groups were especially common in communities like Nima and Maamobi where many ethnic groups are living within the same space without clearly defined traditional authorities. In Pellow’s (1987) work on a different zongo community in Ghana, she argues that women generally join social organizations, specifically groups called “zumunci” “not for economic advancement or primary financial welfare or political action but for the creation of a kin-like community in the stranger setting” (Pellow 1987, 489). In Nima and Maamobi, social organizations are similarly important, although they do not necessarily seem to serve as substitutes for kinship groups.²¹

Importantly, civil society is nearly always defined as being a political space separate from the state. Diamond (1996) argues that civil society is “the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules,” (1996, 228). Autonomy from the state allows civil society to speak freely and hold government officials accountable when they are not meeting democratic ideals. These factors are primary mechanisms in the relationship between civil society and democratic consolidation.

Despite this definition, the distinct separation is not always so clear in practice. As was the case in many other African countries, civil society in Ghana was suppressed under colonialism (Makumbe 1998). When Ghana gained independence, there was considerable fear that the legitimacy of the chiefs would present too large a risk to the primacy of state authority. In an effort to stifle the power of the chiefs, Nkrumah selectively supported various civil society organizations so as to provide alternative service providers at the village level. Mohan (2002, 139) argues that this model of “state-supported civil society” has been common in African countries that are attempting to centralize authority.

The Ghanaian state has not always been in support of civil society, however. In 1983, when President Rawlings signed an agreement with the World Bank to embark on wide-scale neoliberal reforms, the state saw a drastic decrease in state-sponsored social services. Costs for utilities went up and there was a reduction in government subsidies for education and health care. To meet these newfound needs, there was also a proliferation of NGOs in the years following the implementation of structural adjustment (Mohan 2002). Many of these NGOs received support from international organizations such as USAID, the World Bank, and DFID (Department for International Development). Officially, these organizations justified their support of civil society

organizations as a means to increase state accountability (Mohan 2002). Scholars such as Hearn (2001), however, note that foreign support for civil society during periods of structural adjustment is often done with the intention of broadening consensus for the stringent economic policies by ameliorating some of the social costs felt at the community-level.

In more recent decades, the Ghanaian state and civil society have continued to have a complex relationship. Although civil society is ostensibly separate from the state, many individuals worry that it has been coopted by the government (Gyimeh-Boadi 1996). This anxiety was ever-present in my interviews with community activists. Many of them felt that they would only be able to remain independent and “free to talk” against the state if they remained completely politically neutral. As Tusalem (2007) notes, when NGOs are independent of the state, they are valuable to the process of democratic consolidation because they offer an “institutional alternative” that can monitor and expose government behavior. Other activists felt that their civil society organizations needed to remain unconnected to politicians, but that they themselves needed personal connections with government in order to obtain resources. The question of how much contact with politicians was too much was highly contentious for civil society actors in Nima and Maamobi. I explore these tensions at length in Chapter 7.

Justice, Crime, and Human Rights in Nima and Maamobi

For many years, Nima and Maamobi have had a reputation for poverty and lawlessness. Within the local lexicon, the term “Nima Boy” has become shorthand for referring to youth from the area who engage in “rough” behavior.²² Shatta Wale, a popular Ghanaian reggae-dancehall musician even wrote a song titled, “Nima Boy,” in which he sings: “So if you know, say you no like me / Make sure say you not go fight me / we not go take things likely.” The reputation of

Nima as a lawless community was only strengthened when, in 2005, a man described by police as “the country's most wanted armed robber” and 26 members of his Nima-based gang, were arrested, (Ghana News Agency 2005). Although, according to residents, violent crime has now decreased, there is new concern that Nima and Maamobi have become hubs of “419,” or internet fraud, activity.²³ It is especially common to hear residents of the older generation lamenting the number of internet cafes springing up around the community, filled with young people.

Outside of the two communities, Ghanaians tend to refer to both Nima and Maamobi as “Nima.” Nima is the larger of the two neighborhoods and its market is the primary market. The two communities are structurally indistinguishable, and their geographic division is only marked by the infamous “gutter.” Although many residents will say that the two communities are the same, some made a point to explain to me that Maamobi was “somehow calmer” or “more peaceful.” The reputation of Nima carries throughout Accra and was mentioned by several activists as a motivating factor in their getting involved in youth clubs. One of the clubs, “Avert Youth Foundation,” was founded as a direct response to the community’s reputation. As one activist noted, “In the old days, when they said Nima, they think of it as one of these violence areas. We wanted to ‘avert’ this reputation, so that is where the name comes from.”²⁴

Due to this reputation, in my interviews, residents often described having difficulties accessing justice. The two most common, seemingly contradictory, complaints are that the police harass the youth of the community and that it is nearly impossible to get the police to come if a complaint is made. The police generally ask for a community member to “lead” them to houses where they are intending to make arrests or investigations. As one resident noted, this makes people less likely to report problems to the police. She stated, “Ghana police are no good. If you go report, they will tell you have to lead them. And you can’t because then you will have a

problem with your neighbor. So if you see something, you just keep quiet because you can't talk."²⁵ Members of the local "community watchdog" group stated that the police often call one of them to escort officers through the community. One stated, "They do not like coming into the community unescorted. Many of the alleyways are dark and narrow, and the police do not know their way around well."²⁶ I was also told that sometimes the police ask members of the watchdog group to make the arrest themselves and then bring the person to the police station. This lack of police willingness to investigate community reported crimes is coupled with a general distrust of the police who residents believed, especially in the past, would harass and arrest young men in the community simply for being "Nima boys."

Motivated by this complex legal situation, in 1997, two University of Ghana law students opened a human rights and legal aid organization within the community called the Legal Resources Centre (LRC). The model that they chose to implement was inspired by similar human rights-based legal aid centers around the world. In fact, one of the organization's founders, Mahama Ayariga, had previously completed an internship at the well-known South African Legal Resources Centre, the Ghanaian LRC's namesake. Soon after its inception, the LRC began working with PDHRE, the People's Movement for Human Rights Learning, a human rights organization based in New York City, to establish a human rights city in Nima and Maamobi. The organization hosted community leaders forums between 1999 and 2000, and in 2001, after 13 months of planning, a Human Rights City in Nima-Maamobi was officially established (PHDRE 2007).

The Nima-Maamobi human rights city did not come to fruition through formal government recognition. In contrast to human rights cities such as Rosario (Marks, Modrowski and Lichem 2008) and Graz (Starl 2016), there was no formal agreement declaring Nima and

Maamobi a human rights city. To say that the city was “established” in 2001 recognizes the fact that this was the year in which community leaders (such as chiefs, opinion leaders, and assembly members) officially took on the challenge of meeting the human rights goals that had been developed during the previous planning phase. These goals were ensconced in several documents, including the Organizational Strategic Plans developed by various community-based organizations (PDHRE 2007). It is important to note, however, that the commitment to the human rights city as well as its strategic goals was moral, rather than legal, in nature.

In 1997, when the LRC first began its work, the country was experiencing tremendous growth in the NGO sector and in the use of human rights discourse due to its new Constitution, which made many human rights legally justiciable (Opoku-Mensah 2007). Within this formalized human rights context, the LRC began its work in Nima and Maamobi. Although many other human rights cities around the world have used their promotion of human rights as a way to “differentiate themselves from others” (van Aarsen et al 2013, 26), activists in Nima and Maamobi more often discuss human rights as a tool with which they can become more similar to other communities. For example, one lawyer stated that human rights activists in the area “are trying to make it so that it is not like you are moving from one town to the other when you move from here (Maamobi) to Airport Residential.”²⁷ Similarly, at a community human rights forum, a local chief stated “Our community, the area is not a great distance from the seat of the President, but it feels very far, like a village, a village where pregnant woman are carried! Where the sick are carried to be able to reach a road.” For community activists, a human rights-based approach to lobbying is a tool to address what they see as discrimination and inequality within the larger city limits.

“Training of Trainers”

The LRC primarily operates through its connections with community based organizations in Nima and Maamobi.²⁸ Several of these groups were created by the LRC as umbrella organizations to unite previously existing small community clubs into larger entities. Others existed as more informal groups that have now grown into very visible advocacy organizations. Two of the most active groups in the community, the Federation of Youth Clubs (FYC) and the Mother’s Club, provide examples of each of these types of provenances. The Federation of Youth Clubs was established at the suggestion of the two founders of the LRC. As Yussif,²⁹ one of the founding members of the FYC, recounts it, the FYC “grew out of a problem.” The community had been experiencing a lot of problems with the police who would come into the neighborhood, suspect the young men of crimes, and then take them to the police station. “Why only do that in a deprived community? We felt that they were trying to criminalize poverty,” he stated. Because of this, the two lawyers who founded the LRC suggested that the youth of the community schedule a protest. The government did not want the demonstration to take place, so the National Security Coordinator invited representatives of the LRC to a meeting. The lawyers felt that the community should also be represented, so they invited several of the leaders of local youth clubs to attend as well. At the meeting, an agreement was made that the youth would call off the protest if the police would come to community meetings inside Nima and Maamobi. After the meeting, Raymond Atuguba, one of the founders of the LRC, suggested that they start an umbrella organization called the Federation of Youth Clubs to unite the many youth clubs in the communities.³⁰ This organization has continued to champion the causes of the local youth ever since.

The second organization, The Mother's Club, followed a different trajectory. The Mother's Club began in 1996. The president of the club describes it this way:

When we started, we were just 7-8 women who came to talk. Although we didn't go to school, we came to talk, talk about 'what are we going to do?' We went house to house, even though we didn't know anything. We then joined with Ghana Red Cross. We had small education from them. We put on aprons from them with the symbol so some people would take you serious. We do this for a long time before LRC called us to their meetings. We were very proud. We started with nothing and no one.³¹

Today, the Mother's Club has over 200 registered members throughout the communities of Nima and Maamobi, although the number of women who attend weekly meetings is much lower.

Much of this group's advocacy takes place through "house to house" campaigns. These education and advocacy campaigns specifically target the population of women in Nima and Maamobi who are at home during the day. On one house to house campaign in which I was able to take part the women from the Mother's Club broke into teams of two to tackle different areas of the community. When we arrived at a house, the women asked if there were other women at home. Once everyone was assembled in the courtyard, the representatives from the Mother's Club first took a survey of the sanitation facilities available in the house (such as toilets, latrines, running water, etc.). They then proceeded to do a brief presentation about the proper method for handwashing. These house to house campaigns therefore offer an efficient way for the Mother's Club to build social networks, collect data, and also provide education.

Staff at the LRC have targeted the members of these clubs and several others for human rights education and capacity building programs with the intention that the clubs will then take on the primary responsibility of mobilizing other community residents, an approach referred to

by many LRC staff members as “training of trainers.” This approach has taken on new importance in the last few years as the LRC no longer has an office within the borders of Nima and Maamobi. Although the office is only a 5-10 minute drive by taxi, many of the community residents who have worked with the organization worry that the move will discourage new people from getting involved or taking their disputes to the lawyers. The leaders of the various community-based groups now represent the community in their dealings with the LRC. They also represent the LRC within the community. It is these leaders who travel to the main office of the LRC in Dzorwulu, a relatively wealthy neighborhood north of Maamobi, when a project is being organized. These leaders are also in charge of organizing community forums where the lawyers from the LRC come to Nima and Maamobi to work on various campaigns.³²

Additionally, these individuals often serve as unofficial community-based paralegals. During my fieldwork, I often witnessed or heard stories about residents approaching the members of these organizations seeking guidance on how to handle various disputes. Although this can be seen as evidence of the success of the “training of trainers” method, it also sometimes brought on additional burdens and stress to the activists, something that I discuss in more detail in Chapter 6.

The Drain

When one asks activists in Nima and Maamobi to describe past human rights efforts in the community, they may mention the campaign to have street lights turned back on along Nima Highway or the right to health campaign (described in detail by Perelman and Young 2010). They might talk about the urban development project or the waste removal research. But they will almost certainly talk about the drain. The drain is a long ditch that runs for over a mile within the communities, dividing Nima and Maamobi. Its official name is “the Al-Hamdu

Gutter,” but most residents refer to it simply as “the gutter” or “the drain.” The banks of the ditch are lined with homes that teeter on its slowly eroding edges. At the bottom of the gutter, stagnant water sits, blocked from flowing by piles of garbage. The drain has become a substitute dumpster, in part due to the government waste removal services’ neglect of the community. When water levels rise in the ditch, the dirt banks, and the homes clinging to their edges, become vulnerable to erosion. The remaining skeletons of rooms and walls that have partially crumbled into the drain are visible from the precarious footbridges that traverse the chasm. The drainage stream runs for nearly a mile within Nima and Maamobi, and it continues further on either end into the surrounding neighborhoods. In the other communities, however, the ditch has been lined with concrete. This has substantially decreased the potential erosion and has helped the water in these portions continue to flow. The only sections that remain unlined are the sections in Nima and Maamobi. Residents often suggest that their unlined drain is visual evidence of the discrimination that the community faces on account of their politics, religion, ethnicity, and economic status.

Figure 1: The Al-Hamdu Gutter, Nima (on the left bank) and Maamobi (on the right bank).



For over 10 years, activists in Nima and Maamobi have been attempting to lobby for their portion of the drain to be lined with concrete. They have held meetings with government officials, threatened to stage protests (as will be discussed in Chapter 7), and worked through the media to make the plight of the drain known around Accra. Although the human rights efforts in the community began with the issue of community-police relations, it is the drain that has become the hallmark of local advocacy efforts. In 2006, with the help of the LRC, the FYC and several other local CBOs received grants through the Civil Society Rights and Voice Initiative (RAVI), a program funded through the United Kingdom's Department for International Development (DFID).³³ These small grants helped cover the costs of mobilizing community members around the drainage campaign and providing human rights education. The two years in which the FYC was receiving funding from RAVI were the most active years of local lobbying around the drain issue.

Despite the fact that the funding from RAVI has ended, the issue has remained omnipresent. Even as activists lobby for other issues, the topic of the drain comes up. In every meeting that I observed between activists and Members of Parliament, and at every community forum, the drain was mentioned. It has become a symbol of government neglect, and the status of its construction has become a harbinger of community confidence in the human rights approach to advocacy. Throughout my fieldwork (as well as the writing of this dissertation), the drain, and its associated human rights campaign, loomed large in the landscape of human rights in Nima and Maamobi. It is the ever-present quandary that has both provided inspiration to activists as well as moments that have made them question whether a human rights-based approach is really the answer.

On occasion, the struggle over the construction of the drain has led some activists to begin engaging in party politics as a method to obtain resources (I discuss this in depth in Chapter 7). Other times, frustration over the lack of progress has even prompted some community members to call for more violent forms of resistance. For example, when I was working in the community as an intern in 2008, I was speaking with one resident about the lack of progress on the drain project. He was very frustrated with the lack of attention the issue was getting from the government. When I asked him what should be done, he responded: “We will have to hit the streets, and there will have to be casualties, and then the whole world will know. That is what we will have to do. Then we will get priority.”³⁴ Although a violent protest never ensued, it is important to note that both activists and residents continue to struggle with the question of how best to advocate for community development goals. As I will discuss throughout this dissertation, although human rights practices were the central focus of my fieldwork, they are by no means the only strategy used by residents in Nima and Maamobi to address their concerns.

As is the case with the drain, activists cannot escape Ghana’s complex histories of law as they plan their campaigns. Questions of the appropriate relationship between custom and the Constitution or between civil society and the state are never far away. As activists strategize about the best way to claim and fulfill human rights within their community, they must navigate through plural normative regimes. They must attempt to balance the ideals of the human rights world with the current laws of the state and the socioeconomic realities of their community (such as the drain). Although this is not always easy, activists often employ innovative and flexible strategies to confront these challenges. I will discuss these strategies further in the following chapters.

Chapter 5: The Politics of Inclusion

Human Rights Activists and Political Participation

I first met Abdul and Yussif on my first trip to Ghana in 2008. At the time, I was an intern with the Legal Resources Centre (LRC), and Abdul and Yussif were young activists working on a community sanitation rights campaign. The two men lived in adjacent low-income neighborhoods in Accra, Ghana's capital city. They had been active in local civil society groups for many years and had quickly become integral community mediators helping to connect residents with the LRC. From the LRC's inception to when I met them in 2008, the men had joined many other residents at human rights education events, capacity building workshops, and individual meetings with human rights lawyers. "We were just learning then," one of the men stated when, five years later, I asked the men to recount their history with the organization.

It was a breezy day in late October of 2013, and the three of us were sitting on rickety wooden benches on a street corner in Nima. We had been discussing the men's experiences with human rights activism and what they felt had changed over the years. Toward the end of our conversation, Abdul turned to Yussif and asked him if he remembered an incident that had occurred with one of the founders of the LRC, Raymond Atuguba. In early 2011, Atuguba was blacklisted by the Association of Magistrates and Judges of Ghana after making remarks during a roundtable discussion at the National Commission on Civic Education claiming that many judges in the country were engaged in the corrupt practice of taking bribes. In response to the claims of corruption, the Association resolved that judges reserved the right to recuse themselves on any cases brought by either Atuguba or any of the three other lawyers who also engaged in the roundtable discussion (Benson 2011). This decision effectively negated Atuguba and his colleagues' ability to practice law in the country.

At the time, both Yussif and Abdul had already been involved with human rights activism for 8 years (2001-2008). As Abdul relayed to me, although they had never taken action in the high court, they knew from their training that what was happening to Atuguba was not right and they wanted to take action. He stated:

They were becoming the victims. Now none of us had thought of going to the Supreme Court then. We had not even been to the high court, but when that happened, we quickly mobilized and said look, we are in a democratic era, we have the media over there, we know we have the basics that what is happening is not fair. We can't sit down and let this go without making any comment, so we mobilized. The next moment, we were at the Supreme Court presenting a petition to the chief justice of the land at the time and the television [reporters] were there. Can you imagine that? We were there! And then police officers were there with arms thinking that, when they heard the federation from Nima were coming, they thought maybe we'd be harmful. Look, in those days the perception was that anyone from Nima is going to do something, so expect violence. But they didn't know we had already graduated from that, that we understood what human rights were, so they were there in force. The police officer asked us why we didn't call him before and we said look, we didn't need to even call you."

Both Yussif and Abdul were laughing by this point of the story, and Yussif noted, "Yes! They called me and told me that before we get there we should call them, and when we went in, there were so many officers. We went on a motorbike past them, went to present our petition and came out and they didn't even notice."

Their laughter continued as Abdul finished the story:

We went marching into the office of the secretary and he was even happy because one of

them (staff) was even speaking Hausa! He was even trying, he wasn't doing well, but it means look, we understood each other at the Supreme Court, so we were at ease. We got there, left it, we thanked each other, and then we left peacefully and then we had results.

The next day we were in the media, on the television, saying look, this is our mind.³⁵

After he finished the story, Abdul reiterated that going to the Supreme Court is not something they would have thought they could do before becoming involved with the LRC. Through their training in lobbying and human rights, however, Abdul, Yussif, and other members of the community had learned that they had a right to go and present a petition. Further, they knew that there was no legal requirement to notify the police beforehand.³⁶ This example is one of many that I heard during my fieldwork illustrating the way that participating in human rights activities changed the political beliefs and behavior of those who took part. In this chapter and the next, I argue that participating in human rights activities has had a long-lasting impact on the way that activists settle disputes, the frequency with which they contact government officials, and the way that they talk about the responsibilities of the state.

In this chapter, I more closely examine the concept of participation. What does participation look like in relation to human rights activities and local government, and what implications does this participation have for social structures and political subjectivity? This chapter engages with the work of other scholars who have argued that participating in human rights can significantly affect how individuals conceptualize themselves and their relationships to others (Merry 1996, 2006a; Cowan et al. 2001; Leve 2007; Speed 2007). In line with much of the past anthropological literature on human rights, I argue that engaging with human rights procedures does channel resistance toward the state. Many scholars have interpreted this process to be potentially depoliticizing, arguing also that it may support and even strengthen existing

power dynamics (Merry 1992; Wilson 1997; Englund 2006; Speed 2007). In this chapter, however, I explore how this process can also potentially be an empowering and politicizing one, particularly for individuals who have previously been excluded from, and neglected by, the government. For these individuals, human rights practices offer the “legal backbone” necessary to destabilize community power hierarchies and make claims directly of state officials.³⁷

Participation and the Politics of Inclusion

Central to my argument in this dissertation is the notion that the process of claims making itself has an effect on the way that human rights activists view themselves and their relationship to the government. After participating in human rights activities, activists interact with government officials more frequently and express greater confidence in their ability (and in fact, their *right*) to do so. This claim is supported by the work of many other anthropologists who have argued that engaging with the human rights system influences behavior by compelling individuals and groups to make claims in particular ways (Merry 1996, 2006a; Cowan et al. 2001; Leve 2007; Speed 2007). As such, participating in human rights activities, whether through rights talk or legal processes, requires specific constructions and performances of subjectivity. As a result, the human rights system serves to universalize political subjects. This process of universalization, some argue, decreases the possibility of actually challenging the state’s repressive power (Speed 2007).

The bolstering of the power of the state, frequently the primary perpetrator of rights violations, by routing of claims through national channels is often seen as a potentially depoliticizing force. This may be especially true in cases where human rights claims are made through the legal system. As Wilson (2007) notes, it is the process of moving social disputes

from the political into the legal realm, as he calls it, the “legalization of social conflicts,” that leads to the depoliticization of human rights victims and violations. Human rights organizations often remove social context in order to more neatly make the facts of the case fit into a technical legal framework. In doing so, the structural processes related to the violations, which are so often the basis for political struggles, are erased (Wilson 1997).

At the same time, however, for individuals who have long been viewed as “foreign” and excluded from the political process, the act of representing oneself in front of the government as an “acceptable” political subject can also be potentially politicizing. Residents of Nima and Maamobi have for years been limited in their ability to effectively engage with the national government. As slum communities, both neighborhoods are categorized and governed by the state.³⁸ And yet, as residents of slum communities, individuals living within the two neighborhoods often struggle to gain recognition for themselves as full rights-bearing citizens, entitled to social service provision, property rights, and access to justice. Because of this, the act of representing oneself as a rights-claiming political subject in Nima and Maamobi has the potential to challenge existing power inequities in a way that it may not in other contexts.

The roots of the struggle over political representation within slums reach back to the days when Ghana was a British colony. Under colonial rule, clear and “rational” plans, maps, and data collection were valorized as key components of centralized administration (Rao 2013). Similarly, fingerprinting and census taking were central practices of colonial administration across the British Empire (Jacobsen 2012). These practices, and their unquestioned importance, has largely continued. Today, Ghana has a national preoccupation with biometric data, using it on health insurance cards (Quaicoe 2014), passports (Dogbevi 2010), and even in distributing government payroll (Ahmed 2012).

In postcolonial nations, crafting official plans has also continued to be seen a primary component of effective and efficient governing. Data sources such as national maps, strategic plans, and collections of biometric data often serve as the epistemological foundation for postcolonial governmental interventions (Kalpagam 2000). Put another way, the categorization of people and places and the locating of individuals within the official state plan is intricately linked with the engendering of legal postcolonial citizens. Residents of unplanned communities who may not as easily be able to locate themselves within the official national maps or “plans,” are therefore hindered in their ability to fully ascend to the category of ideal legal citizen.

In the following sections, I explore the ways in which participating in human rights activities has impacted the interactions of local activists with the state as well as how these activists understand their political positionality. For many activists, participating in human rights campaigns has resulted in increased direct contact with state offices and personnel, a change that itself challenges community hierarchies and beliefs about political engagement within slums. Coming from communities that straddle the boundary between legal and illegal, participating in human rights processes has reinforced the categorization of residents as legal citizens, entitled to the same attention and services as the larger public.

Changing Subjectivity: “Learning How to Talk”

The changing political behavior of individuals who have taken part in human rights activities in Nima and Maamobi is intimately linked with their shifting feelings about their own relationship with government. When I would ask community residents who had never taken part in human rights activities whether they would feel comfortable taking a complaint to a Ministry office or to the Member of Parliament, it was common to hear phrases such as “you cannot just go there,”

“you have to go step by step,” or “who are we to go to the government and say we need it?”

These feelings are reinforced by community power dynamics related to age (where young residents generally do not make demands of older residents).

There is also another layer of power inequality related to the fact that the community is poor and has a reputation for lawlessness. According to many residents, especially the young men and women who have ventured out of the community in search of work and education, when you say “I am from Nima,” people will immediately treat you differently. As Yussif explained to me: “I have worked with so many people outside of this area, and they are amazed at me. They think ‘What?’ When I tell them I am from Nima they say, “No! It can’t be” and anytime such happens, I feel very bad inside that people don’t believe that something good can ever come out from here.”³⁹ Experiences like these often leave residents of Nima and Maamobi feeling less confident in their ability to interact with those living outside of the community and be treated as equals.

As Snell-Rood (2013, 273) notes, residents of slums, “more than any other urban people, are defined by the place they live – as ‘slum dwellers’” This identity is not solely controlled by the residents themselves, but also by government officials who have the power to officially designate a community as a “slum.” At the same time, people living in slums often find themselves removed from national political processes, rendered “illegal” residents of the city by the creation of official maps that do not include their unplanned communities (Rao 2013). Although slum communities frequently have vibrant civil society organizations (Pellow 1987) and local political scenes (Contursi 1989), there often remains a separation between the community and the national government.

These factors together create an environment that discourages residents, especially the

young and the very poor, from feeling as if they can go directly to government officials with their concerns. One of the primary ways that the LRC has attempted to counter this attitude is by teaching two primary axioms: 1) that services such as the provision of water and sanitation facilities are human rights that the state, by law, is required to provide, and 2) that every Ghanaian is part of the government. These two changes have the effect of potentially repositioning how community residents see themselves in relation to government officials. By reframing services as *rights* instead of *charity*, and by reinforcing the concept that all Ghanaians are part of the same government, the LRC is attempting to shift the relationship from a vertically defined one (as is the case with the patronage system) to a horizontal one, where everyone is on equal ground.

Universality is one of the founding tenets of human rights. As Goodale notes, human rights “assumes the most global of facts: that all human beings are essentially the same, and that this essential sameness entails a set of rights” (2007, 10). By repositioning community activists as potential equals, as opposed to poor “Nima boys,” who need a favor, there is less fear around going to meet with government officials. In the following excerpts from my interview with Abdul, one of the well-known community activists mentioned at the beginning of the chapter, he clearly explains this change in attitude. Abdul began by explaining the way that community residents felt before they began working with the LRC. He stated:

Before then, if you asked me to go and see the mayor, I would ask, ‘my friend, do you want me to land in trouble or do you want his security men to lash at me?’ Because at the time, anybody in higher position, that alone, of course is a threat. They come with a lot of security, and if you want to avoid trouble, don’t go near them. And if you go near the person, for good, or whatever the reason was, it doesn’t matter, so that fear was there.⁴⁰

He then continued by explaining that once he and his fellow activists began working with the LRC, they learned more about the responsibilities of officials, as well as what they were allowed to do as citizens without breaking the law. They learned that if they followed protocol, they would be protected by the laws of the country, and they were assured that the LRC would stand by them if anyone tried to threaten them or violate their rights. Several other activists described this as the LRC providing the activists with a “legal backbone.” Abdul described it this way:

From there, we never developed any fear. Of course, because we were dealing with the laws, we had teachings and forums and they would tell us, ‘this is what the law says, this is what if you do will land you in this trouble. If you do this, nobody can do anything to you. Yours is to know what is right and to know what is right at all times and don’t have any fear because you know you are doing the right thing per the law. Because as a state, the state holds the laws supreme. And so if you are familiar with laws, and you do accordingly, it shouldn’t be anything.’ So from there, we were just making our own plans, mobilizing around issues. It was so beautiful, so interesting, coming together.⁴¹

Having increased knowledge about human rights as well as the boundaries of police and political power enabled many young activists to feel comfortable and justified when speaking with more highly ranking individuals. When their encounters with these political figures went well, as they did in the example about the Supreme Court with which I began this chapter, this legitimates the activists’ subjectivities as rights-holders. Sally Merry (2003b) notes that the chances of individuals continuing to represent their community as a “rights bearing” community is largely dependent on the reception that their claims receive. For example, in her research on domestic violence, Merry found that when the police do not make an arrest, the prosecutor does not press charges, or court mandated battering rehabilitation programs are not enforced, women are less

likely to continue to represent themselves using rights language (2003b, 352). In Nima and Maamobi, it is these legal successes, the times in which their subjectivity as rights-bearing citizens was recognized by others, that remain touchstones for activists in recounting their individual histories with human rights activism.

When I surveyed community activists about the benefits that they had received from working with the LRC, this knowledge and confidence, (often characterized as “learning how to talk” by activists) was the most commonly stated answer. “Learning how to talk” also increased the confidence of activists in speaking to other residents within their community. Rose, a member of a community women’s organization, explained how the LRC’s activities helped them learn the law and also how the law affected their position as women within the community. She stated, “Through their education we learned a lot about rights. Women have right to own land! Before we thought only men. Now we can stand in front of a crowd. Before we didn’t feel bold to do that.”⁴²

Changing Behavior: Political Participation and the Advocacy Chain

“We the young ones cannot go, and the older ones are not paving the way for the young ones to go. Who are we to go to the government and say we need it?”⁴³ This sentiment, expressed to me by a young man during a conversation about the lack of access to water in the community, was common among individuals who had never participated in human rights activities. As I repeatedly observed during fieldwork, if a community resident needed to take a personal concern to the Member of Parliament (MP), for example, she would likely first approach an elder, who would direct her to either an Assembly Member, chief, or other local “opinion leader” who knew the MP.⁴⁴ This person would then make a call to attempt to arrange an appointment and might even accompany the individual to her meeting. I had noticed this practice, but I first began to see

its true salience for residents after a brief discussion with a friend of my research assistant. He was telling us about his struggle to obtain compensation for being unfairly fired from his teaching job. He mentioned that he had to go through a long process to finally obtain a meeting with the Director of his program. I said that I had observed others going through the same kind of process to address other concerns. When I said this, he responded excitedly:

Yes! I would call it the communication channel. You just cannot wake up and at once go see the President. I am a teacher, and I wanted to go see the director. Before I could go, I had to fill the form. This process can sometime hinder us from going forward. Since we don't have a chief of this community, it is these front liners of the political parties. If you want to see the MP, you have to go through the constituency secretary. So you have to go so far from where you start.⁴⁵

His formal naming of the process as “the communication channel” was notable to me, as it meant that the practice of advancing claims up through various individuals was not just an occasional practice that I had witnessed, but instead, a stable and accepted form of advocacy. This reliance on personal connections results in the reinforcing of local power dynamics where older and more well-connected individuals gain power by serving as the gate-keepers to policy makers and other individuals with access to resources. When I began questioning residents about the effectiveness of this lobbying model, I was often told that, although the process was slow and did not always work, it was unavoidable. For example, when asked about how he would address a community concern, like a lack of public toilets, one man stated that they must work through the elders within the community. He stated,

You have to start from one to the second. You cannot just all of a sudden, because you need something, move to the upper place. I don't think they will listen to you. Everything

has to go through the grassroots. Even if you go there (government offices) first before starting with the elders in the area, they will tell you to go back. If you go there, you have to go step by step.⁴⁶

Working through this protracted chain of communication has several downsides, however. First, the process is often very time consuming. Second, working through this system of making requests and asking for favors leaves less powerful community residents beholden to those with more influence. The reliance on these connections creates and sustains local patronage relationships. Although common across Ghana (Nugent 1995; Lentz 1998; Hasty 2005), strong patronage relationships are particularly prevalent in unplanned communities where residents often find difficulty accessing things like employment, credit, and government officials (Fox 2014).⁴⁷ Within these communities, local level patrons benefit from the simultaneous presence and absence of the state. They settle disputes in place of the police, provide funding for water pumps and schools when the state does not build them, and connect residents to political figures, who, although officially represent the community, seldom set foot within its boundaries. At the same time, local patrons also gain power from the fact that residents remain vulnerable to the regulations of the state. They may vouch for residents attempting to complete building projects that violate formal regulations (Fox 2014, 198) or provide business addresses for residents to use for the purpose of submitting job applications or getting mail.⁴⁸ As Wolf (1966) notes, patronage relationships, although mutually beneficial, are always asymmetrical in terms of power.

When the LRC began its work within the community, however, they encouraged a lobbying strategy that differed from many of these community practices. The advocacy chain proposed by the LRC prioritizes analyzing the problem and identifying which government official or department is responsible. After this person has been identified, the LRC lobbying

approach encourages community activists to take the problem directly to that person or office, if possible. For activists to begin using the new advocacy chain, however, both practical and emotional changes must first occur. On the practical side, activists must be able to contact such leaders, so they must first know who they are and where they are located. This practical knowledge made up a large part of the LRC's early community training programs. For example, one of the lawyers at the LRC explained to me:

For us, we don't just say we are coming here to fight for your rights blah blah blah, but we sort of change the language. The language being if you are going into the community, we ask 'why are there no schools' and they've been given some excuse or reason and then we tell them, 'but the Constitution tells you you should have basic education' and then we say 'ok, so what should we do? Ok, Ministry of Education is responsible for this, there are agencies responsible for this,' and then they just sit and figure out where to go.⁴⁹

This practice of restructuring the method of advocacy was clearly apparent in my conversations with activists. Abdul described the change in this way:

In the past, our way of doing things, our way of getting results and our way of getting solutions to problems have rested at the doorstep of chiefs. Over here, chieftaincy reigns. That is the African set-up, more based on ethnic community. Also imams and the other clergy, and so usually, if it is within your household, you identify an imam and in the area of Christians, you meet with a pastor. If it is a bit higher than he or she can handle, then it gets to the chief. And then, talk to the Assemblyman... But when LRC came, and you see, sometimes too even when you compare to the old, they could still meet with the chief and the issue could remain there. Of course if the chief was not able to get the issue beyond his level for one reason or another it means that the problem remains. He may use

his own means, whatever means, but even if, it may not be the best, and you are forced to sit with him and look up to God and see what happens, religious as we are. But when the LRC came, we realized that each and everyone has a unique role to play. And there are certain things that needed to be for certain solutions. And you can't get all solutions from just any other means, and so there were certain things that might have to go to the doorsteps of the chiefs but other things would need different solutions. So if it is about the state institutions, the Assembly or any other public servant, all you need to do is find out the channel of approach and engagement. And so that channel was properly defined and it made matters so short and simpler, and then it got these public officers working! Now that the people were coming in their numbers and knocking at their doors they knew they had work to do.⁵⁰

But for this change in advocacy to happen successfully, activists needed to learn more than just who to contact. They also had to learn how to contact them. Although this model of advocacy may appear to be less reliant on social networks, several lawyers at the organization noted that this is not necessarily the case. Even when they are not using the more common community-based lobbying chain, activists rely on their relationships with officials to schedule meetings and make claims. Because of this, the LRC has attempted to assist activists in building new relationships by putting them in direct contact with governmental duty bearers. There are several methods used by the LRC to make these introductions. The first is by supporting community groups in their efforts to meet with government officials by providing a letter of introduction. The second method used is inviting people, like police commanders and MPs, to community forums. This second method was especially important when the LRC first began its work in Nima and Maamobi. By hosting these events, community activists were able to introduce

themselves to local leaders, sometimes even collecting the phone numbers of sympathetic officials. Once these initial introductions were made, it became much easier for activists to gain direct access to the officials in the future as they lobbied for their rights. In the beginning of their work, the LRC would host meetings with local activists every Friday.

The following example demonstrates the value that having the phone number of an official when attempting to obtain a meeting. One afternoon, I accompanied Joe, one of the local community activists, to a meeting with the MP. Around noon, as we were getting ready to catch a *trotro* that would take us to the MP's office, Joe received a text.⁵¹ "Look," he said and held out the phone so that I could see. The text was from the MP and read "let's make it after 4pm." When we arrived at 4pm and spoke to the receptionist, we were told that the MP had informed her that he was not accepting visitors that day. Joe tried to explain that we had a meeting, and that the MP informed him a few hours prior to come at four. He even showed the receptionist the text, but she refused to let us through security. Luckily, Joe had the phone number of one of the MP's staff members, and he called to ask what was happening. The staff member came downstairs himself to tell the receptionist that it was alright for us to go through. Finally, at 6pm, we were able to meet with the MP.

In this example, the fact that Joe had the phone numbers for the MP and a member of his staff enabled us to avoid six hours of needless waiting and also to bypass the receptionist, who likely would have otherwise prevented us from entering the building. When I first visited Ghana in 2008 and accompanied the same group of activists to several meetings with officials, extensive waiting time was common. At the time, many of the activists were just beginning their lobbying efforts. Even when meetings were scheduled, the activists would often have to come back on multiple days before actually getting to meet with the official. On at least one notable

occasion, several members of a community youth group waited all day to meet one official, and then were told at the end of the day that the meeting would not occur. In 2008, activists often noted that the time and resources used in attempting to obtain meetings in this way was a large burden for them.

One of the activists, whom I have known since 2008, noted that advocacy has become a little easier now that they have more connections. He stated, “Normally, you would have just started and it would have taken a longer time, and so once you know somebody somewhere you ask, ‘I want this, but I don’t have much time. Is there any other way I can do it?’ He might say ‘the boss is here at this time.’ Or ‘He prefers it this way’ so those all have helped advocacy improve.”⁵² As this quote alludes to, having connections with the staff of higher-up officials may be especially helpful for obtaining information about scheduling and the preferences of officials, information that may be key in decreasing waiting time and increasing the success of meetings.

Importantly, this points to the fact that the new shortened advocacy chain has not entirely removed the use of personal connections to advance claims. In his article, “Declarations of Dependence,” Ferguson (2013) notes the prevalence of giving in poor communities and the way that these practices help to create a web of dependence among residents. These dependencies create networks of people through which individuals address a variety of concerns. Human rights activists in Nima and Maamobi continue to draw on their personal connections with high ranking officials to advance claims effectively, they have simply cut out many of the middlemen, leaving them less bound to those individuals’ personal interests regarding the specific issue.

The effect of the training by the LRC is not only visible in the statements of individual activists, but also by comparing survey data. The following table illustrates the responses when community residents, both those who had and those who had not participated in human rights

activities, were asked about their interactions with political and governmental officials over the course of the last 12 months. This data is also compared with the responses from Ghanaians all over the country, taken from the AfroBarometer survey in 2012.⁵³

Table 2: The following table lists the number of respondents who indicated that they had approached the person at least once over the course of the last year to discuss a problem or give them their opinion						
	HR		Non-			
	Participants	Percent	Participants	Percent	Ghana	Percent
Assembly member	40	80.00%	13	26.00%	754	31.63%
Member of Parliament	27	54.00%	16	32.00%	307	12.88%
Political Party Official	33	66.00%	16	32.00%	332	13.93%

Table 2 illustrates the extreme difference that exists between participants in human rights activities and those who have not participated in terms of interactions with political figures. This relationship is clarified even further by looking at the frequency with which these interactions occurred (Table 3). Table 3 illustrates that residents of Nima and Maamobi as a whole have more interaction with MPs and political party members than the average Ghanaian. This is likely due to the fact that the communities are located in the capital city, where access to politicians is more easily obtained. This also makes the significant difference between human rights participants and non-participants in Nima and Maamobi even more notable. When the significance of the relationships is calculated through a t-Test, the test reveals that the human rights participant group interacts with Assembly Members, Members of Parliament, and Political Party Officials significantly more than either the non-participant portion of the fieldwork sample or the general Afrobarometer sample (both are significant beyond the 0.005 level).

Table 3: Frequency of Contact with Authority Figures					
	Never	Once	Few	Often	Don't Know
Assembly member					
HR Participants	10 (20%)	4 (8%)	14 (28%)	22 (44%)	0 (0%)
Non-HR Participants	38 (73%)	1 (2%)	9 (17.3%)	4 (7.7%)	0 (0%)
Ghana	1620 (68%)	239 (10%)	329 (13.8%)	186 (7.8%)	10 (0.4%)
Member of Parliament					
HR Participants	23 (46%)	6 (12%)	11 (22%)	10 (20%)	0 (0%)
Non-HR Participants	35 (67%)	8 (15.4%)	4 (7.7%)	5 (9.6%)	0 (0%)
Ghana	2054 (86.2%)	120 (5.3%)	135 (5.7%)	52 (2.2%)	23 (1%)
Political Party Official					
HR Participants	17 (34%)	4 (8%)	10 (20%)	19 (38%)	0 (0%)
Non-HR Participants	35 (67%)	7 (13.5%)	6 (11.5%)	4 (7.7%)	0 (0%)
Ghana	2029 (85.1%)	113 (4.7%)	154 (6.5%)	65 (2.7%)	23 (1%)

Although some might argue that these results could be pointing to the fact that individuals who are more likely to approach governmental leaders might be the same individuals who choose to get involved in human rights work, triangulating these results with the other qualitative data from this dissertation suggests otherwise. In my interviews with activists, they often mentioned how much easier it has gotten for them to contact and meet with government officials over the years. And as I discuss in the previous section, their confidence in their ability to lobby these individuals for community concerns has also increased. Similarly, in my observation of their activism strategies over the four years in which I conducted research, I was myself able to witness how the frequency with which they interacted with government officials increased over the years.

Other Implications for Participation

In my interviews, many activists stated that building relationships with officials and “learning how to talk” were the primary benefits that they derived personally from their work with local CBOs. But activists also noted that there are several challenges associated with developing relationships with political officials. Building connections with local leaders results in activists being seen by their fellow residents as well-connected individuals. This, in turn, increases the expectations that other individuals may have of the activists’ ability to help them in pursuing personal interests. For example, on several occasions while I was walking through the community with Musa, one of the leaders of a local youth group, various individuals would approach us and then appeal to him for help. The requests ranged from seeking assistance in pursuing claims against an employer who had not paid for contracted work to a mother requesting assistance in getting her son into a particular secondary school. Although the individuals who approached Musa during these encounters did not expect him to personally fix the problem, they would request that he lead them to someone who could help, be that a lawyer, a community politician, or other opinion leader. Therefore, although the advocacy chain has changed for activists, it has not necessarily changed for their fellow residents. Activists often expressed feeling a desire to help their fellow residents, and they did when they could. In several cases, activists exemplified the “training of trainers” model by explaining the process of contacting a Member of Parliament. Once, I was even able to observe an activists as he accompanied an elderly woman to the MP’s office. These kinds of activities have is has the effect of increasing the status of local activists, but it also increases the burden of their work.

This became especially apparent in my observations of one local activist who has been a primary figure in the human rights campaign to build the new concrete drain. In September of

2013, conflict over the drain had hit a high point. Although a contract had been awarded to build a portion of the drain, work had stalled, and the contractor had just been arrested on charges of corruption. The construction workers had not been paid for their work and blamed the contractor. The contractor, in turn, blamed the government for not providing him with funding for the project. Over the course of several weeks, I witnessed multiple construction workers appeal to this particular activist for assistance, even coming to his home. During the same time, the MP had approached the activist for assistance in encouraging patience among the residents, and even the contractor had requested the activist's help in communicating with the MP. The stress of the situation boiled over at one of the FYC's weekly meetings when one of the members complained that the aforementioned activist was not doing enough to advance the drain campaign. In frustration, he responded, "I wonder if there is anyone who feels connected to that drain in the way that I do. The number of workers who come to me to complain about their condition. The number of people living by the drain who come to my home. The MP asks me for help. Even the contractor asks me to help him."⁵⁴

Increased connections to various stakeholders within the community may often make the work of human rights campaigning more efficient and effective for activists, but it also positions them as key stakeholders themselves. In addition to becoming valuable resources to community members, local activists are also assets for NGOs. Once the activists had become established within the community, the LRC would regularly call on several of the leaders of the various CBOs to help mobilize the community when they wanted to host an event. For example, when an international team of human rights activists visited Nima and Maamobi to help launch a new National Slum Upgrade plan, two community activists were tasked with distributing invitations from the NGO to community leaders about an upcoming community forum.⁵⁵ This work took

several days, as each invitation had to be delivered in person. Although the activists found value in this work because it advanced the goals of the project, they also noted the burden of the work as well. One of the men, for example, told me that he loves doing community activism. “I feel like it was what I was born to do,” he stated. “But it does not pay. It’s not that it doesn’t pay much, it doesn’t pay at all.”

Activists like this fit into the category of people that Ann Swidler and Susan Watkins (2009) have described as “interstitial elites.” Interstitial elites are individuals who work with NGOs, not as salaried staff members, but as volunteers who “hoped that they might be able to parlay their years of volunteering with NGOs into a salaried position that would confirm their status among the educated and urban” (Swidler and Watkins 2009, 2). Interstitial elites fit into the larger global context of “community participation,” in which NGOs use “local volunteers” to demonstrate community buy-in and project sustainability (Swidler and Watkins 2009). Critics of “local volunteers” and community participation more broadly have noted that participation at this level does not often confer many benefits to those who take part. At best, this participation is viewed as “nominal,” where community residents are only used for consultation, imbuing NGO projects with legitimacy (Arnstein 1969; White 1996; Cornwall 2008). At worst, this form of participation is described as unpaid labor (Swidler and Watkins 2009; Buerger and Holzer 2015), which as Swidler and Watkins found, almost never translates into an actual paid position, despite the hopes of interstitial elites.

In his critique of civic education in Malawi, Harri Englund (2006) notes that the process of human rights education creates and reifies distinctions among different groups of people. He argues that rather than destabilizing the current power dynamics in Malawi, these inequalities are reinforced through education programs that divide people into “those who need help and those who can provide

help” (Englund 2006, 71). Interstitial activists in Nima and Maamobi experience a similar fate. Participating in human rights activities, especially becoming acquainted with local and national level politicians, increases the status of activists. These activists are able to challenge community hierarchies as well as larger patterns of inequality related to their neighborhood’s slum status. It is also important to note, however, that social status divisions are not just a result of participation in human rights activities. In some cases, preexisting divisions may influence who becomes involved with human rights in the first place. This may be even more pronounced due to the “training of trainers” model used by the LRC. By focusing their education efforts on the members of community-based organizations, the LRC is specifically engaging with a portion of the population that already has a bit more social status than the average community resident. Although the members of these organizations vary widely in terms of economic status and education level, by becoming engaged with community-based organizations, their social status in terms of personal connections is elevated. In this way, it would be more accurate to say that human rights participation reproduces and potentially strengthens status distinctions rather than creating them.

The emancipatory outcomes of human rights education are somewhat limited, however. Activists are seen by fellow community residents as well-connected, and quickly become labeled as individuals who could help others achieve various goals. Quickly, the original advocacy chain returns, imposed on activists from their fellow residents. Following the LRC’s “training of trainers” method,⁵⁶ the human rights knowledge and connections possessed by interstitial activists should eventually spread throughout the community. But this “trickle down” education model takes time. It is also potentially limited by the motivations of interstitial activists who are themselves trying to strategically navigate the space between working for the communal good and individual achievement. In my interviews with activists, when I asked about how they felt their work in civil

society had affected their lives, many people were quick to note how they had benefited by getting a “bigger platform” or by building connections with more powerful individuals. For example, one activist stated:

I think I have been able to develop my leadership skills. I have met with different kinds of people with different backgrounds, different knowledge. You can imagine that at the leadership level, people come in with their minds and you try to harmonize all of these into a common goal where everyone will be very satisfied. And as and when you achieve successes, it places you at a certain level. And through the Federation, I've been able to impact a lot in the community. If I had been alone, I don't think I would have been able to. But through the Federation, I'm sure I'm very popular. And I wouldn't be surprised...in fact, some have been asking me to go for Parliament.⁵⁷

As this activists describes, his successes with the FYC and the LRC have brought him to “a certain level” within the community. He also ascribes his popularity in the community to his work in civil society, suggesting that this might even lead him into an elected position in the future.

But for some activists, the challenges of balancing individual achievement with communal goals are more evident. One activist whom I have known since 2008 stated:

I've heard a lot of people say the construction of the Nima drain is the biggest success for FYC. I would agree with them, but I would think that my success is the kind of impact we have made in the lives of individuals. The kind of belief that we have given youth who now believe that oh, if this person can do this, that if this person can stand on a platform with all of these participants to express himself, to speak about the need to join hands in developing our own neighborhoods, then I can also do it, and I also want to be part of that. The issues I hear people outside of our community say about the previous perception about Nima and now the

kind of perception they now have, for me, these are some of the successes.

He continued:

But I also ask myself, what have you done for yourself over the last years? I have seen people who I started the FYC with who have along the line traveled outside, and they come back, and they own their own houses, their cars, their kids attend a school that I can't afford with my kids. And if you should compare their kids with my kids, their kids are far ahead of mine in terms of education. I have seen people who have abandoned the FYC to educate themselves and now have good jobs that pay them a good wage to live comfortably. And my kids, the story is different.⁵⁸

In the statements of this activist, one can clearly see the tension between a desire to achieve communal goals and individual advancement. Many members of the interstitial elite hope that through their work with NGOs, they will be able to continue their community activism while still advancing their own careers. Unfortunately, as other studies into interstitial elites have shown (Swidler and Watkins 2009), and as the comments of the activist allude to, this does not always happen.

Conclusion

The results within this chapter demonstrate one mechanism through which participation in human rights practices reinforces the power of the state. Whereas activists may have previously used a variety of methods to lobby for community development, they are now focusing their efforts on working through established state channels. By providing these “appropriate” channels for claims-making, the state is more readily able to control and contain its citizens. Claims-making through these channels therefore does not necessarily challenge the

generalized social inequalities or power dynamics built into the neoliberal state system, but rather works within, and potentially reinforces, its structures (Merry 1992; Speed 2007). It is important to note, however, that activists still continue to meet with these community leaders. It is the motivation for these meetings that has changed. There is no question that local authority figures continue to hold great influence within communities, and activists still capitalize off of this by enlisting their support when organizing a project. Whereas before, activists would schedule meetings to make pleas for assistance, they now primarily do so in order to mobilize community support for issues or to distribute invitations to events. It would be inaccurate to say that the hierarchy has disappeared, but the relationship has certainly changed.

The changes in the political participation of human rights activists described in this chapter signal a change in local accepted advocacy behavior currently taking place among activists in Nima and Maamobi. In 2008 when I began doing research, many activists who had recently become involved with the LRC were still unsure of their ability to walk into government offices and petition for their community. Five years later, however, these same activists communicated regularly with state level ministries and politicians. This change in behavior is particularly notable in Nima and Maamobi, where residents generally engage in a protracted advocacy chain when they need to advance concerns beyond neighborhood boundaries. This advocacy chain is deeply connected with local norms of participation in patronage exchanges. In return for their political support, local level authority figures, such as Assembly Members and political party officials, help to connect residents with higher ranking governmental figures who may be able to address community development issues. The human rights-based approach endorsed by the LRC offers an alternative to this system of political reciprocity. And, as I will discuss in the following chapter, by proposing an alternative to the system of political patronage, activists are more willing to critique the system as a whole, even going

so far as to label it corruption.

In addition to changing local advocacy practices, the human rights model also has had an effect on confidence levels among activists. During my interviews, most individuals who had not taken part in human rights activities tended to describe themselves as being fairly disconnected from the government. When asked whether they would be able to take a concern directly to a governmental office, most responded that they would not feel comfortable doing so. For participants in human rights activities, however, the reaction was very different. These individuals not only understood that government officials were indeed responsible for things like neighborhood sanitation facilities, but they also felt confident in their own ability to make claims of the government. Moreover, data from my community survey demonstrates that these feelings were supported with action, as human rights participants reported contacting government officials at a much greater frequency than individuals who had not participated in human rights activities.

Activists have become key stakeholders in their own right, occupying important positions within the more common neighborhood advocacy chain. These activists build connections with various decision makers and can more efficiently channel community concerns to someone who might be able to do something about the problem. But this increased social status also presents new burdens for activists, who are now seen as valuable potential patrons themselves.

Although the ethnographic examples contained in this chapter illustrate how human rights practices channel resistance toward the state, they also demonstrate the potential of these practices to challenge community power dynamics. Before, local opinion leaders, chiefs, and religious figures held the key to the advancement of concerns through the communication channel. These individuals relied on existing patronage relationships and community norms regarding the respect of elders to maintain their esteemed positions. Human rights activists, however, no longer depend on their

assistance in making connections. Because of this, their method of political participation as well as their political subjectivity has changed.

Chapter 6: Corruption Talk and the Imagined State in Ghana

It was the summer of 2013, and in nearly every home, office, and shop in Accra, people were watching and listening to the same thing. Huddled together around radios or televisions, people sat enraptured, listening to the proceedings of the Supreme Court that were broadcast live every day. The case was a challenge to the results of the presidential election that had occurred the previous year. On December 9, 2012, President John Dramani Mahama had been declared the winner of the election over his opponent Nana Akufo-Addo. The election was close, but not close enough to require a run-off, as had been the case in 2008.⁵⁹ At the end of December, Akufo-Addo, his running mate, and the chairman of their political party (the NPP), sued the Electoral Commission over what they believed to be voting irregularities that were wide-spread enough to have cost them the election.

By May of 2013, everywhere I went in Accra, people were talking about ballot boxes and pink sheets.⁶⁰ Legal jargon had become part of the everyday vernacular. On more than one occasion, I saw someone pull out their pocket-sized copy of the Ghanaian Constitution to reinforce a point in an argument about the general legality of the case. Although many Ghanaians with whom I spoke were consumed with arguments over who would win the case, I began to notice that the conversations occurring among the human rights activists with whom I was conducting research had a different focus. One activist told me that he thought the court case was good, regardless of the outcome, because it was strengthening the institutions of the country. He stated, “Look at other African nations that have taken to the streets after an election. In Ghana, we took to the courts.”⁶¹ Another activist noted that she felt the case was “very good. It strengthens our democracy. A lot of people didn’t know that you could petition the court, but now they are more confident in taking cases to the court.”⁶² Although it was not only activists

who spoke of the case this way, the resounding majority of individuals who had been involved with local human rights activism spoke of the Supreme Court case as a good thing for Ghana in that it deepened democracy, enforced accountability, and increased confidence in the courts among the citizenry. Whereas other residents expressed skepticism about the efficacy of the court or debated who deserved to win the case, the activists' statements reflect a very different understanding of the state and its responsibility to remain democratic and law-abiding.

Public interactions with the state, such as this court case, contribute to what Akhil Gupta (1995) has deemed, "the imagined state." Gupta describes the imagined state as a conception of the state that is multi-layered, and constructed discursively through public culture (such as newspapers and other forms of media) as well as through individual interactions with the state. The vision of the state constituted within the citizenry varies depending on an individual's position within the state (1995, 392), and plays a role in shaping how citizens determine what constitutes "appropriate" behavior among governmental actors and institutions. In this chapter, I argue that by taking part in human rights-based activities, such as demonstrations, workshops, and lobbying campaigns, activists have developed a strong conception of an "imagined state" that is law-abiding and potentially rights-respecting, and that they, as activists, represent ethical citizens of this imagined state. Although many Ghanaian citizens view governmental institutions as corrupt, as I will discuss in this chapter, human rights activists characterize particular behaviors (such as patronage) as corrupt in ways that differ from their fellow citizens. Activists also differed from their fellow residents on how they viewed the implications of corruption for the state. As Foucault notes, developing subjectivity involves the subject beginning to "observe himself, analyse himself, interpret himself, [and] recognize himself" (1984, 942). I argue that human rights participation shapes subjectivity in a way in which activists begin to recognize their

government as potentially rights-respecting, and therefore see political figures who behave in ways that conflict with the notion of the imagined state, as corrupt. Thus, complaints of corruption should not necessarily be read as a rejection of the state, but should rather be seen as revealing a confidence that the state could (and should) do better. I argue therefore that human rights talk and corruption talk among activists go hand in hand and serve to discursively map the parameters of state responsibility.

Human Rights Talk in Nima and Maamobi

As I have described in previous chapters, in their human rights education programs, the LRC emphasizes the responsibilities of political officials because this helps to reinforce the notion that these services are rights, guaranteed to residents through the Constitution, rather than charity. During my interviews with activists, several also noted that this new way of thinking about the relationship between the government and the community assisted them in mobilizing their fellow residents during human rights campaigns. As one community activist explained: “We can tell them that look, this isn’t about the government doing you a favor, but this is about what the government should do, what you need to have, and you must have it. It is in the Constitution, and nobody gets these things anywhere in the world unless they fight, unless they demand it.”⁶³

As this quote suggests, for many activists, taking part in human rights education introduces a new vision of the state’s responsibilities. As the activist above noted, community development projects come to be understood as rights as opposed to charity, and a denial of these projects becomes a derogation of the state’s duties. In my observations of human rights campaigns in the community, when they were attempting to mobilize others to join the campaign, activists would often reference past successes where using human rights language

helped them achieve their goals. On one occasion, several members of a local CBO that has been very involved with the LRC were gathering residents for a community forum. On a visit to the home of a community leader, one of the activists began describing the group's past work on increasing access to health care in the community. He stated, "If you go begging, you don't get anything, but if you go demanding, knowing your rights, then you get somewhere. It has helped us."⁶⁴ This statement not only emphasizes the strategic value of human rights but also reveals a belief that the state will respond to claims made in the language of rights. This example conforms to the arguments of scholars such as Gupta (1995) who state that individual interactions with state bureaucracy have a significant impact on the way that individuals conceptualize the state.

In Nima and Maamobi, the conceptualized law-abiding state is evidenced not only in the way that activists spoke about human rights, but also in how they anticipated dealing with state institutions in the future. When asked the open-ended question of "If you were a victim of crime in this country, who, if anyone, would you go to first for assistance?" 76% of respondents who had participated in human rights activities said that they would go to the police, while only 48% of those who had never participated in human rights activities stated that they would go to the police. The second most common response for human rights participants was to take the issue to a local government official, such as the MP or Assembly member (8%). For non-human rights participants, the remaining respondents were fairly split between taking the issue to another authority figure like a chief or opinion leader (13.5%), seeking no assistance (13.5%), or personally taking revenge (7.7%).

When I was discussing this finding with one of the activists with whom I worked closely, he stated that the human rights education that they had received from the LRC taught them that

they do not need to be afraid of the police. Where before, they would worry that the police would try to harass them for being “Nima boys,” now they felt differently.⁶⁵ An Assembly Member who had taken part in some of the LRC’s initial human rights education events suggested that it was not necessarily that the activists were more confident that the police would not violate their rights, but rather that they knew that the LRC would defend them if the police did violate the law. He stated:

You know, my community, slum community like my community, a police can come and say ‘I am arresting you.’ When they take you to the police station they can let you spend more than 48 hours in a cell whereby the law did not permit you to spend more than that. But when the human rights lawyers came in the system, this would not happen anymore. But because of our little bit of education, police can take you and put you in a cell 3 days 4 days. But through human rights we got to know that it is unlawful for you to arrest person for more than 48 hours. It helps hold people accountable.⁶⁶

In various workshops, the lawyers at the LRC assured activists that as long as they behaved within the laws of the state, they would be protected (either by the police or by the lawyers at the LRC). Despite the fact that many residents of Nima and Maamobi had past experiences that may have contradicted this image of the state, they began to distinguish between policemen who might not be upholding the law, and the overarching state, which was bound by the Constitution. This understanding again conforms to Gupta’s (1995, 391) concept of the “disaggregated and multilayered” imagined state. By highlighting the “disaggregated and multilayered,” nature of the state, Gupta is pointing to the fact that individual citizens often only personally encounter the state through bureaucracy. He argues, however, that individuals can imagine that there are other layers of the state above those with which they interact on a daily basis. Importantly for Gupta’s

theory, these layers may or may not share the same personal or policy goals. The highest levels of the state may be conceived to have good intentions even if the bureaucracy does not carry out these goals.

The imagined law-abiding state conceptualized by activists in Nima and Maamobi is the product of past interactions with state officials (both negative and positive), but is also shaped by their interaction with international human rights organizations. Many scholars have observed that since the early 1990s, human rights talk has played a prominent role in the discourses of political transitions occurring in Africa, Europe, and Latin America. Lauren Leve (2007) argues that the ubiquity of the human rights regime has led to human rights becoming part of “a global cultural imaginary that compels people to represent themselves in certain terms and make their claims in certain ways” (2007, 80). When activists choose to represent their claims in the language of human rights, they may more easily form connections with the international community of human rights activists (Sierra 1995; Sieder and Witchell 2001; Massoud 2011). In Nima and Maamobi, the LRC and the local community-based organizations have continued to interact with international NGOs, such as PDHRE, as well as maintaining an ongoing relationship with Harvard Law School.⁶⁷

These interactions play an especially important role in bolstering the legitimacy of an imagined rights-respecting state. Sally Merry (2003b) notes that the chances of individuals continuing to use rights language to frame disputes is largely dependent on the reception that their claims receive. Additionally, she notes that it can be difficult for individuals to represent themselves using rights language “in the absence of institutions that will take these rights seriously,” (Merry 2003b, 381). In Nima and Maamobi, although activists have had some notable successes using human rights language to make claims for specific community needs, many

times they still struggle to compel the enforcement of local human rights laws. When this happens, however, international human rights organizations that are active in the community continue to reinforce the legitimacy of human rights. Moreover, they bolster the notion that even if the state is not currently behaving according to human rights norms, it should, and feasible *could*, do so in the future.

The Social Meanings of Corruption

Despite the strong conception of a law-abiding and potentially rights-respecting state that has developed among activists in Nima and Maamobi, there are still times when individuals' actual experiences conflict with this idealized vision. When this occurs, activists often switch into the language of corruption. In this chapter, I employ the term "corruption talk" to highlight the form of discourse used by activists in their critique of the Ghanaian government. This term has been used by several scholars (Lazar 2005, Shore and Haller 2005; Bubandt 2006), but generally only as a way to describe observations of hearing individuals discuss corruption. In this chapter, however, I attempt to specify further by drawing a comparison with the concept of "human rights talk," a term that has been used by anthropologists for some time (Dembour 1996; Englund 2000; Wilson 2007; Burrell 2010). Richard Wilson defines "human rights talk" as "the way that people speak about those norms, or aspire to expand or interpret them in new ways" (2007, 350). A focus on the way that people speak about human rights opens up a potential window for understanding how individuals "articulate political claims which make sense in a particular social context" (Dembour 1996, 33). When activists speak about human rights in Nima and Maamobi, they are making reference to a specific set of national and international laws, but they are also speaking about how these values are understood within their local context. Sometimes this conforms to the legal interpretation of human rights. Other times, however, local human

rights talk may reflect reflects a different understanding of rights, one that falls outside of, or even conflicts with, the codified version of human rights. This type of human rights talk reveals the way that international human rights norms have been “vernacularized” so that they fit with local cultural beliefs and community needs (Merry 2006a).

By using the term “corruption talk” in conjunction with “human rights talk,” I am drawing on the way that specific verbal references to notions of morality and legality, such as human rights and corruption, are used by activists to communicate larger beliefs about the behavior and responsibilities of state actors. For example, activists in Nima and Maamobi regularly point to corruption within the Ghanaian state. This talk goes beyond observation, however. Instead, it points to a larger critique of the government when compared to the aspirational view of what a law abiding and rights-respecting state could be. Take, for example, the comments made by Yakubu, a man who was actively involved in the FYC when the LRC first entered the community and is now attempting to transition into political work. When I asked him about how political work differed from his work in civil society, Yakubu stated,

“Sorry to say, the system is corrupt. When I was outside politics, I was blaming the government. In my transition now (from NGO work to politics), it is not the system only. The politicians are also to blame. They like ideas, but then where does it go? There are many people who I can say now you talk like a politician, not a human rights advocate.”⁶⁸

When I later asked Yakubu to specify about what he meant by the system being corrupt, he noted that people in party politics are only interested in materials, in obtaining things that they can provide to their constituents, rather than on larger systemic inequality or welfare.

Although providing the community with material goods may not technically be illegal, for Yakubu, it was tantamount to corruption because it took attention away from addressing the

issues that he saw as human rights issues. When activists say that an act is corrupt, they are often voicing a larger belief that the state is violating its democratic responsibility to provide services to all of its citizens or to not engage in patronage. The form of corruption talk in which human rights activists engage is made intelligible through the same activists' participation in human rights talk and practices. In this permutation, corruption talk may refer to actual acts of illegal corruption or it may refer to a belief that government behavior has violated a more flexible understanding of state responsibility.

In her work on corruption in Ghana, Jenifer Hasty (2005) notes that the motivating factors for corruption are not just driven by self-interest, but are “profoundly social, shaped by larger sociocultural notions of power, privilege, and responsibility,” (271). Similarly, the motivations for engaging in corruption talk are also tied to social understandings of rights and responsibilities. Because expectations of social responsibilities may differ between persons, various individuals may interpret the same act in diverging ways. One may view an act as corrupt while the other sees it as permissible. The fluid nature of corruption has led scholars such as Sian Lazar (2005, 212) to emphasize the “slipperiness” of the concept, where corruption is simultaneously “everywhere and nowhere.”

Multiple interpretations of corruption may be especially common in locations where some individuals view particular actions as justified because they are seen as necessary for survival. For example, many residents of low-income areas, especially those living in unplanned communities, depend on informal practices and patronage relationships to meet basic needs (Webb 2012). In unplanned communities, residents often have difficulty gaining access to such things as employment, credit, and government officials (Fox 2014). Using informal practices, however, community patrons may vouch for residents attempting to complete building projects

that violate formal regulations (Fox 2014, 198) or provide business addresses for residents to use for the purpose of submitting job applications or getting mail.⁶⁹ Similarly, local level politicians may gain support from residents by providing letters of introduction, assisting in finding employment, or following-up on document requests such as passport applications. While some citizens may view these acts as corrupt or “dirty politics,” they may be interpreted by others as a necessary component of survival or even an act of social justice (Webb 2012; Witsoe 2011).

Corruption Talk in Nima and Maamobi

In Nima and Maamobi, having increased knowledge about human rights as well as the boundaries of police and political power enabled many young activists to feel comfortable and justified when interacting with state officials and institutions. It also contributed to the development of a new conception of how the state should behave. The LRC’s trainings emphasized the point that the state is bound by certain laws. Activists were assured that as long as they behaved within these laws, they would be protected. To hold this belief, activists must have a particular amount of confidence in the state’s willingness to enforce its own laws, either through police conduct or the courts (when police behavior violates the law). To assess how confident community residents were in the ability of the state to address their concerns, I asked a series of questions.⁷⁰ The first question asked individuals to list what issue they thought was the most important for the government to address. As a follow-up, I asked individuals how likely they thought it was that government would address the issue within the next five years. I asked these questions to both individuals who had and who had not participated in human rights activities. The following table illustrates the responses from the second portion of the question.

Table 4 - How likely address problem?		
	Human Rights Participants	Non-Human rights Participants
Not at all Likely	8 (16%)	4 (7.69%)
Not Very Likely	19 (38%)	16 (30.77)
Somewhat Likely	15 (30%)	7 (13.46%)
Very Likely	7 (14%)	19 (36.54%)
don't know	0 (0%)	5 (9.62%)
N/A	1 (2%)	1 (1.92%)

Interestingly, despite their increased belief in the notion of a law-abiding and accountable state, individuals who had previously participated in human rights activities were significantly less likely than those who had not participated in human rights to believe that the state would address the problems that they felt were the most pressing within the next five years. One telling reason for this difference might be related to the fact that the two groups also differed on the issues that they found most important for the government to address. When I asked “in your opinion, what is the most important problem facing the county that the government should address?” the most common answers among human rights activists were issues related to the government itself, such as partisanship, corruption, and lack of political leadership.⁷¹ Issues relating to the government were mentioned more than twice as often as the other stated concerns. As can be seen in Table 5, after concerns about government, unemployment, the economy, and education were all cited at similar rates. For individuals who had never participated in human rights, however, concerns about the government were nearly non-existent and the subject of corruption was never mentioned (see Table 6).⁷²

Table 5: Human Rights Participants - Most Urgent Issue for Government to Address		
Rank	Issue	Percent
1	Government (partisanship, corruption, political leadership)	32%
2	Unemployment	16%
3 (tie)	Economy	14%
3 (tie)	Education	14%

Table 6: Non-Human Rights Participants - Most Urgent Issue for Government to Address		
Rank	Issue	Percent
1	Unemployment	26%
2	Economy	14%
3	Meeting basic needs (food, water, sanitation, health)	12%

Although some may view these results as revealing a lack of confidence in the state among activists, employing the work of Gupta (1995) suggests a different interpretation. A notion of illegality only holds meaning when compared to an image of how the state should and, importantly, *could* behave. In this way, it might be more accurate to refer to this particular conception of the imagined state as the “aspirational state.” Therefore, claims of corruption reflect back off the image of an aspirational state that is law-bound, impersonal, and democratic. Without this idealized conception with which to compare everyday encounters, charges of corruption would be meaningless. When individuals have a sense of a potentially accountable and rights-respecting state, however, making claims of corruption becomes an act of citizenship (Gupta 1995, 389). Other scholars, such as Karam (2003, 2), have similarly noted the way that

identifying corruption is viewed as an important part of maintaining a transparent democratic society.

In Nima and Maamobi, the concerns over corruption and lack of political leadership expressed by human rights activist reflect their beliefs about what the state should be, rather than what it currently is. To identify specific acts as “corruption,” one must have a conception of an alternative possibility for state behavior. For the activists with whom I worked, a law-abiding and rights-respecting state was this alternative. These activists readily described the responsibilities of government officials and their own rights to hold these officials accountable. In describing the past community mobilization efforts of the FYC, for example, one activist stated:

Human rights can be very very helpful if you know your rights and responsibilities. FYC used the 1992 Constitution and were able to take it to the people so that even lay persons can understand. Not everyone in this community is educated, but even the layman understands that it is your responsibility to protect the Constitution. Even the uneducated know that. It is the right of the individual to demand certain things from the state like security, housing, roads, health.⁷³

In this statement, the activist describes protecting the constitution as a responsibility of the citizenry. To do so, in his opinion, one must hold political leaders accountable to the law contained within the Constitution. Because of beliefs like this, when the state failed to live up to these expectations, activists were more likely to characterize these failures as corruption rather than as typical or even acceptable behavior. Whereas individuals who had not participated in human rights activities were more likely to point to the actual problems that they saw (high unemployment rates, lacking sanitation and water facilities, etc.), human rights participants were

more likely to indicate that the person who had failed to rectify these issues was the problem.

Is Patronage Corruption?

For many people in Nima and Maamobi, patronage is one of the primary pathways through which individuals fulfill their needs and achieve status. Residents regularly approach local big men for assistance with paying rent, sending children to school, financing visa applications (and for the fortunate, subsequent trips abroad), and covering various other costs. Patronage relationships in Ghana tend to come in two forms: relationships with political leaders and relationships with customary authority figures such as chiefs, elders, and “opinion leaders.” In addition to these hierarchical relationships, residents often also participate in more balanced reciprocal exchanges of food, child care duties, and money for emergencies (including health care costs and the expenses of traveling back to home villages to attend funerals).

In addition to allowing residents to address tangible material needs, patronage transactions can also convey symbolic power. Exchange transactions create social relationships, and when done publicly, they also demonstrate those relationships to a wider audience. Although much of the literature has focused on the prestige gained by the giver through public displays of giving, in Nima and Maamobi, both patron and client benefit from their relationship being known by the community. By publicly giving, patrons may demonstrate their wealth and power, and therefore their desirability as potential patrons for other residents. One local politician noted, “When you help someone, others are able to pass it out and say your name. They say, ‘oh, Honorable is a good person,’ so it makes you popular.”⁷⁴ For would-be politicians, demonstrations of patronage can be particularly important as they are taken as evidence of the

candidates' desire and ability to assist their fellow residents: an expectation of politicians once elected.

Although these relationships are grounded in fundamentally asymmetrical power dynamics (Wolf 1966), in Nima and Maamobi, the individual receiving the goods also gains status through these exchanges. Gift giving, whether of food, money, or other material goods, is an accepted (and expected) component of Ghanaian hospitality, and therefore the accepting of gifts does not socially diminish the recipient (Hasty 2005, 286). Rather, by receiving goods from a politician or opinion leader, an individual may demonstrate their close connection to big men and therefore their ability to potentially help others to address their own problems in the future. The following excerpt, taken from an interview with a local youth political leader, provides an example:

There is a house down there, a very big house, and there are lots of people who live there. They decided that they weren't going to vote for the current MP. So first, the guy running for the spot from the NPP came to visit them. They wanted some cement and some sand to do some construction in front of their house, so he brought that. Then the MP came. He came with two of his guys, but they weren't that popular in this community. He wanted a popular guy, so he asked me to come with him. We also brought the founder of Zongo for Mahama. We went to meet at the house. During the meeting, he kept referring to me as "my younger brother." On that day I was wearing a new Zongo for Mahama t-shirt. It was a very nice quality t-shirt and it was brand new. It was black. All of the t-shirts given out by the party are white, so it made me seem different. Because I was wearing this brand new t-shirt, it really made people think that we (he and the MP) are related. After

the meeting, everyone was calling on me to get a shirt like the one I had. People believed that if we are related, I would have influence with him, so they believed in me.⁷⁵

In this example, the value of the t-shirt is related to the fact that it serves as a public demonstration of the relationship between the community resident and the Member of Parliament. Because the t-shirt was unique and easily distinguishable from the other free t-shirts given out by politicians, it identifies the special position of the recipient. Though the community resident mentioned in the example is not actually related to MP, the lack of social distance evidenced by the special t-shirt, along with the pronouncements of the MP himself were enough to “prove” to other community residents that the two men were in fact related biologically, in addition to socially. In demonstrating a dual level of relatedness (social and biological), the value of the t-shirt increases by identifying the wearer as a potential “broker” with the ability to connect others to the MP.

Relationships between patron and client are demonstrated in many different ways in Nima and Maamobi. Sometimes the actual exchange takes place in public. This appeared to be particularly common with political patronage relationships. For example, one of the Members of Parliament for the community told me that if he makes a contribution to a local group, he always arranges a public presentation of the gift.⁷⁶ Other times, patrons may give brief speeches at the events of clubs and organizations that they sponsor. Still other times, the owner of an item may directly mention the person who gave them the object. On several occasions, my research assistant, whom I had given an old phone that I brought with me from the United States, told others that the phone traveled all the way from America, clearly identifying me as the giver. Although the identical phone was available in nearly every market in Accra, the fact that this

phone was a gift from America demonstrated the close relationship between the two of us and therefore added value.

In her study of elite patronage relationships in Northern Ghana, Lentz (1998) argues that conversations about patronage in Ghana fit into a long trajectory of anxiety regarding corruption and the morality of wealth in Ghana. Lentz notes that at least since the 1966 founding of the Commission of Inquiry into the assets of President Nkrumah and his ministers, Ghanaians have been consumed with the public debate over what qualifies as “good wealth” and how it relates to concepts of “good governance” (1998, 48). After a decade of the PNDC’s military imposed “culture of silence” (Hasty 2001), publicly expressed anxieties returned in the 1990s, along with Ghana’s transition to democracy. Today, stories of corruption and theft from “government coffers” dominate newspaper headlines (Price 1974; Hasty 2005). Examples of recent headlines from Ghana’s most widely-read newspaper, *The Daily Graphic*, proclaim: “Let’s crack whip on corrupt officials,” (July 5, 2014) and “Lead crusade against corruption” (June 20, 2014).

In contemporary Ghana, financial wealth is precariously positioned between status and immorality, and although money is viewed as one of the most reliable routes to becoming a “big man,” (Nugent 1995), “wealth acquired through public office, is generally regarded as illegitimate,” (Lentz 1998, 52). Along the same lines, patronage relationships with chiefs and opinion leaders are often not seen as immoral, but there is a greater ambivalence in regards to political patronage. It is common to hear community residents in Nima and Maamobi criticize those who have entered into politics as having done so for “selfish interests,” ulterior motives,” or to “amass wealth.” Political patronage and corruption are closely tied in Ghana, in part due to the particular way that corruption is constructed within the Ghanaian imagination. As Hasty (2005, 274) notes, in Ghana, linguistic tropes of corruption frame the process as an

“intensification of contact with the vital flows coursing through the political body,” rather than as a problem of sociopolitical alienation. Corruption is not an anti-social act, but rather a hyper-social one. Patronage increases and strengthens social relationships, and therefore individuals who maintain extremely close social relationships with politicians are often suspected of corruption.

There are also some community residents who believe that patronage encourages corruption more indirectly. It can do so in several ways. First, multiple individuals, both politicians and human rights activists, explained to me that the pressure put on politicians to meet the desires of their constituents forces them to “put their hands into the state coffers.” Secondly, as scholars such as Robert Price (1974) have noted, patronage systems inherently discourage any form of criticism against the patron. As Price notes: “a critic of government actions not only calls into question the wisdom of a specific policy, but by so doing also demeans the big-man status of the responsible official through suggesting that the critic has a superior capability in the exercise of public responsibility,” (1974, 190-191). In response to criticism, the big man may retaliate by ending the particular patronage relationship. In the mind of the criticized patron, the exchange relationship is no longer benefiting both parties, as the client is supposed to “repay” the patron through his loyalty and support. In my interviews with political party members, many said that the threat of retaliation makes it very unlikely that they would ever publicly criticize local political leaders who provide them with access to resources and social networks. Because of this, corruption in government may go unchecked by the populace who fear losing valuable patronage relationships.

But, as mentioned previously, the view of patronage as corruption is also context dependent and is often characterized as “social justice” when benefitting the poor (Witsoe 2011).

This framing of corruption was also evident among many individuals whom I interviewed. When asked whether politicians had a responsibility to provide certain things for residents in the community, such as money for weddings and outdoor ceremonies, many respondents expressed that normally a politician should not do these things, but that if the individual was in need, then the act should be excused. For example, one man responded: “Under normal circumstance, they are not supposed to do that. But our part of the world is a different thing altogether. We live in communities where people cannot even afford to buy food to eat, so it would not be out of place if a politician helps the constituents.”⁷⁷ Another similarly stated, “Well, there are many people who cannot afford to do things like go to school, and they should be helped. But when the rich people who could just ask someone in their family come for help, no.”⁷⁸ By framing patronage as a mode of social welfare, these individuals distance the exchange from popular images of corruption.

Despite a national ambivalence regarding the practice, patronage relations between politicians and community residents are common in Ghana. In his study of clientelism in Ghana, Lindberg (2003, 124) found that Ghanaian Parliamentarians regularly partake in paying for “schools fees, electricity and water bills, funeral and wedding expenses; or distributing cutlasses and other tools for agriculture, or even handing out ‘chop-money’ (small cash sums)” to their constituents. My ethnographic data supports these findings. In Nima and Maamobi, local level politicians regularly pay for school fees, help facilitate travel to Mecca to perform Hajj, and assist residents in making connections with higher level government officials to address various personal and community needs. These actions are not only common, but they are generally supported by residents, who view participation in patronage relationships as a politician’s responsibility. In my interviews, 85% of opinion leaders surveyed and 77% of political party

members surveyed (none of whom had participated in human rights activities) were in support of the practice of patronage.

In stark contrast, only 15% of individuals who had participated in human rights activities expressed support for the practice. Specifically, human rights participants strongly opposed the practice of political supporters obtaining personal benefits for their support of candidates.

Compare, for example, the following responses to the question: “Do politicians have a responsibility to help residents pay for school fees?” One community resident who had not participated in human rights activities stated: “I think so. Because there are more people who need that help and they don’t have that support from anyone else. Since they don’t have that support, we should get them that support.”⁷⁹ Another non-human rights participant similarly stated, “Yes. The leaders have to know what worries their supporters. If they promise, they have to fulfill. Leaders have to know what is needed in the community. If you have an MP who does not support the community, the community will suffer.”

In contrast, when the same question was posed to human rights activists, the answers more often pointed to themes of corruption. One activists answered:

I don’t think that it is. I think what they are supposed to do is put in policies that can help all of us to thrive. If conditions are there, one is able to work. People who make these requests are giving a politician another burden, and it will lead to him putting hands in state coffers and corruption. But it is self-inflicted. Party A does this for their sympathizers when they are in power, so Party B will be compelled to also do it or people will say ‘why did I vote for you?’⁸⁰

Another activist stated:

That’s what I hate most, they are there for development and we the community are

pushing the government for corruption. And what does that mean? It means they have to go deep inside the coffers of the nation, and if I don't do that then next year, they will vote no, even though that is not right.⁸¹

Participants in human rights activities cited three primary reasons why they opposed patronage exchanges including feeling that patronage led to corruption, that it distracted politicians from community development goals, and that it made community residents less free to speak out against the government. These concerns echo those of many scholars who have argued that there are potentially problematic long-term implications of patron-client relationships for the poor (Ferguson 1990; Nelson and Finan 2009; Fox 2014). As I will discuss in the following chapter, however, activists disagreed on whether political patronage relationships should be used strategically to obtain collective benefits for the community.

As previously stated, the anxiety about the relationship between patronage exchanges and corruption is common in Ghana, especially when the patron is a politician (Lentz 1998). The second concern cited by activists (that patronage may be distracting for politicians) is less commonly discussed. When I asked whether politicians should reward their supporters by paying for school fees or providing money for celebrations (two of the most commonly made requests of politicians), one member of the FYC described it to me in this way:

You will see that by doing so, most of them don't really tackle the issues facing the community. They will just focus on keeping their supporters. It blocks them from really making it a priority. If there is a community problem then a supporter also has a problem, he will attend to the supporter's problem first to ensure the vote in the future.⁸²

Because patronage exchanges are based on personal relationships, they often require a large investment in time. Political party members expect their elected leaders to be accessible to the

community. When I asked party members “what are the qualities of a good MP?” accessibility was the most common answer. One party member responded that, as an MP, the most important quality was, “Your visitation with your constituency, we should be seeing you every one or two weeks. That will solve the problem.”⁸³ Another stated, “Anytime you call, he will pick up or call back. When you come to him with requests, he will help or tell you no – he is honest. When you don’t call, he finds time to call you, to see how you are.”⁸⁴ These expectations of accessibility and assistance are not only expensive, but they are time consuming, taking time away from other tasks such as community development. Long lines of residents waiting to make requests for letters of introduction, school fees, or other assistance were a constant presence when the MP was at his office. In fact, one of the MP’s for the community stated that these constant requests were the biggest challenge of his job. When I asked him how many requests he received each month he responded, “It is difficult to count. Some come in my house, some come in Parliament, some come when I am in the community attending social functions, some come at the mosque, some come when I am paying visits to schools. One is unable to keep count.”⁸⁵

Other human rights activists in Nima and Maamobi pointed to the fact that even though politicians complained about patronage, they often used the exchanges as proof of their commitment to the community, even when they had repeatedly failed to bring tangible development projects (such as the new drain). Similarly, many activists were concerned that when individuals became involved in politics, and therefore in patronage relationships, they were no longer “free to talk” (a commonly mentioned phrase). When individuals rely on politicians to meet their everyday needs, they may not feel able to openly criticize that politicians for fear of reprisals (Price 1974). Whether it is possible to engage in party politics while still remaining able to speak critically was a fiercely debated issue among human rights activists during my

fieldwork, and I will explore this topic in detail in the following chapter.

The Potentially Realized Aspirational State

The version of an imagined state held by the Ghanaian human rights activists with whom I worked illustrates the fluid nature of topics such as state responsibility and corruption. Due to their different social experiences, activists conceptualized particular events (such as the Supreme Court case challenging the presidential election results) and practices (such as patronage) differently than their fellow residents. Scholars such as Gupta (1995) and Benedict Anderson (1991) have noted the impact that public culture such as newspapers and personal interactions with government bureaucracy can have on an individual's conception of the state. This dissertation illustrates the similar impact of international collaborations and participation in human rights education and activities on the development of individualized understandings of state responsibility.

Importantly, for activists in Nima and Maamobi, even though their everyday encounters do not always conform to their vision of a rights-respecting state, it is still seen as a possible future reality. It is this belief in the feasibility of a rights-respecting state that leads activists to make claims of corruption when the state does not meet their expectations. Whereas residents who had not participated in human rights were more likely to identify issues such as unemployment or the economy as the most urgent concerns for the country, human rights activists were more likely to point to the government itself as the locus of the problem. Often, these concerns were expressed in the language of corruption. These claims of corruption do not, however, signal a rejection of the state or even necessarily a lack of confidence in government. Rather, they reveal points of contention where the state of their personal experience does not

coincide with the aspirational view they have developed of how a law-bound state should govern.

By focusing on “human rights talk” and “corruption talk” in this chapter rather than on codified law, one is better able to understand how these terms take on meaning within a specific social context. For activists in Nima and Maamobi, an act is deemed “corrupt” when it violates their conception of a law-abiding aspirational state. This understanding of the state’s duty to respect, protect, and fulfill their rights is the product of various experiences, including personal interactions with state officials, participation in human rights-based education and lobbying campaigns, and collaboration with international organizations that constantly reinforce the legitimacy of a human rights approach. Having a clear understanding of local laws, democratic processes, and human rights ideals allows activists to more confidently make claims of illegality. Similarly, concerns over corruption continue to motivate activists to demand accountability in the language of human rights. In this way, human rights talk and corruption talk are mutually constitutive. Without rights talk, corruption talk would be meaningless. Together, however, these two discourses delineate a local conception of government responsibility and map the borders of a rights-respecting state.

Chapter 7: Interstitial Subjectivity

The “In-Between-ness” of Activists in Nima and Maamobi

In the previous chapters, I described the ways in which participating in human rights has impacted the political beliefs and behaviors of participants. Through their participation in human rights campaigns and education events, many activists have developed a new sense of the state’s responsibilities in terms of their community and have acted on this new sense by lobbying their representatives more frequently. This understanding has contributed to a conception of an “aspirational state,” that is law abiding and potentially rights respecting. Despite the fact that there have been tangible changes in the behavior of activists, many scholars might still question the emancipatory potential of human rights in Nima and Maamobi. A common critique of the human rights sphere among anthropologists is that by channeling resistance toward the government, human rights buttresses the power of the state without challenging the underlying power inequities. Merry (1990) notes that citizens are often “invited” into court through their knowledge of rights, but then are denied any real judicial remedy. As she states, “Incorporating them into the legal arena is important because they are potentially disruptive to the larger social order. But they need only to be framed and contained, not to receive the full panoply of litigation which brings with it an invitation to assert rights and to demand change” (1990, 180).

This critique of legal “empowerment” argues that it is advantageous for the state to provide an avenue for resistance because it contains dissent. Following this critique, one could argue that the activists that I described in previous chapters are doing exactly what the state would wish by using their energy to claim their rights in an “appropriate” manner. But what happens when activists refuse to stay contained in the appropriate channel of resistance? In this chapter I will address this question by exploring the innovative strategies used by some activists

in claiming human rights. By choosing to incorporate various legal and normative subjectivities into their lobbying campaigns, these activists are challenging the sanctioned subjectivities of the state and refusing to be “contained and framed” (Merry 1990, 180) as appropriate rights-bearers.

As described in chapter 4, Ghana is a legally plural country with various normative and legal orders. It is a system of what Santos (2002) has deemed “interlegality,” where “everyday life crosses, or is interpenetrated by, different and often contrasting legal orders and legal cultures” (2002, 98). Although the activists in Nima and Maamobi have come to shape their interactions with the state through the procedures of a human rights approach, when this approach fails to produce results, they have often integrated discourses and procedures from other realms of authority, including customary law and partisan politics. In this way, they have developed interstitial subjectivities that resist the categories of standard forms of political engagement. The actions of these activists have been contentious, both among state officials and activists themselves. This chapter more deeply explores these strategies as well as the accompanying tensions.

Inappropriate Action in Appropriate Channels

As I discussed in Chapter Four, the Al-Hamdu gutter, or simply “the drain,” has been the center of community human rights advocacy for many years now. The ditch runs for nearly a mile within the community, deteriorating more each rainy season. As the width of the drain increases due to erosion, residents of the homes lining the drain cordon off rooms where walls have begun to fall into the ditch. Activists have attempted to use protests, government meetings, the media, and the threat of the court to address the problem. These methods often break with the established and state sanctioned model of claiming rights. Below, I discuss two separate

examples of lobbying strategies that push the boundaries of what has typically been considered appropriate human rights activism. By exploring these two examples, I show that activists often use innovative strategies to claim rights, despite the consequences that may occur.

The first example that I will discuss occurred in early 2008, just before I began working with activists in Nima and Maamobi. The FYC and several other community organizations had recently received funding from the international Rights and Voice Initiative (RAVI)⁸⁶ and were working closely with the LRC. Activists had developed some confidence in approaching government officials, but they were yet to establish many personal contacts, and so the process of obtaining meetings was often an onerous one. After working for several years to lobby for the construction of a new concrete drain to no avail, the FYC decided to circulate a petition in the community threatening to sue the government over its inaction on the drain. The petition was beginning to gain some traction and attract attention from local political leaders. Although one of the community's Member of Parliament (MP) had been a longtime supporter of the efforts to build the drain, he did not approve of threatening to take the government to court. At one point, the MP contacted a prominent member of the FYC in an attempt to persuade him to call off the petition. As the activists recalled:

“He told me, ‘look, this is too belligerent. Do not let anyone use you to test the Constitution.’ And I thought about that very carefully. What he was suggesting was that the LRC was trying to use us for their own motivation. But it was us! It was our idea! We had wanted to get a petition from many community members because we could show that, look, these people are suffering. We did not want it to be FYC bringing the court case, but FYC facilitating the court case for the community.”⁸⁷

The activist continued, describing how the youth club also planned to challenge the state through other means. He stated:

“During this time they were also doing the renovation on the Presidential Palace, Flagstaff House. We wanted to seek an injunction to stop that construction. We did not even think we would win, but we thought we would get a lot of attention. You know, here are these young kids calling for a stop to the construction of Flagstaff House. If they have money to fix the Presidential Palace, than why not the drain?...He (the MP) obviously did not like that.”

The attempt to juxtapose the construction of the lavish Flagstaff House with the lack of construction of the Nima drain held specific symbolic power in Accra in part due to the proximity of the two locations. Flagstaff House is less than one mile from the center of Nima and Maamobi, and its looming silhouette can be seen on the horizon from many parts of the community. In their threats to sue the government and seek an injunction on the construction of Flagstaff House, the youth club moved outside of how human rights activism normally occurs in Ghana. Although there is a Human Rights Court in Ghana, it primarily deals with protecting citizens “against overreaching government agencies,” and rarely deals with issues of fulfillment of positive governmental duties (Gyimah-Boadi and Brobbey 2012, 6). In the past, human rights claims related to development or social and economic rights have generally been advocated for outside of the courtroom through meetings with government officials or, when that method fails, through government approved demonstrations. By threatening to sue, and especially by moving outside of the human rights realm and threatening to seek a building injunction, the FYC activists were no longer following the “appropriate” method of human rights claims making. This action was seen as contentious by local politicians who interpreted the act as a threat.

The second example occurred the same year. During the summer of 2008, the FYC planned a large protest to raise awareness about the deteriorating gutter and the government's failure to act. The demonstration quickly became the center point of conflict for the human rights campaign. The FYC, supported by the LRC, scheduled the protest to take place on Republic Day, a Ghanaian national holiday. The celebration of Republic Day in Ghana marks the permanent vacating of the British Colonial Administration, and the day is generally reserved for honoring elders and politicians. As it is a holiday to honor political officials, the decision to stage a protest in direct criticism of the nation's president was seen as highly contentious. The leader of the youth club stated that this choice was intentional. The group's hope was to use the controversy to gain national attention. The youth club assumed that the government would want to prevent the protest and therefore would likely grant a meeting with a high ranking official in order to dissuade them from proceeding.⁸⁸

After several months of holding community advocacy meetings and writing opinion articles in the local newspapers, the group's strategy began to engender results. The group was invited to attend a meeting with the Regional Minister, a man they were told had the power to effectively lobby for funds to build the drain. I was invited to accompany the group to this meeting along with two other Americans interning with the LRC. The meeting was held on a weekday afternoon, in a conference room at the Regional Minister's office. In attendance were 16 men dressed in military and police uniforms. When the group's turn came, we were ushered to a row of chairs facing conference tables and curtly told to introduce ourselves. Upon hearing that some of us were Americans, the Minister initially accused the youth club of bringing along "the press." It was evident from these first moments of the meeting that it was not called with the intention of expressing solidarity or reaching a compromise. As the meeting proceeded, members

of the youth club explained how they had brought a petition to the Regional Minister six months prior to that day's meeting. The petition stated that the human and Constitutional rights of the community members had been violated. It continued by stating that if the youth club was not granted a meeting concerning the building of the drain within one month, the community would hold a protest. Over the six months, the group had attempted to meet with the Minister several times, and at least once was kept in a waiting room at the Minister's office for hours and then told that there would not be a meeting. As the Minister had, until that day, refused to meet with them, plans for the protest had commenced. At this explanation, the Regional Minister became visibly angry and the following exchange occurred:

Minister: "I want to make sure we are all understanding each other – especially the Americans in the back that you came with. You never came to me where I refused to meet you. Did you ever try to meet with me?"

Youth club members (at once): "Yes" "We did!" "You did"

Minister: "No. You never came and knocked on my door and were told to go away.

Why are you planning to protest on Republic Day? You are expected to be at Independence Square and you choose to do something so contrary."

Contemporary Ghanaian governmental officials generally discuss justice, human rights, and the rule of law as being closely aligned with national purpose. Although the Minister said nothing that broke with this stance, during the meeting he made a point to note that claiming these rights through a *protest* on a *national holiday* would be unacceptable.

The meeting continued after the above exchange for several more minutes, but little progress was made. The Minister made it known that the protest was not to go forward. He stated that he would do what he could to lobby for the drain. A member of the youth club mentioned

that the community would likely only be convinced not to protest if they believed that progress had actually been made at the meeting. If there was not some proof of progress toward the drain, residents would assume that the youth club had been “bought off.” To prevent this rumor from starting within the community, the youth club requested a signed document stating that the Minister was in support of the drain being built. At this request, the Minister yelled that the meeting was finished, and we were immediately dismissed. As we were leaving the room, the Police Commander, who had been sitting next to the Regional Minister during the meeting, added his own comments. He stated, “They will protest on July 1st over my dead body. He says he is going to lobby. If you have any other issues, speak to me directly.”⁸⁹

After the meeting, it appeared that the conflict over the protest had stalled negotiations. But a meeting the following day between the Police Commander (the man who uttered the harsh parting words just the day before) and three members of the youth club revealed a different story. In this meeting, which I was also able to attend, the mood was completely different. During this meeting, the discourse reflected notions of patriarchal obligation more than the language of international human rights. The leader of the youth club began by reiterating that the community’s rights had been violated. He proceeded by asking for help to secure a letter from the Minister to prove that they had not been “paid to call the protest off.” After making this request, the group’s leader stated, “We see you as a father and a leader. You are from the same community as we are. We are prepared to write an apology if our conduct was inappropriate.” The Police Commander responded that it would be “professionally odd” for him to try to convince the Minister to make a written statement. Instead, he suggested another strategy. He stated:

Let me be the father and you be the boys. We do not want to do anything political.

Demonstrating cannot solve these problems. We need diplomacy and dialogue. I know he (the Minister) is a father, and he will lobby with whatever he has. I cannot pressure him, but if some of you would go to his home and apologize for your behavior, I believe he would be happier. (pause) But if there is a protest, certainly I will allow my men to confront them (protesters), and confront them bitterly.⁹⁰

The emphasis on themes such as apology and paternalism used by the youth club members signals a switch away from the strategies commonly associated with human rights advocacy. By telling the Police Commander that they are from the same community and that they see him as a father, the youth club is both making a statement of conciliatory respect and also attempting to appeal to the Commander's sense of community obligation. In this case, alluding to a paternal relationship is not simply a passive acceptance of hierarchy, however; it is part of the advocacy strategy.

At the conclusion of the meeting with the Police Commander, the leaders of the youth club made the decision to comply with the Commander's requests and issue a formal apology. They also made the decision to cancel the protest, although there was not a consensus within the club in regards to this decision.⁹¹ Some members argued that the primary purpose of scheduling the protest was to get the attention of the government, and they had succeeded. Others felt that the protest should go forward, even if it led to violence or casualties among the participants. Never during this time did the youth club stop referring to their campaign as a "human rights campaign."

The strategic decisions made by the youth club throughout the example described above were doubly contentious. Politicians opposed the protest because it was planned to occur on a

national holiday; a suggestion that they believed was disrespectful to the politicians in office. The youth club's decisions were also opposed by the LRC, who felt that by catering to the requests of the Police Commander and apologizing, the youth club was no longer making a strong human rights-based claim. In response, during the weeks following the meetings with the Regional Minister and the Police Commander, one lawyer even attempted to temporarily shift the focus of the campaign away from the drain construction and onto a more clearly defined human rights topic: the right to peaceful assembly.⁹² Although the specific concerns differed, what is similar in both cases is that the activists were being criticized for not performing their subjectivity "correctly." From the view of the politicians, good citizens should not protest the government on holidays designed to honor them. From the perspective of the LRC, good human rights activists must not participate in patriarchal displays of deference.

In both of these examples described above, the activists engaged in actions (or threatened to do so) that push the boundaries of what is normally considered human rights activism in Ghana. In one case, they sought to directly challenge the government in court and to gain media attention by publically questioning the government's spending on other issues (the Presidential Palace). In the other, they attempted to cater to paternalistic tendencies amongst politicians by apologizing for trying to claim their rights in the "wrong" way. In each case, the activists were attempting to strategically move through the process of advancing claims, and in doing so, challenging the notions of what appropriate civic engagement looks like.

The Need for Innovative Strategies

There are many reasons for this kind of strategic action among activists. One of the reasons is the important interplay that occurs between the political and the legal realms in Ghana. Although

there is a firm line drawn in the public discourse between politics and civil society, in reality, activists often find their work affected by their relationships with politicians. For example, in 2008, CBOs in Nima and Maamobi faced several struggles in dealing with the government during efforts to advance their claims. One likely reason is that although all of the clubs are officially non-partisan, and at this time, their members were also largely non-partisan, Nima and Maamobi have long been considered strongholds of the National Democratic Congress (NDC). In 2008, the NDC was the opposition party, and it was therefore difficult for community members to obtain meetings or funding from the then ruling party, the National Patriotic Party (NPP). One day in 2013, I was sitting at an FYC meeting reminiscing with several of the club's members about the meeting described above. One of them attributed the tense atmosphere of the first meeting to a decision made by FYC leadership to remain non-partisan. The Regional Minister at the time was from the NPP. When the then FYC President had attempted to schedule a meeting with him in 2007, he had agreed, but said that the club must be accompanied with one of his party's candidates for the upcoming parliamentary election. The FYC leadership had interpreted this as a desire to use the club's reputation in the community to boost support for the NPP, and had declined, telling the Minister's office that they wished to remain non-partisan. After hearing this, the Minister had broken off contact and refused to meet with members of the club, until prompted by the threat of protest.

According to another activist who was central to the planning of the 2008 protest, the NPP largely interpreted the demonstration as political, staged more to discredit the party in power than to make a claim for human rights. When considered from this angle, the decision to apologize was a way for the youth club to speak the language of local party politics, that is, patronage, and demonstrate that they were not a political threat to the ruling party. Despite their

flexible strategy, however, the youth club was unable to make substantial progress with the NPP government officials. Later in 2008, however, the situation began to change. The drain became a talking point for then NDC presidential candidate, Dr. John Atta Mills. During the final days of the presidential campaign, Mills even held a press conference on the banks of the drain.⁹³ During the campaign, the FYC was able to meet with leaders from the four primary parties, including Mills himself. During an interview, one of the leaders from the FYC recalled the meeting: “I showed him a picture of the drain and he said ‘ooh, young man. I know this drain.’” He continued, “He (Mills) said ‘if I win this election, when I am sitting in my office and I turn my back, the first thing I see is that gutter. I cannot work like that.’⁹⁴ If I have to sleep in my office so that there is money for the drain, I will do it.’ So we thought, well ok. He was heavily favored to win at that point, so we made the decision that working with him was the best strategy.”⁹⁵

When Mills and the new Members of Parliament took office in 2009, local activists noticed a marked improvement in the willingness of the government to work with the community. On July 18, 2011, over three years after the controversy over the protest, the Ghanaian Parliament passed a supplementary budget, including 6,608,697 GH¢ (about \$3,486,823 at the time) for the completion of the Nima drains. This action came after many years of continued negotiation between local advocacy groups, human rights organizations, and government officials. When I asked the leader of one of the local organizations what changes had brought on the budget allocation, he explained that he felt that the change had primarily been related to changes in the national political scene.⁹⁶

In her study of access to justice among women in Botswana, Anne Griffiths (1996) has noted that individuals are constrained in their ability to engage with law by “their non-legal power networks” (1996, 93). When an individual can pull support from a large social network,

they also often increase their access to institutional knowledge and economic capital, two factors that Griffiths found to be related to success in legal action. By engaging themselves in both human rights and party politics during the course of advocacy, interstitial activists are attempting to increase the number of social networks of which they may make claims as well as the variety of venues in which they may address disputes. When activists frame their claims as part of a patronage exchange, they may be able to gain support from political party members, even if those individuals are opposed to the idea of human rights. When these activists frame their work as “human rights work,” the group may appeal to a much larger transnational community that is interested in promoting social and economic rights. Additionally, community groups can gain support from local NGOs that may have access to international funding circles to help support human rights legal mobilization.

The Consequences of Innovative Advocacy

Although in both of the examples discussed above, the activists were making strategic decisions, their claims were also controversial to those who benefit from the established system of rights claims-making in Ghana. For the government officials involved, the threat of an injunction or a large protest on a public holiday posed a threat to the power of the state because activists were operating outside of the established dispute channels and therefore more difficult to control. By engaging with innovative advocacy strategies, these activists had become “potentially disruptive” (Merry 1990, 180). For lawyers at the NGO, the actions taken by the FYC in the second example caused a debate over whether ends can justify means in human rights work. For some of the lawyers at the NGO who were invested in upholding a specific human rights-approach, however, the advocacy decisions employed by the youth club were problematic. For

these lawyers, patriarchal requests, such as those made by the Police Commander, and a human rights approach were inherently incompatible. For them, the youth club was not only accepting a violation of their right to protest; they were also introducing new potential constraints on their future advocacy by bending to patriarchal practices more commonly associated with customary law.

The actions taken by the activists during this time were also controversial among the activists themselves. Many felt that becoming involved in politics would damage the reputation of their organization as well as their ability to speak out against the government. One activist noted:

We need to be on our feet. We need to be very strong in our demands irrespective of the party in power. When the government is not actually doing what we want, we can actually come out and voice out and make sure we bring that party, that government, into order. But when we affiliate ourselves to a particular political party and it happens that that party is in power, we wouldn't be able to make much noise as we should have. So because of this, I don't think that we need to affiliate ourselves so that we can be flexible in our demands and we will not be restricted.⁹⁷

Another activist directly acknowledged the patronage system and its impact on the expression of discontent and disagreement in the country. She stated:

Some of us who are neutral think it is good also for us because we can say the truth – you can bring out the truth because I don't belong to you. If you have money, you won't give me. If I say the truth, you won't give me. If I don't say, you won't give me. So I will say the truth to save the country.⁹⁸

Other activists felt that by aligning themselves with political parties, they would have greater access to decision makers and an increased ability to have their voices heard. Of the activists who have chosen to become more involved in party politics, the opportunity for a “bigger platform” and “access to big people” were both commonly cited benefits of getting involved. For many, both of these benefits directly related to the largest justification cited by activists for involving themselves in politics: access to resources.

McCauley (2012, 5) notes that in Africa, although patronage relationships occur at many levels, the resources being distributed generally originate from within the state. Community residents access resources through their connections with those in various public offices who then provide goods such as schools, roads, and jobs to well-connected patrons and community members. The challenges posed to activists by this system of resource flow are easily visible in the following example. One day, I was walking through the community with a young man named John, who is a member of one of the neighborhood community-based organizations, and we were discussing the human rights-based approach endorsed by the LRC. He had previously been describing how he had “learned to talk” by working with the LRC and how he now felt comfortable speaking with any government official. It was early in the summer of 2013, and the community was right in the middle of a series of public events organized to mobilized residents around the new urban upgrade project. At the last meeting, there had been some discontent from residents who felt that no matter what happened at the meeting, the success of the project ultimately rested in the hands of politicians. I asked John about these comments and whether he thought it would be effective to walk into a government Minister’s office and tell him that the community had a human rights to this development project. He paused for a minute and then responded: “I don’t know. I think it would be difficult. If I said that to him, he would just say

“yes, and it is everybody’s right, so why should you get this project and not them?” When we discussed this further, the activist explained that everyone knows there is limited money in Ghana and that not every project can be funded. Some activists therefore believe that even if you have a right, and even if it has been legally upheld, fulfilling this right will always require “a favor” from someone powerful. As I began to ask more community activists about this question, I learned that this belief was both commonly held and highly contentious. Many agree that politicians are more likely to provide access to funding if you are loyal to their party. At the same time, however, many activists feel that to engage in this behavior, even if it increases access to resources, may diminish the integrity of their work.

For activists in Nima and Maamobi, the challenge of obtaining resources is ever-present. Local groups struggle with obtaining money for programs and mobilization activities, and the community as a whole must fight to win coveted places in the national budget for their development needs. The degree of difficulty in obtaining resources for infrastructure projects has become apparent to residents over the past few years as they have attempted to actually gain the funding promised to them in the 2011 supplementary budget to rehabilitate the deteriorating drainage ditch that runs for over a mile within their communities. Three years later, after multiple charges of corruption with various contractors and difficulties obtaining the money from the government in a timely fashion, only a small portion of the drain has been built.

These continued struggles have prompted more and more local human rights activists to begin engaging with political parties to see if they can more effectively push their claims through different channels. One activist who is also involved in party politics explained his decision this way, “With politics, they have power which FYC lacks. They can control resources. FYC can only make noise. It takes policy makers to decide whether or not to listen. And executives might

listen more to those in their party than to people in a civil society group.”⁹⁹ But the question of how to best engage in a system that is, in many ways, procedurally opposed to human rights based activism, has not been easily answered.

In Chapter 6, I described the system of patronage in Ghana. This system, which is hierarchal by nature, relies on personal relationships. Community residents must often “go begging,” taking their needs to a politician or community opinion leader with hopes of gaining assistance. Local politics revolve around these exchange relationships, and many individuals noted getting involved in politics to have more access to resources that the party could provide. In contrast, in Chapter 5, I described the way that participating in human rights activities has altered the political beliefs and behaviors of activists. Activists are more likely to view it as their right to take problems to politicians directly, rather than seeing this interaction as one which needs to be mediated by other community “big men.” They are also significantly more likely to view the system of patronage as a problem, and one that is closely related to overall government corruption. Whereas the political party system is explicitly hierarchical and often relies on patronage relationships to access higher levels, human rights is founded on the concept that everyone is equal and is entitled to the same rights. Although some activists view the integration of these two systems as necessary, others view it as problematic as it asks activists to balance two foundationally different models of advocacy.

Challenging Subjectivity

Although viewed as controversial among both politicians and other activists, a small group of activists have continued to pursue lobbying efforts that break with the established model and instead engage with partisan politics and customary rhetoric in addition to human rights. In this

chapter, I will refer to this group as “interstitial activists.” The actions of this group are defined by “in-betweenness.” Goodall (2007, 22) has previously noted the “betweenness” and ambiguity of human rights practices that unfold between the global and the local. The case of Nima and Maamobi’s interstitial activists, however, emphasizes the plurality of the local, demonstrating that human rights practices may also transpire amidst various local regimes of authority. The strategy employed by these activists extends beyond simply switching between a human rights approach and a political approach. Rather, the model of political engagement the activists follow more closely resembles a unique and coherent form of political subjectivity. When compared to individuals solely engaged in human rights activism or in party politics, this group of interstitial activists differs on issues such as their beliefs in the power of civil society to advance change, their personal feelings about using demonstrations to lobby, and also their participation in political clientelism. I will explore each of these categories in detail in the following sections. These distinct opinions illustrate that what may have begun as strategic forum shopping between existing normative systems of political action has transformed into an emerging form of political subjectivity that breaks with many of the accepted frames and categories of human rights.

Civil Society vs. the Political System

One of the primary differences between human rights activists, political party members, and interstitial activists are their beliefs about which system, party politics or civil society, is more effective at generating change. Unsurprisingly, the politicians whom I interviewed generally believed that working through the political system was the only way to achieve community development. Similarly, the non-partisan human rights activists with whom I spoke all believed that civil society was the more effective tool for achieving human rights and community

development. There were several commonly cited rationales for this belief. One was that civil society groups are closer to the community and understand local needs and challenges. As one activist stated, “Because they (civil society) are in close touch with the community, they are able to address their issues better than a politician who will just impose policies or programs on us. We know what we really need.”¹⁰⁰ Other activists felt that civil society was a better route because civil society groups are able to see projects through and be a continuous presence in the community, even after a transition of power. This second belief is also one of the primary reasons why these activists argue that civil society groups must remain non-partisan. In their minds, their effectiveness depends on it.

Within the group of interstitial activists, however, there were more mixed feelings about which model was more effective. When I broached the question of which system would more effectively produce the changes they were seeking in their community, many began by explaining the limitations of both systems. When I pushed a little more, however, all but one person stated that civil society was the best method although both were needed to achieve results. Interstitial activists cited civil society’s ability to speak freely and openly criticize as well as the power that comes from working with a passionate group of likeminded people. For example one activist stated, “Civil society can push it farther, hit straight to the point. They don’t have any fear or favor – just go straight to demand what is right.”¹⁰¹ Another stated that the problem with the political system is that you could only effect change from a high political office. He stated, “The member of Parliament, if he is development oriented, then he can champion that cause, but you cannot change them if you are just a member of a party. You cannot get that done because you have forces that are just interested in their personal gains.”¹⁰² The issue of personal gains among politicians was a major concern for interstitial activists when considering their interaction

with party politics. Whether or not it is true, there it is a commonly held belief (cited by both political party members and non-partisan activists in my interviews) that many individuals become involved in politics for their own self-interests. These self-interests were, in turn, seen to cloud the politician's objectivity. Interstitial activists struggled with how deeply they could involve themselves in political processes without compromising their public image as being objective and having the community's needs as their priorities. I will discuss this issue at greater length in the section on beliefs about patronage.

Although interstitial activists tended to state that civil society would be better suited to lead efforts to advance human rights and community development, they also noted the problem of resources. "The resources are in the hands of the politicians" one individual noted. "You can do all of the talking, but without resources, you cannot move ahead, so you need to engage both (politics and civil society)."¹⁰³ Many members of this group have been active in civil society for over a decade now. They were closely involved with large scale lobbying projects, such as the drain construction, and many have become somewhat disillusioned with the idea that civil society lobbying, absent the assistance of the political system, will ever produce results on its own. It is important to note that interstitial activists specifically relate this feeling to human rights issues connected to community development projects. Activists often described to me the successes they have had in lobbying for improved community-police relations and advocating for specific individuals who have had their individual rights violated. It is community development, where the most resources are required to achieve fulfillment of the right, where these activists see the need for political involvement.

The Individual vs. the Collective

One of the more fundamental issues that interstitial activists must reckon with in their attempt to operate between partisan politics and human rights is the difference between how subjectivity is presented in their dealings with the larger community. As members of their community organization, interstitial activists talk about themselves as members of a collective. But in their dealings with politicians, they are seen as individuals. This distinction allows interstitial activists to hold the position that even if every member of a community organization is involved with a political party, their group can still be non-partisan. For civil society members, acting as an individual brings additional risks. They do not want to be seen as a group of individuals bringing a case, but rather as a community standing up for itself. Party politics, however, prioritizes the individual. Interstitial activists often made this distinction when describing to me the different types of benefits that they received from civil society and party politics. Issah, an interstitial activist, described the difference in this way:

“At FYC we work as a team. So we brand FYC. We don’t brand the individuals. You can see that if they see this person, they say FYC. This person, FYC, this person, FYC. So if you go and introduce yourself as [Issah], no. It’s [Issah] from FYC. So that is how we do the branding. But politically, we brand the individual. Because at the national level, the party will brand itself, but here, as a politician, you yourself, you are the product. It’s at a different level. The national level will promote the party nationally, but you at the local level, you want to represent the people, so you have to be branded. So I will say that through the politics, I am known more.”¹⁰⁴

This distinction between the individual and the group also causes conflicts for activists in terms of speaking out against the party. Even though they will regularly describe their civil society

actions as “representing the community” or as “the voice of the community,” politicians generally interpret criticism expressed by groups such as the FYC as coming from individuals. This increases pressures for interstitial activists because they are always judged as being individually complicit in every action of their civil society groups.

This tension also manifests itself in the opinions of interstitial activists regarding the use of demonstrations as a form of lobbying. When I asked non-partisan activists and interstitial activists about when and how demonstrations should be used to lobby, I received very different responses. Non-partisan activists generally saw demonstrations as one of the best ways to draw attention to a cause. A large demonstration occurred within the communities in the spring of 2014 regarding the drain, and most non-partisan activists viewed this action as appropriate, even long overdue.¹⁰⁵ The protest was strongly criticized by the current ruling party, however, and several of the demonstrators were arrested for breaking police protocols. Ghana’s Public Order Act of 1994 stipulates that the police must be notified of the date, time, and planned route of a demonstration at least five days prior to the event. It also gives a police officer the right to “disperse crowds at any special event where he has reasonable grounds to believe that a break of the peace is likely to occur,” (Section 2). The protest held in the spring of 2014 violated several sections of this Act. In contrast to the opinions of non-partisan activists, when I asked interstitial activists about the demonstration, nearly everyone stated that the protest was, in theory good, but that the procedures were problematic. “It was illegal. There is a law. We operate within the law,” said one. “I think it’s very good, only the way that they moved the demonstration was not the best,” said another.

The distinction between legal demonstrations and illegal ones was emphasized by every interstitial activist with whom I spoke. These activists cited legality as one of their primary

criterion for deciding when to participate in demonstrations. For example, one activist stated, “I wouldn’t be part of something that wouldn’t be legal, but every cause that is a legal cause that will serve the interests of the people, I will be part of”¹⁰⁶ By only participating in legal demonstrations, interstitial activists are both protecting their reputations within their parties and also following the training methods of the LRC. As I described in the Chapter 5, LRC legal education events emphasized the fact that if activists knew the law and operated inside of it, they would be protected and free to express their views. Interestingly, however, I only heard legality mentioned as a precondition for participating in demonstrations by interstitial activists, not non-partisan activists.

Patronage: “The Party Doesn’t Feed Me.”

The third primary component of the model of civic engagement employed by interstitial activists is conditional participation in patronage exchanges. For activists who have become involved in party politics, their relationship with political patronage is a complicated one. In a general sense, most activists still describe the system as problematic. At the same time, however, activists feel pressure to participate in the practice, as it is an expected mode of relations within political parties in Ghana. Because of this, they would often attempt to redirect these exchanges and use traditional patronage relationships as a way to obtain community goals. For example, two of the activists who had actively campaigned for a local Member of Parliament later approached him and asked him to reciprocate by addressing community development concerns. As one of the men recounted:

When we were campaigning, I insisted that we didn’t take any money at all from the MP.

If [the MP] gave us money to campaign, he would feel like he already paid for the

service. We wanted him to reciprocate by respecting the social contract that he made when he was campaigning. The social contract was what he said he would do if he was elected. He said he would provide clean drinking water, he promised to be available to the community members, and fixing the drain was top of the list.¹⁰⁷

There are three community organizations that have been very involved with the human rights NGO, and I interviewed all of the activists from these organizations who are also openly involved in politics (there are about 15). All of them mentioned that they would not accept personal material benefits through patronage relationships. Receiving personal benefits from politicians was regularly described as being “fed” by government or the party. The term “to chop” is commonly used in Ghana both to refer to eating and also to the practice of government officials stealing money from state accounts. Anthropologists such as Jennifer Hasty (2005) have also previously noted the linguistic connection between eating (or feeding) and corruption in Ghana.

Thus, instead of seeking personal rewards for their political support, interstitial activists often try to use their close relationships with politicians to either obtain meetings with higher level officials to express their human rights concerns or to obtain collective goods for the community, like public toilets or access to drinking water. On occasion, politicians are amenable to these communal requests. Other times, however, they attempt to redirect interstitial activists into more accepted forms of patronage exchanges. On one occasion, I accompanied two local activists to their meeting with a politician for whom they had campaigned. When they began reminding the politician of the promises he had made to the community during the campaign, he quickly interrupted the activists and began listing some of the items he had purchased for other groups that had assisted in his campaign including plastic chairs, wheelbarrows, and t-shirts. He

then requested that the activists think of some requests and write them down for him. After the meeting, the activists discussed whether they should try to think of some smaller items that could benefit the community at large, such as wheelbarrows for clean-up activities or three-wheeled vehicles, which could help in moving goods and people around the narrow alleys of the community, or whether they should stay strong in their demands. In the end, they decided to maintain their original demands, even if this meant that they received nothing. “We must go and say to him, ‘forgive us, but we have given our word (to the community),’” one stated.¹⁰⁸

This distinction between collective goods and personal benefit serves a dual purpose. First, it allows activists to maintain their position that patronage for individual benefit is related to corruption while still participating in the accepted practices of party politics. Second, it enables them to remain what was often described to me as “free to talk” without fear of damaging a patronage relationship on which they have become financially dependent. One activist described the importance of the distinction in this way:

If there is something I want to say, I say it. So I think we are doing the kinds of things, we are breaking the old standards and trying to balance things. You know me of course, and you know that if I lose NDC (the ruling political party), I am not going to lose anything, and so let’s do the right thing, of course. And so at any political gathering or in a political discussion, I am very careful to make sure that no one gets the impression that I think, you know, even the bad is good, as far as politics is concerned. No. Good is good and bad is bad whether politics or no politics. Let that be, and then you are free.¹⁰⁹

But this position, of conditionally participating in patronage, can be very controversial within the larger human rights community in Nima and Maamobi. Many non-partisan activists do not feel that a person can be actively involved in party politics and activism simultaneously because they

will never truly be free to speak out against the party. Within the organizations with which I conducted research, this issue remains a divisive one. Although some activists feel that being involved in party politics is the only way to achieve the group's long term goals, others feel that associating themselves with parties is simply not worth the risks. The level of tension over the disagreement became clear one evening during a meeting of the FYC, one of the organizations most involved in the lobbying efforts surrounding the construction of the new drain. The regular weekly meeting had ended, and several of the more prominent members of the club (including the current president and one of the club's former presidents) were discussing the challenges in terms of advocacy about the drainage project. Suddenly, the new president took a more aggressive tone of speech and started talking directly to the past president, a man who has recently become more actively involved in local level politics. The following exchange occurred:

(Current President): But politics has eaten into this. Politics has gotten into it and brought us to where we are. We have few members who are close with them (politicians) that worry that when they make noise, if care is not taken, they might be sidelined. But there is politics aside and then there is our community. The community should be our number one focus. This is one aspect that has caused the downfall of the drain advocacy. So until we come to the table to address that, we cannot move forward....

(Past President): Up till now, I am still contemplating which platform is for me. I want to do community work. There are some who commit themselves solely to civil society work and do well. Some others do solely politics and it serves

them well. Some will combine. But when you are not certain as to how to go about it, and if you were in my shoes, you would know that I am not certain.... I think I can access some politicians that I could not have access to without my connections. Some of the contact that we made, I used my political connections. I am still using that for developmental issues. The big disadvantage for me is that currently, it might be difficult for me to mount a platform and criticize the current government....

(Current President): I am not saying that that is the only problem, I am just also adding that politics have also divided us. This is something that has eaten our moral fiber. Even you said that you wouldn't be able to speak out against the government, to the detriment of your community. (Speaking loudly) **TO THE DETRIMENT OF YOUR COMMUNITY!** And at the point that your community is suffering!

(Past President): No! No! You have taken me out of context. I said that I may not take the platform, but the real issue of my heart, I am passionate about community development. It is just that I am still contemplating which platform best serves that purpose.

The exchange continued for nearly 20 minutes. At one point, the current club president said that he was also worried about doing anything that could damage the past president's political ties because perhaps if he benefited, the whole club might also benefit. The current president (who is

quite a bit younger than the past president) also asked for guidance and help in determining strategy:

(Current President): “If you see me being passionate and mad, it is because this is about the community. I believe that you know those big men. If you do, then you should give us a hint, tell us what is underground, help us to make those connections, or tell us and we can do it underground and your name won’t be mentioned and your stone will remain clean to them. One man I want to rise against is that MP. That man has taken us for granted. What have they done? They have not done anything....If I even call him (the MP), he doesn’t pick my call. If I text, he doesn’t respond. My worry is that you and the others will say no.

(Past President): If it is about the development of the community, you have the mandate to do that. Don’t look at individuals and their relationships. For myself and the MP, we have two relationships. We have a personal relationship and we have a community relationship. I do not expect anything for the betterment of the community to dent that relationship. And if that does dent that relationship, (pause) I don’t mind. He doesn’t feed me. He doesn’t feed my family.

By stating, “he doesn’t feed me, he doesn’t feed my family” the past president is again emphasizing the fact that he does not receive material benefits from the MP. This strict line drawn by local activists guides their relationship with politicians and allows them to better balance their work between the two conflicting positions. For the moment, the balancing act

appears to allow activists to derive some of the benefits of party politics while maintaining enough independence to continue their human rights activism. How long this position can hold, however, is another question, especially when they face pressure from both party politicians, who see them as somewhat untrustworthy and potentially dangerous, and from nonpartisan activists, who may always view their actions as colored by political motivations.

The Future of Interstitial Activism

In this chapter, I have discussed how, by combining the discourses and practices of multiple regimes, such as partisan politics and human rights, activists have developed a new form of political subjectivity. These interstitial activists believe strongly in the ideals of civil society as a form of advocacy, but also feel that partisan connections are necessary in order to secure resources. This group also has a unique form of political engagement which includes supporting demonstrations, but only if they are clearly legal, and participating in patronage exchanges, but only when politicians reciprocate by providing things for the community as a whole. As many scholars have noted in the past, the human rights framework compels individuals to represent themselves in particular ways (Merry 1996, 2006a; Cowan et al. 2001; Leve 2007; Speed 2007). Partisan politics also operates with certain expectations for the behavior of party members. What is unique about the positionality of interstitial activists is that they challenge the notion that there is only one correct way to represent oneself as a rights-holder or political party member. Instead, they engage in plural advocacy strategies. Sometimes these reflect the strategies encouraged by the LRC, but other times they may even directly conflict with the ideals of a human rights-based approach.

As Arzoo Osanloo (2006, 193) has noted, subjectivities are not static, but are “contingent, dynamic, and shifting.” Although it may be beneficial to the state to sanction only one version of appropriate civic behavior, activists find that a more fluid and changing subjectivity may help them to advance claims and challenge the power dynamics involved in human rights activism. Despite their use of fluid strategies, however, my research also demonstrates that there has been a certain solidifying of behavior and self-recognition among interstitial activists. This is in part due to the perceived need among activists to remain united. For many, a primary motivating factor is the understanding that they will only be able to potentially reshape the space of political engagement if they increase their numbers. When I asked Yussif about his confidence in the future successes of interstitial activists, he stated:

I feel pessimistic about the future. What is keeping me confused is, otherwise I would just go back to what I love, but somebody tells me, someone like [Issah] or [Musa], when I talk to them about my lack of confidence in the game of politics, they will tell me ‘if we don’t come in and change it, then it will continue, and those people will always be ahead of us. So we cannot make a meaningful contribution unless we effect the change that we want to see.’ So I am hoping that we can come in *en masse* and effect that change. That is what is keeping me now.¹¹⁰

When I asked Musa the same question, he stated:

Because of political reasons and other things, you get people in government who cannot solve our problems. So I have always held that belief that government is not the answer. But we cannot leave everything out and say that because government is not the answer, let us sit back and watch. You have to get involved. At least some good people should get involved....Every politician will tell you that they are there to make change and to help

people. That is what they will say. But when they get there, things will look different.

Some of us, since we started in civil society groups, our goal is to make some impact in our society. So even if we get a bigger opportunity in politics, we will continue to do what we have been doing over the years. But we believe that one person, one making a change, will be difficult because of, excuse me to say, how dirty politics is, how many influences. So we need more people who have started from the grassroots, you know, to get involved in politics, not people who just get involved in politics because of opportunity.¹¹¹

Among interstitial activists, this feeling was common. Rather than simply joining political parties, most of the interstitial activists with whom I met expressed a desire to change politics, to infuse it with the values of civil society. As the activists above expresses, they know that it might not be possible to accomplish this, even as a group. But they also are confident in the fact that if they try to accomplish this change by themselves, they will fail. These activists have limited confidence in the current government (an issue that I addressed in chapter 5), but also hold an overarching belief in Ghana's democratic system and a driving sense of civic duty. Although layered with uncertainty, the opinions of interstitial activists are evidence of the impact that human rights education has had on individuals in Nima and Maamobi. Specifically, their position speaks to the conception of the aspirational and multilayered law-abiding state. Interstitial activists do not feel that Ghana's government is perfect. But they often differentiate current politicians, whom they occasionally view as corrupt, with the system as a whole, which they see as having the potential to transform into the aspirational state. This belief motivates activists to become involved in the political system, despite the risks and additional burdens. Going forward, it seems that much of this group's success will rely on whether they are able to

remain united in this coherent political philosophy in their attempt to map a new space for civic engagement and human rights enforcement in Ghana.

Chapter 8: Conclusion

In this dissertation, I have examined the impact of human rights participation on individual political subjectivity. Specifically, I have explored how participating in human rights activities affects the way that individuals conceptualize the responsibilities of the state, the manner and frequency with which they contact government officials, and how they speak about topics such as corruption. Before becoming involved with the LRC, many activists recalled feeling afraid to approach the police or individuals in positions of power due to concerns over reprisals. Most individuals would attempt to settle disputes within the confines of their community, and when they did need to speak with someone in a higher position of power, they would engage in a protracted communication channel that relied heavily on patronage relationships.

With the entrance of the LRC into the community in 1997, however, many of the individuals who became involved with the organization began to change the manner in which they engaged with the state. The lawyers at the NGO encouraged activists to go directly to the government officials who were responsible for different issues that were affecting their claims. For example, when community residents mobilized around their claim for a concrete drain to be constructed in place of a deteriorating gutter, activists went directly to the Hydrological Services Department within the Ministry of Water Resources, Works and Housing. When recalling these early meetings, activists tended to describe these experiences as empowering ones. These direct meetings, however, did not happen immediately. First, community activists had to know the law well enough to know what was (and what was not) the state's responsibility to provide. Second, they had to know who was in charge of that issue and how to contact that person. Lastly, and arguably most important for the questions addressed by this dissertation, they had to believe that they had the right and the ability to make a direct claim of that state representative. These altered

beliefs result in a collective change in political subjectivity among activists. As such, this dissertation contributes to a potential body of scholarship focused on the concept of “culture through rights.”

In order to feel that they had the right to make claims of the state, community activists had to first conceptualize themselves as rights holders. Along with this, they had to believe that the state could potentially fulfill the right to which they were making a claim. Taken together, these two beliefs represent more than just altered opinions; they constitute a reconceptualization of the state itself. As Gupta (1995) argues, individuals come to understand and conceptualize the state through their own personal interactions with state bureaucracy and the way that the state is depicted in public culture. These interactions help to shape an image of an “imagined state” that coexists alongside the actual state. In this dissertation, I argue that human rights education and the encounters with state officials that activists have during their mobilization efforts also contribute to a new conceptualization of an “aspirational state.” Human rights education becomes one of the many faces of the state with which activists engage, and therefore, presents an image of a law-abiding and potentially rights-respecting state. When activists have positive interactions with the state, such as meeting with an official that they previously did not have the confidence to approach, this particular conception of the aspirational state is reinforced.

The conception of an aspirational rights-respecting state also has implications for the manner in which activists speak about issues like corruption. As I have shown in this dissertation, individuals who participated in human rights activities were much more likely to speak about corruption being a problem within the state. This does not necessarily mean that these individuals were more opposed to corruption than their fellow residents, but rather that the two groups likely defined corruption slightly differently. As discussed in Chapter 6, the concept

of corruption is social defined, taking on different meanings in different contexts. As such, paying attention to how individuals engage in “corruption talk” provides a window into what is socially defined as appropriate moral behavior within that group. In my research, I documented strong differences in the ways that human rights participants and those who had never participated in human rights activities engaged in corruption talk. Activists were much more likely to speak of patronage as corruption and they were also more likely to describe political leaders as corrupt when they were violating the larger foundational concepts of human rights. In this way, human rights talk and corruption talk go hand in hand.

Lastly, I discussed how the plural legal regime in Ghana affects the way that activists strategically navigate the human rights system. Many critiques of human rights have argued that human rights campaigns may bolster the power of an oppressive state by containing resistance within “appropriate” government channels. In Chapter 7, however, I ask the question of what happens when activists attempt to challenge the boundaries of these channels by integrating discourses that pull from other normative systems such as customary obligation or party politics. Activists assemble these interstitial strategies in an effort to increase the number of social networks of which they may make claims. These strategies, however, are not always well-received. Both politicians and human rights workers see the mobilization efforts of these interstitial activists as potential threats, and often attempt to persuade activists to behave differently. Similarly, even some of their fellow community activists question whether deviating from a strictly human rights-based approach will have negative outcomes for their campaigns and their organizations.

In many ways, the ethnographic examples contained in this dissertation support the claims of scholars such as Speed (2007) who argue that the use of human rights processes may channel

resistance to the state with the unintended result of increasing state power rather than challenging it. In Ghana, by encouraging a direct lobbying strategy, the LRC's human rights approach does direct resistance into more easily controlled state channels. Rather than engaging with competing authority figures like chiefs or taking their protests to the streets (strategies that are more difficult for the state to control), activists proceed through meetings with state officials. This process helps to reinforce the fact that the state is the primary authority figure through which problems should be solved.¹¹² However, as I illustrate in Chapter 7, even when activists lobby through "acceptable" state channels, they do not always behave in acceptable ways. Activists continue to strategically mobilize, employing various claims-making discourses and drawing on multiple social networks to strengthen their claims.

I also argue that the specific political positioning of activists in Nima and Maamobi creates a situation in which their activities may challenge local power dynamics and act as a politicizing force. As residents of unplanned communities, many activists have long been denied access to meaningful state interaction. Colonial histories of population management created ideologies that categorized individuals as either acceptable or unacceptable citizens in part by their place within the national plan. Residents of unplanned communities such as Nima and Maamobi, however, are often precariously positioned within these maps and plans. These residents find themselves simultaneously included and excluded from the governmental processes that regulate their lives (Snell-Rood 2013). Because of this, political inclusion itself represents a form of repositioning within the political landscape. Through their direct connections with government officials and their staff, activists are individually challenging local power dynamics that regulate who is able, and who is unable, to participate politically. This is one reason why so many activists describe their interactions with the state as empowering ones.

Part of this potentially empowering process may also be attributed to the fact that although the activists in Nima and Maamobi have engaged in human rights thinking, supported by a strong “legal backbone,” most of their campaigns have avoided the courtroom. In these cases, they have not been bound by the strict processes and categories of human rights law, aspects of legal advocacy that often decontextualize and depoliticize human rights struggles (Wilson 1997; 2007). Instead, they have been able to integrate a certain fluidity of language and subjectivity that has allowed individuals to continue to navigate both legal and political structures. The emphasis on “human rights as process” rather than “human rights as law” has impacted the political subjectivity of residents while still remaining flexible enough to weather the times where the use of specific human rights language has fallen out of favor. By employing human rights-based procedures of claims-making, activists have increased their direct interaction with government officials as well as their confidence in doing so. These factors become the foundation of further human rights campaigns and political engagement.

Ghanaian Exceptionalism

The fact that human rights education and mobilization have been able to have such impact in Nima and Maamobi is also related to Ghana’s unique positioning in the world. As one of the first African nations to gain its independence from colonialism, Ghana has long carried the distinction of being a model of African democracy. Today, the country is heralded around the world for its stability, prosperity, and democratic character. Democratization scholars regularly note that Ghana has reached a level of democratic consolidation that stands out from other democracies on the continent (Crawford 2005; Gyimah-Boadi 2001). In their 2015 report, “Freedom in the World,” Freedom House rated Ghana as “free,” giving the country a rating of 1, the highest possible, in terms of

political rights and a 2 in the category of civil liberties.¹¹³ And as many Ghanaian's mentioned to me during my fieldwork, Barak Obama even called Ghana "a model for democracy." Despite these current trends, Ghana does not have many of the historical and structural features that normally accompany a successful democracy (Osei 2015). The country has a history of military coups, high levels of ethnic diversity, low GDP, and high unemployment. Scholars such as Przeworski and Limongi (1997) and Lipset (1959) have argued for the strong relationship between economic development and sustained democratic success. And, although recent studies have questioned the certainty of the claim (Fish and Brooks 2004), the assumption that ethnic diversity poses a serious challenge to democratic consolidation has been taken as a forgone conclusion among political scientists for some time (Horowitz 1993; Welsh 1993; Lijphart 1977; Dahl 1971).

In my conversations with Ghanaians about politics, they seem well aware of the fact that their country is, in some ways, challenging democratic theory. I often was told that Ghana was not like other countries that have witnessed political violence such as Nigeria or Kenya. Individuals mentioned how Ghanaians were peaceful, hospitable, and law-abiding whereas citizens of other African countries were not. For example, when I asked one local Assembly Member to describe what, to him, it means to be Ghanaian, he responded:

I've traveled a lot, and in some countries it is not easy you understand. As I know, you and Fatah will eat together in one bowl. In some countries this will not happen. But in Ghana, at the moment that I meet you, you are my sister. You know we take you as family. So when I do something, you know in our political history, you can be NPP, I can be NDC, this once can be CPP, but we are all one mother one father, the same family. So after we shout on the platform, we will come back, eat together, enjoy together, we are mates.¹¹⁴

Another local resident also drew on the concept of “eating together” to describe the peaceful nature of Ghanaians:

In Ghana, always they learn how to forgive, they learn how to forget. But in many countries, for example in Nigeria, they do not know how to forgive and forget. I can intentionally now step on his legs (gestures to my research assistant’s legs), I can intentionally, but he will say ‘oh no, it is not intentionally.’ In Nigeria, I did not intention to step on his leg, but they will say I intentioned to. So in Ghana, in fact, compared to other countries, that is why we have peace. You know, in this case (the Supreme Court case challenging the presidential election), at the moment they got up from courtroom, you see them, you will be surprised. They will eat together, they will laugh, you see there, you see now!¹¹⁵

It was particularly common to hear residents make comparisons between Ghana and the countries of Nigeria and Kenya. The comparisons made between Nigerians and Ghanaians are common, and I heard many during each of my trips to the country. When an act of violence occurred in Ghana, there would often be a news story or community gossip either linking the attack to a Nigerian or lamenting the fact that Nigerians had brought a “culture of violence” with them when they immigrated to Ghana. This attitude was reinforced by the influx of Nigerian movies into Ghana, which often portray acts of violence. As I was watching one such movie with the wife of my research assistant, she commented: “you see, this is how these Nigerians live their lives. If they want to lynch and armed robber, they use a tire and pour gasoline on him and light him on fire. Seriously! If you watch them on YouTube, you will cry. That’s why I don’t like that country. No mercy and no law.”¹¹⁶

Comparing Ghana to Kenya, however, appears to be a more recent trend. These comparisons often focused on the violence that had occurred in Kenya after the country’s 2007 elections. The Kenyan election took place on December 27, 2007, and the two most prominent candidates were

Mwai Kibaki and Raila Odinga. Three days after the election, Kibaki was declared the winner, despite Odinga's own claims of victory. The contestation triggered mass violence in the country, and after one month of fighting, nearly 800 people had been killed (Human Rights Watch 2011), thousands had been injured, and hundreds of thousands had been displaced (Klopp and Kamungi 2007). When Ghana, in 2013, was itself going through a contested election, Ghanaians regularly pointed out how their country had handled the situation differently than Kenya. As one resident noted, "Ghanaians fight in the court. In Kenya... (makes punching motion)."¹¹⁷ A few days before the Ghanaian Supreme Court was to issue its verdict for the election petition, the United States State Department made local news by issuing an emergency travel message to all Americans living and traveling in Ghana warning of possible political violence. The warning was taken as an affront by many Ghanaians with whom I spoke, who insisted that "Ghana was a peaceful country" and that it was "not like Kenya." On August 29, 2013, these individuals were proven correct, as the Supreme Court issued its verdict without any signs of demonstrations or violence.

As a whole, these experiences contributed to a feeling of "Ghanaian Exceptionalism" among residents, a sense that their country was different from others in Africa. This feeling also surfaced in the results of my community survey. When I asked individuals the open-ended question "What does it mean to be Ghanaian – what is unique about the Ghanaian identity?" the most commonly cited theme was peace, followed by answers referencing law, rights, or justice. Table 6 depicts the results of this question:

Table 6: What does it mean to be Ghanaian? (number of individuals mentioning each of the most commonly referenced characteristics)				
	Participants	Percentage	Non-Participants	Percentage
Peace	28	56.00%	24	48.00%
law / rights /justice	20	40.00%	10	20.00%
Hospitality /friendliness	11	22.00%	7	14.00%
Tribe / Cultural Traditions	7	14.00%	1	2.00%

The results of this question clearly demonstrate the impact of human rights participation on conceptions of national character, with human rights participants citing the concepts of law, rights, and justice as distinguishing factors among Ghanaians twice as often as non-participants. Although individuals who had previously participated in human rights activities were much more likely to frame their answers through the language of law, rights, or justice than individuals who had never taken part in such activities, both groups referenced the notion of Ghana as a peaceful country at high rates.

This larger foundational conception of Ghana as a peaceful country that stands out from its continental peers in the way that it handles conflict likely contributed to an environment in which it was possible to imagine a law-abiding state that was potentially rights respecting. Even if human rights participants failed to find examples of states that were behaving in this way among the surrounding nations, they already believed that Ghana was different. In Ghana, things were possible that were impossible in other places. And because of this belief in their Ghanaian exceptionalism, human rights activists in Nima and Maamobi were primed for accepting that their state could, one day, behave in a way other than how it was behaving today.

Moving Forward

One afternoon, as I was nearing the end of my fieldwork, I was standing on the balcony of one of the few “story buildings” in Maamobi, overlooking part of the gutter with Yussif.¹¹⁸ Over the years, Yussif had provided me with invaluable insight into the history of social activism within the communities as well as information about the political tensions that have accompanied these campaigns. He was also on the frontlines of working with various individuals on the drain

campaign. During the prior months, there had been great optimism regarding the drain. After claims of corruption with a prior contractor, a new contractor was hired, and work had commenced on the construction of a second portion of the drain. The gutter had been cleared, widened (initially making the problem worse), and a concrete base had been poured for the new drain. But then, construction had abruptly stopped. Piles of supplies lay in stacks on a small piece of land between the gutter and Kanda Highway, one of Accra's main roads that also serves as Nima and Maamobi's Eastern border.

Looking at the portion of the drain where construction had begun, I asked Yussif, "Has there been any progress on the drain?"

"No," Yussif replied. Then his face lit up, "But I have some news. I don't know whether it is good or bad. The contractor has been arrested!"

"What?! For what?" I replied.

Yussif explained, "He is a criminal. You know he had all of these guys working for him, and he never paid them. So I am happy he was arrested. Some people think he took the money for the drain and just used it for himself." This is the same allegation that was made against a previous contractor, whom the government had then promptly removed from the project. I asked if there would be a search for a new contractor, but Yussif replied, "In this country things are sometimes funny - I wouldn't be surprised if he is back out there in a few days."

Yussif was quiet for a minute or two. Then he pointed down to some of the houses lining the drain, several with exterior walls now crumbling into the deteriorating ditch. He said, "You know, several years back when we were going around collecting data on the drain, some of these old men who live down here by the drain said that there was an evil spirit living in the drain. They said that the spirit doesn't want the drain to be fixed because he has made it that way as his

home. At the time I didn't believe them," Yussif chuckled. "But now.... now I think maybe they were right."

The skepticism expressed by Yussif in his retelling of this story parallels the doubt that many activists expressed to me during my fieldwork about the future. As I discussed at the end of Chapter 7, although activists hope that their actions will engender results, they are not certain of this future. This skepticism also alludes to an underlying uncertainty that some activists have about whether their conception of the aspirational state will ever become the *realized* state. As I discussed in Chapter 6, when the imagined state is just that, *imagined*, much depends on whether activists believe that the state could feasibly become a rights-respecting entity. Activists make claims of corruption and continue to bring their concerns to governmental officials based on their expectation that the state is a law-abiding and potentially rights-respecting entity. Their experiences do not always conform to this vision, and yet there is a belief that the overarching architecture of the state is sound. If the state fails to make progress toward that goal, however, activists may lose their belief in the potentiality of their vision of the imagined state.

The question going forward will be whether activists maintain their human rights-bearing subjectivities or whether they choose to shed this subjectivity in favor of some other conceptualization of self. As scholars such as Merry (2003b) and Osanloo (2006) have noted, the likelihood that individuals will maintain particular subjectivities is, in part, due to the reception that that their subjectivity receives. For example, if activists continue to represent themselves as rights-holders without making progress on their initial claims, it is possible that they may abandon efforts to represent themselves and their claims in the language of human rights. Although I argue in this dissertation that the change in subjectivity among local activists has been durable and long-lasting despite the fluctuations in specific use of human rights language,

subjectivities remain dynamic and changing. The subjectivities of human rights activists are in large part dependent on their own conception of the aspirational state, and therefore, their place as moral citizens within this imagined political community. If their notion of the state transforms, this change will likely be accompanied by a change in individual political subjectivity.

In some ways, this is already visible among the group of activists whom I have labeled “interstitial activists.” When faced with a political environment in which they struggled to successfully use human rights language to obtain resources for community development projects, activists shifted their language and, many would argue, their political subjectivity in order to appeal to a greater number of social networks. The question of whether these actions actually represented a change in political subjectivity was contentious among the activists themselves. Although many interstitial activists argued that their “in-betweenness” was only strategy, others felt that their decisions resulted in a potentially more fundamental repositioning. For some, this new interstitial subjectivity was problematic, as it challenged many local beliefs about the dangers of integrating civil society and politics. Others, however, felt that there was potential for greater social change, that this might, in fact, be one path for the imagined state to become realized.

In Nima and Maamobi, social histories of colonial and postcolonial exclusion are mixed with strongly held conceptions of Ghana as a peaceful and exceptional country. It is this combination of social and historical factors that has created a situation in which human rights processes have been able to offer residents an opportunity to increase their political engagement. Participating in human rights campaigns and education activities has contributed to changes in the political subjectivities of activists who express feeling increased confidence in their ability to lobby for community concerns at governmental offices as well as a new sense of entitlement with which to do so. It has also produced

a context in which activists can envision the imagined rights-respecting state as a possibility. For residents living in slum communities, this cognitive relocation signifies more than a modification of the procedures of claims making; it represents a change in self-identification among activists from excluded to included citizens.

Postscript

On Saturday, April 9th, 2016, just two weeks before my dissertation defense was scheduled, I received a message via WhatsApp from my former research assistant. The message read “helping to build a better community, the construction site of the Al-Hamdu Drainage” and was accompanied by 13 pictures of construction workers in orange suits and community activists posing in front of an active construction site. After nearly a decade of sustained community activism, the construction on the main portion of the drain had finally commenced. In November of 2015, President John Mahama had re-awarded the contract for the drain construction. According to a speech given by Mahama, this decision was in part motivated by recent tragedies experienced in the area due to flooding. The most notable among these occurred in early June of 2015. Over the course of several days, central Accra was engulfed in flood waters. The flood overtook a gas station, where gasoline seeped into the water and caught fire, triggering an explosion. At least 150 people died in the incident. Due to its central location, the waters in the Al-Hamdu drain rise quickly in the rainy season, and residents told many stories of people, livestock, cars, even parts of homes being pulled into the rushing waters. The construction of the covered concrete storm drain will likely offer residents significant protection from these kinds of incidents.

The construction project marks a very hard-fought success for several of the community organizations, most notably the FYC. At the moment, activists in Nima and Maamobi are very excited. It is successes like these that scholars like Merry (2003b) and Osanloo (2006) point to as events that can help to bolster emerging subjectivities such as the ones growing among human rights activists in Nima and Maamobi. The construction of the drain is evidence that their lobbying approach has worked and that their government is, at least for the moment, living up to

the expectations held by many human rights activists. Events like these are also great reminders that subjectivity is not static, but is ever changing and related to events occurring around individuals.

It is interesting to note, however, that the announcement of the re-awarded contract came as a part of a nationwide tour held by President Mahama called the “Changing Lives, Transforming Ghana Tour.” Over the course of two months, the President traveled to each of Ghana’s ten regions, pledging government funds for the construction of schools, roads, public toilets, and drains. At each stop along the tour, President Mahama was greeted by throngs of NDC party members. Therefore, although the construction of the Al-Hamdu drain is being viewed as a success for human rights activists in Nima and Maamobi, it is also perhaps the strongest evidence yet of the need for interstitial activism. It is unclear whether this construction project will contribute to a spread of rights-bearing subjectivities in Nima and Maamobi. But at least for now, for some activists, it feels as if the aspirational state is one step closer to becoming a realized one.

Appendix A

Human Rights and National Identity Survey

Survey Number _____

Date _____

Place _____

Gender _____

1. What is the name of the neighborhood where live?
2. Were you born in this neighborhood/community? (If no, where?)
3. How long have you lived in this neighborhood/community?
4. Do you think you will still be living here in 5 years? (If no, why not?)
5. How old are you?
6. Which Ghanaian language is your home language? (That is, the language of your group of origin?)
7. What language do you speak most often?

Ghana Politics

8. Do you feel close to any particular political party?
 - a. Yes
 - b. No
 - c. Don't know

9. If yes, which party is that? _____

10. Did you vote in the last national election?
 - a. Yes
 - b. No
 - c. Wanted to vote, but could not (why?)

11. Do you plan on voting in the next national election?
 - a. Yes
 - b. No

12. How interested would you say you are in public affairs, you know, in politics and government?
 - a. Very interested
 - b. Somewhat interested
 - c. Not very interested
 - d. Not at all interested
 - e. Don't know

13. In your opinion, what is the most important problem facing this country that government should address?

14. How likely do you think it is that government will be able to solve this problem within the next five years?
 - a. Very likely
 - b. Somewhat likely
 - c. Not very likely
 - d. Not at all likely
 - e. Don't know

15. Let's discuss economic conditions. In general how would you describe:

a. The present economic conditions of the country?

- i. Very good. ii. Fairly good iii. Neither good nor bad iv. Fairly bad v. Very bad
vi. Don't know

b. Your own present living conditions

- i. Very good. ii. Fairly good iii. Neither good nor bad iv. Fairly bad v. Very bad
vi. Don't know

16. During the past year, how often have you contacted any of the following persons about some important problem or to give them your views?

	Never	Once	Few times	Often	Don't know
a. An assembly man or woman	_____	_____	_____	_____	_____
b. Member of Parliament	_____	_____	_____	_____	_____
c. A political party official	_____	_____	_____	_____	_____
d. A chief or other traditional leader	_____	_____	_____	_____	_____
e. A religious leader	_____	_____	_____	_____	_____

17. Of the following people, who is most responsible for caring for the community?

- i. The President
ii. Your local MP
iii. Local chiefs
iv. Local religious leaders
v. The international community

18. Please tell me whether you agree or disagree with the following statement: It makes me proud to be called a Ghanaian.

- i. Strongly disagree
ii. Disagree
iii. Neither agree nor disagree
iv. Agree
v. Strongly Agree
vi. Don't know

19. What is your ethnic community, cultural group or tribe? _____

20. What do you think it means to be Ghanaian?

21. Let's say that you had to choose between being a Ghanaian and a _____. Which of the following statements best express your feelings?
- i. I feel only Ghanaian
 - ii. I feel more Ghanaian than _____
 - iii. I feel equally Ghanaian and _____
I feel more _____ than Ghanaian
 - iv. I feel only _____
 - v. Not applicable
 - vi. Don't know
22. Do you agree or disagree with the following statement: Once in office, elected leaders are obliged to help their home community or ethnic group first.
- i. (If agree), would you say you strongly agree or just agree.
 - ii. (If disagree), would you say that you strongly disagree or only just disagree
 - iii. Neither agree nor disagree
 - iv. Don't know
23. If someone asked you to describe your identity, which one of these is the most important?
- a. Religion
 - b. Occupation
 - c. Nationality
 - d. Gender
 - g. Political Party
 - h. Tribe / Ethnic Group
24. Some people say that many crimes are never reported to the police. Based on your experience, what do you think is the main reason that many people do not report crimes like thefts or attacks to the police when they occur?
25. If you were a victim of crime in this country, who, if anyone, would you go to first for assistance?
26. If you want to gain a public service in the community, such as improved education or health care, what would you do?

27. Do you think that human rights could help you achieve your goal?

28. (If yes) How could human rights help?

29. Of the following people, who is most responsible for fulfilling human rights?

- i. The President
- ii. Your local MP
- iii. Businesses or corporations
- iv. Local chiefs
- v. Local religious leaders

30. Do you agree or disagree with the following statement: Participating in human rights education or advocacy is an important part of being Ghanaian.

- a. Strongly agree b. agree c. neither d. disagree e. strongly disagree
- d. don't know

31. Do you agree or disagree with the following statement: Participating in customary law is an important part of being a Ghanaian.

- a. Very important b. Somewhat important c. neither d. Not very important e. not at all important.

32. Do you agree or disagree with the following statement: Human rights and the rule of law help maintain peace and stability in Ghana.

- a. Strongly agree b. agree c. neither d. disagree e. strongly disagree
- d. don't know

33. Do you agree or disagree with the following statement: Chieftaincy and customary law helps maintain peace and stability in Ghana.

- a. Strongly agree b. agree c. neither d. disagree e. strongly disagree
- d. don't know

34. How likely are you to take a dispute to the police?

- a. Very likely b. Somewhat likely c. Neutral d. Not very likely e. Not at all likely

35. How likely are you to take a dispute to a chief?

- a. Very likely b. Somewhat likely c Neutral d. Not very likely e. Not at all likely

36. How likely are you to take a dispute to a religious leader?

- a. Very likely b. Somewhat likely c Neutral d. Not very likely e. Not at all likely

37. Have you ever heard of the Legal Resources Centre?

- a. Yes
b. No

38. If so, how many programs have you attended?

- a. None
b. One
c. A few
d. Many

39. How likely are you to take a dispute to a human rights office like the Legal Resources Centre?

- a. Very likely b. Somewhat likely c Neutral d. Not very likely e. Not at all likely

40. Have you heard that Nima and Maamobi are human rights cities?

- a. Yes
b. No

41. Do you think that the fact that this community is a human rights city has made a difference?

- a. Yes
b. No

42. When you hear the term “human rights,” what do you think of?

43. When did you first learn about human rights?

44. Does human rights assists democracy or does human rights hinder democracy?
45. What do you think you need to do to be a good citizen?
46. What are the biggest challenges in Nima and Maamobi?
47. What should be done to address those challenges?
48. Whose responsibility is it to address those challenges?
49. Do you think the challenge will be addressed?
50. What is the role of the chiefs in Nima and Maamobi?
51. Do you think Chiefs should be allowed to participate in party politics?
52. Do you think that chieftaincy assists democracy or do you think that chieftaincy hinders democracy?
53. Do you trust the court?

54. Have you been watching the Supreme Court case?

55. Do you think the case is good for Ghana or bad for Ghana?

56. Are you a member of any of the following groups:

- b. Federation of Youth Clubs
- c. Muslim Family Counseling Services
- d. Red Cross Mothers' club of Nima and Maamobi
- e. Gender Action Unit

57. What is your religion?

58. Do you attend a church/mosque regularly?

59. Do you have a job that pays cash income? (If yes – is it full-time or part-time) (If no – are you presently looking for a job?)

60. What is the highest level of education that you have completed?

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Notes

¹ Personal interview, Maamobi, July 17, 2008.

² For more on this discussion, please see chapter 2.

³ For example, customary law is linked to the political system of Chieftaincy. This system tends to be very hierarchical. Human rights law is linked to both the national government and the international community. It generally does not require the claimant to perform the same patriarchal gestures of respect as does the customary system (although, as I discuss in Chapter 7, this may not always be the case). By choosing one system over the other, the claimant is also making a decision about how they will represent themselves and to which political system they will give support.

⁴ Although the court has thus far only heard cases involving African countries, it is currently investigating situations in five non-African countries: Afghanistan, Colombia, Georgia, Iraq, and the Ukraine, as well as in Palestine.

⁵ Out of the 100 community interviews, I interviewed 40 women and 60 men.

⁶ The true permeation of human rights teaching became apparent to me one day while I was visiting a friend in a small village in the Central Region. After hearing about my research, one of the village's residents told me that I should return on Friday because the school would be holding a human rights debate. I did return and was able to witness a debate between two groups of high school students about whether caning in schools was a human rights violation.

⁷ Some sources (Owusu, Agyei-Mensah, and Lund 2008) state that Alhaji Amadu Futa was Fulani rather than Hausa, although the majority of sources indicate that he was "a Hausa cattle dealer."

⁸ A "stool" is the symbol of chieftaincy in southern Ghana. Akan chiefs sit on stools rather than thrones. In northern Ghana, the "skin" is the symbol of chieftaincy.

⁹ Personal interview, Nima, July 17, 2008.

¹⁰ John Dramani Mahama is the current President of Ghana.

¹¹ This is in comparison to 17.6% across the entire country (CIA World Factbook 2014).

¹² The Bronx is home to one of the largest Ghanaian immigrant communities in the United States, so large in fact that in 2012, the Ashanti (the largest ethnic group in Ghana) appointed a diaspora chief for the borough (Semple 2012).

¹³ Personal interview, Accra, March 9, 2014.

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- ¹⁴ My research assistant spoke Twi, Hausa, Fanti, Busanga, and French. On one occasion when a community resident whom I wanted to interview only spoke Ewe, I enlisted the help of one of the human rights activists who lived nearby to act as translator.
- ¹⁵ Personal interview, Nima, September 9, 2013.
- ¹⁶ For examples see: Grindal 1973; Harvey and Brand 1974; Brydon 1999; Owusu, Agyei-Mensah, and Lund 2008; Kang et al. 2010; Perelman and Young 2011; Agyei-Mensah and Owusu 2012; Abdul Aziz 2012.
- ¹⁷ Personal interview, Accra, March 23, 2014.
- ¹⁸ For recent examples, see Okoampa-Ahoofe, Kwame “Is this Another Peace Council Gimmickry?” *The Daily Graphic*. February 13, 2013. Bokor, Michael J.K. “Is the NPP Really Asante, and Asante truly NPP?” *GhanaWeb*. December 23, 2012.
- ¹⁹ See, for example, the case of *Republic v. Commission on Human Rights and Administrative Justice; Ex parte Richard Anane*.
- ²⁰ When asked in the 2013 Afrobarometer survey, “How much do you trust each of the following, or haven’t you heard enough about them to say: The Police?” 28.1% of respondents answered “not at all,” 29.5% answered “just a little,” 23.7% answered “somewhat,” and 18.1% answered “a lot.”
- ²¹ This might be because although Nima and Maamobi are still perceived as “stranger” or settler communities, many of the residents who live there now were actually born in the communities, and therefore have biological kin groups already in place
- ²² Personal interview, Maamobi, March 31, 2014.
- ²³ The term, “419” refers to the number of the Nigerian criminal code dealing with fraud. This term has become common across West Africa, in part due to the perception that it is Nigerians who started, and propagated, this form of internet fraud.
- ²⁴ Personal interview, Nima, August 25, 2013.
- ²⁵ Personal interview, Maamobi, March 23, 2014.
- ²⁶ Personal interview, Nima, October 11, 2013.
- ²⁷ Airport Residential is a wealthy neighborhood that borders Maamobi.
- ²⁸ There are four primary community-based organizations that the LRC has partnered with over the years.
- ²⁹ All personal names are pseudonyms, with the exception of Raymond Atuguba and Mahama Ayariga, who are public figures.
- ³⁰ According to one lawyer at the LRC, as many as 60 small youth clubs came together under the umbrella of FYC.

³¹ Personal interview, Nima, July 15, 2013.

³² For more on the work of these “interstitial elite,” see (Buerger and Holzer 2015).

³³ See <http://devtracker.dfid.gov.uk/projects/GB-1-103317/> for more information.

³⁴ Personal interview, Nima, July 17, 2008.

³⁵ Personal interview, Nima, September 9, 2013.

³⁶ The assumption made here by Issah and Abdul was that the police would have attempted to prevent them from presenting their petition had they been notified before the FYC arrived at the Supreme Court.

³⁷ Personal interview, Nima, July 14, 2013.

³⁸ In Ghana, communities are “categorized” by the state as slums in part due to their lack of official “layout” or planning scheme. With the exception of slums, all urban areas in Ghana have official planning schemes. These plans are created by the Ghana Town and Country Planning Department and are used in orchestrating other development projects, such as drainage construction. These official plans therefore serve a very important bureaucratic purpose. Residents regularly noted to me that this lack of layout was one of the biggest challenges going forward for the community.

³⁹ Personal interview, Maamobi, September 13, 2013.

⁴⁰ Personal interview, Nima, September 9, 2013.

⁴¹ Personal interview, Nima, September 9, 2013.

⁴² Personal interview, Nima, July 15, 2013.

⁴³ Personal interview, Maamobi, October 20, 2013

⁴⁴ An “opinion leader” is a local term used to describe a respected person in the community. The term is not unlike the term “big man.” A chief may be included into the category of “opinion leader,” but the term also refers to individuals who have earned the respect of the community in other ways. The status of opinion leaders is often achieved through their demonstrated success as problem solvers.

⁴⁵ Personal interview, Maamobi, August 7, 2013.

⁴⁶ Personal interview, Nima, October 20, 2013.

⁴⁷ Similarly, Janine Ubink (2007) has noted that the implementation of structural adjustment policies in Ghana “created an increased space for the involvement of traditional authorities in law enforcement, dispute resolution, service provision, and the implementation of development projects” (2007, 126).

⁴⁸ Personal observation, March, 2014.

⁴⁹ Personal interview, Accra, July 3, 2013.

⁵⁰ Personal interview, Nima, September 9, 2013.

⁵¹ A “trotro” is a van used as a form of public transportation in Ghana.

⁵² Personal interview, Nima, September 9, 2013

⁵³ The Afrobarometer is an independent multinational survey that seeks to better understand the political, social, and economic climate across the African continent. The survey is currently used in 35 different countries, and it is administered on a cyclical basis (generally ever 3-4 years). Survey questions are worded in a way that seeks “to offer comparability across the continent and across the globe but also to make sense to local respondents in each country under study” (Zuern 2009:586). Although the data is designed to enable cross-country comparisons, for this project I am only looking at data from Ghana. Afrobarometer surveys have been administered in Ghana five times, starting in 1999. The data used for this report is taken from the most recent round, which was completed in Ghana in 2012. This survey was administered to 2,248 individuals across the country. According to the Afrobarometer website, the survey’s sampling method is “designed to generate a sample that is a representative cross-section of all citizens of voting age in a given country. The goal is to give every adult citizen an equal and known chance of being selected for an interview.”

⁵⁴ Personal observation, Maamobi, October 18, 2013.

⁵⁵ For a more detailed description of this incident, please see Buerger and Holzer (2015).

⁵⁶ See Chapter 4 for a more thorough description of “training of trainers.”

⁵⁷ Personal interview, Nima, March 28, 2014.

⁵⁸ Personal interview, Maamobi, September 13, 2013.

⁵⁹ In 2012, Mahama won 50.7% of the vote, with Akufo-Addo winning 47.7%. In 2008, no candidate received over 50% of the votes, so a run-off was held between the two top finishers, John Atta Mills and Nana Akufo-Addo. Mills won the run-off by less than 1%. Mills later died in office and was superseded by John Mahama.

⁶⁰ A “pink sheet” documents the voting results from a single voting station. In the lawsuit, the NPP alleged that the numbers on the pink sheets did not match the vote counts used in higher-level aggregation.

⁶¹ Personal interview, Nima, June 11, 2013.

⁶² Personal interview, Maamobi, September 20, 2013.

⁶³ Personal interview, Maamobi, September 13, 2013.

⁶⁴ Personal observation, Accra, June 17, 2013.

⁶⁵ Personal interview, Nima, September 9, 2013.

⁶⁶ Personal interview, Maamobi, June 27, 2013.

⁶⁷ For an example of this collaboration, see Perelman and Young (2010)

⁶⁸ Personal interview, Nima, July 8, 2013.

⁶⁹ Personal observation, Maamobi, March, 2014.

⁷⁰ The questions were taken from the Afrobarometer Round 5 Ghana Survey. The Afrobarometer is an independent multinational survey that seeks to better understand the political, social, and economic climate across the African continent. The survey is currently used in 35 different countries, and it is administered on a cyclical basis (generally ever 3-4 years). Survey questions are worded in a way that seeks “to offer comparability across the continent and across the globe but also to make sense to local respondents in each country under study” (Zuern 2009,586).

⁷¹ 32 percent of human rights participants cited problems related to the government.

⁷² Issues related to the government were mentioned by three individuals who had never participated in human rights and corruption was not mentioned at all.

⁷³ Personal interview, Nima, August 25, 2013.

⁷⁴ Personal interview, Accra, March 30, 2014.

⁷⁵ Personal interview, Accra, August 31, 2013.

⁷⁶ Personal interview, Accra, July 2, 2013.

⁷⁷ Personal Interview, Accra, March 8, 2014.

⁷⁸ Personal interview, Accra, March 15, 2014.

⁷⁹ Personal interview, Maamobi, March 14, 2014.

⁸⁰ Personal interview, Maamobi, March 30, 2014.

⁸¹ Personal interview, Nima, March 18, 2014

⁸² Personal interview, Maamobi, March 22, 2014.

⁸³ Personal interview, Nima, March 12, 2014.

⁸⁴ Personal interview, Nima, March 11, 2014.

⁸⁵ Personal interview, Accra, September 4, 2013.

⁸⁶ See Chapter 4 for a description of RAVI

⁸⁷ Personal interview, Maamobi, October 4, 2013.

⁸⁸ Personal interview, Accra, June 12, 2008.

⁸⁹ Personal observation, Accra, June 24, 2008.

⁹⁰ Personal observation, Accra, June 25, 2008.

⁹¹ Today, some members of the youth club argue that the club never had any intention of following through with the protest, but was simply using the ‘threat of protest’ to motivate action.

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- ⁹² Personal interview, Accra, August 4, 2008.
- ⁹³ Personal interview, Accra, July 26, 2011.
- ⁹⁴ Flagstaff House, the office of the President, is located very near Nima and Maamobi.
- ⁹⁵ Personal interview, Maamobi, October 4, 2013.
- ⁹⁶ In 2009, John Atta Mills was elected President of Ghana. This marked a change in ruling political party from the National Patriotic Party (NPP) to the National Democratic Congress (NDC).
- ⁹⁷ Personal interview, Accra, March 23, 2014
- ⁹⁸ Personal interview, Accra, October 21, 2013
- ⁹⁹ Personal interview, Accra, March 30, 2014
- ¹⁰⁰ Personal interview, Maamobi, March 19, 2014.
- ¹⁰¹ Personal interview, Nima, April 1, 2014.
- ¹⁰² Personal interview, Maamobi, March 31, 2014.
- ¹⁰³ Personal interview, Nima, March 28, 2014.
- ¹⁰⁴ Personal interview, Maamobi, March 7, 2014.
- ¹⁰⁵ This demonstration was put on by a group of youth not associated with any of the organizations with which I studied. It did not use human rights language at the time, although the group has since joined forces with the FYC to work through more formal channels.
- ¹⁰⁶ Personal interview, March 31, 2014.
- ¹⁰⁷ Personal interview, August 31, 2014.
- ¹⁰⁸ Personal observation, Maamobi, July 2, 2013.
- ¹⁰⁹ Personal interview, October 13, 2013.
- ¹¹⁰ Personal interview, Maamobi, March 31, 2014.
- ¹¹¹ Personal interview, Maamobi, March 8, 2014.
- ¹¹² Although it is clear that legally, the state already holds this primary position, within the populace, depending on the region, the state must still compete with other authorities, most notably, chiefs, in their control over the population.
- ¹¹³ Report available at https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf
- ¹¹⁴ Personal interview, Maamobi, June 27, 2013.
- ¹¹⁵ Personal interview, Nima, July 19, 2013.
- ¹¹⁶ Personal observation, Maamobi, October 15, 2013.
- ¹¹⁷ Personal observation, Maamobi, October 20, 2015.

¹¹⁸ A “story building” is a building with multiple floors, literally a building that is multiple stories high.

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