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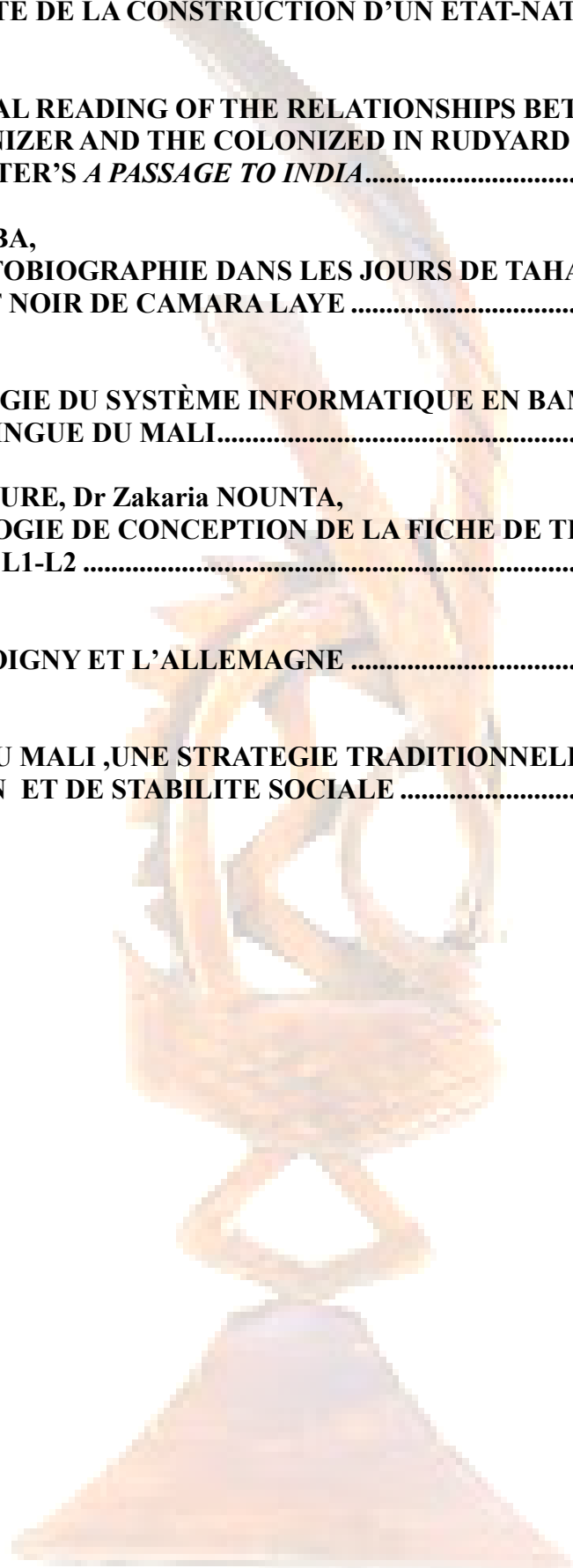
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## HUMAN RIGHTS ISSUES IN TRADITIONAL AFRICA VERSUS BLACKS' CIVIL RIGHTS IN CONTEMPORARY AMERICA: A READING OF THE STORY OF OLAUDAH EQUIANO

**Dr. Zakaria Coulibaly,**

*Enseignant vacataire à la FLSL-ULSHB–English Département, Email :  
[coulibalyz19@gmail.com](mailto:coulibalyz19@gmail.com)*

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### Résumé

Cet article vise à présenter et démontrer à travers le récit d'Equiano comment les Africains traditionnels de l'Afrique précoloniale percevaient et traitaient la question des droits de l'homme d'une part; et d'autre part, elle examine comment la question des droits des Américains noirs est perçue et traitée dans la société Américaine de nos jours. Ce faisant, l'étude recourt à la théorie du post-colonialisme et la littérature comparée pour analyser et interpréter les deux situations. Comme résultats attendus, l'étude a démontré que les Africains précoloniaux avaient établi des normes et règles sociales qui protégeaient et garantissaient les droits élémentaires des populations sans discrimination. Cependant, elle a pu montrer que dans les États-Unis contemporains, présentés comme l'une des nations les plus démocratiques et défenseurs des droits humains, les droits élémentaires des Américains noirs ne sont toujours pas garantis. Ces derniers continuent de subir une discrimination multiforme au quotidien de la part de ceux la même qui sont censés les protéger.

**Mots clés :** Afrique traditionnelle, Amérique contemporaine, droits d'homme, littérature comparée, post-colonialisme

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### Abstract

This article aims at presenting and demonstrating through Equiano's story how the Traditional Africans of pre-colonial Africa perceived and dealt with the issue of human rights on the one hand; and on the other hand, it examines how the question of the rights of Black Americans are perceived and treated in American society today. In doing so, the study has used the theory of post-colonialism and comparative literature to analyze and interpret the two situations. As expected results, study has demonstrated that traditional Africans had established some social norms and rules which protected and guaranteed the basic rights of the populations without discrimination. However, it has been able to show that in the United States of today, portrayed as one of the most democratic nations and defenders of human rights, the basic rights of black Americans are still not guaranteed. They continue to experience multifaceted discrimination every day.

**Key words :** contemporary America, human rights, literature, post-colonialism, traditional Africa.

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## **Introduction**

*The Interesting Narrative* of Olaudah Equiano published in 1789 is an instructive story which not only provides detailed account of the history of slavery in Africa and America, but also exhibits African social organization. This book also encompasses some details relating to the issue of human rights in African societies before their contact with the West. It means that this story presents how traditional Africans dealt with human right issues. However, it is widely spread and believed that Westerners, Americans in particular, are the pioneers who introduced into their constitutions laws which guarantee the civil rights of all the citizens in the country. Yet, in the American society of today, we can observe that the rights of black Americans are still hindered under the laws, one hundred and fifty-eight years after the abolition of slavery in the American mainland. Indeed, Africa was labelled as lacking civilization before her contact with the West, but many scholars, like Equiano, have evidenced that Africans had established regulations and laws that ensured the rights of all the citizens, long time ago before their contact with the white man. Thus, the objective of this article is to account for the ways that traditional Africans used to handle the questions of human rights. Then, study attempts to compare traditional African society to the modern American society on the issue of justice and human rights. In doing so, the study has recourse to the theories of comparative literature and post-colonialism in order to carry out the analyses and interpretations of the data.

Structurally, the study is divided into two main sections. The first section accounts Traditional Africa and the issue of the rights of citizens. The second one deals with modern America and the question of black Americans rights.

### **1. Traditional Africa and their Approach to Human Right Questions**

This section accounts for how traditional Africans dealt with the issue of the human rights in the community long time before the arrival of the white man. It first presents the situation of free Africans under the established traditional laws, and then it relates the situation of African slaves and their rights in the African societies.

#### **1-1. Human Rights Situation of Free Africans**

Traditional Africans had their typical ways of doing things. That is, they had their particular methods of organizing their society as well economically as judicially. In relation to that, Equiano details in his narrative that African societies in general were well organized, and Africans lived in peace and harmony in respect of their traditions. Ordinary people were free to do anything they liked according to the established laws. The narrator recounts that in case a citizen breached the mentioned established rules, he/she would be punished according to the degree of the committed offence. People in charge of judging those who had committed offences were the holders of titles. The holders these prestigious prizes were those who had accomplished great actions in the society. One of those titles were called “Embrenché”. The holders the “Embrenché title” had the responsibility to settle social problems, misunderstanding and judge criminals just like in Western world where judges have the duties to judge criminals and serve justice. Equiano evidences the foregoing idea in the following passage: “Those Embrenché or chief men decided about disputes and punished crimes, for which purpose they

assembled together. The proceedings were generally short, and in most cases the law of retaliation prevailed” (p. 2). The extract shows that the title holders gathered whenever there was a problem in the community in order to discuss it and give a decision in accordance with the degree of offence. As indicated in the passage, the traditional Africans judged criminals with retaliation laws. It means that the offender would experience the offence he had committed. That is, if a person killed another person, he would be killed too. The same retaliation law can be found in the Kurukan Fuga charter of 1236, mainly its **article 5**: “Everybody has a right to life and to the preservation of its physical integrity. Accordingly, any attempt to deprive one’s fellow being of life is punished with death.” This charter is one of the oldest documents about laws and the rights of people in the world history, and it clearly confirms Equiano’s assertion about the death punishment of criminals in Africa. African ancestors did not joke about crimes. A criminal was considered as a danger for the whole nation. They believed that if the crime was not punished with death, other people could be inspired and encouraged to reproduce it. Hence, to maintain the stability of the society and show the sacredness of the human being, nobody had the right to deprive one’s fellow of life. If we take the example of the African society of today, one can see that these punitive laws are no longer enforced. As a result, each day we hear of killing reports. All the small thieves possess guns and are ready use them on innocent people for their own properties. The abandonment of these laws in Africa are clearly the consequences of the influence of Western countries on the African continent.

Furthermore, kidnapping was also strictly forbidden and punished. In this regard, Equiano relates that a man had been accused of kidnapping a boy, and when he was brought before judges, he was condemned to recompense for his offence: “ I remember a man was brought before my father and the other judges for kidnapping a boy, and although he was the son of a chief or senator, he was condemned to make recompense by a man or a woman slave”(p.2). The extract shows that in traditional Africa, judges were not impressionable. The convict was the son of a chief, but the judges pronounced the appropriate sentence, which urged him to provide a slave as compensation.

As revealed previously, when a person committed a crime in traditional African society according to Equiano, he was condemned to capital punishment. This situation was also true of adultery because Africans by nature were very attached to their customs that forbid fornication. This idea is asserted as follows: “Adultery, however, was sometimes punished with slavery or death, a punishment which I believe is inflicted on it throughout most of the nations of Africa, so sacred among them is the honor of the marriage bed and so jealous are they of the fidelity of their wives”(Equiano, 1996, p.2). This excerpt demonstrates that marriage was sacred in the traditional Africa, so once you get married you have to be faithful to your wife or husband. Because of the mentioned sacredness of marriage, adultery was considered as a crime in the community. Anyone who happened to be caught committing adultery was killed or made slave. As an illustration to the foregoing, Equiano reports a case of an adultery offence by a woman: “Of this I recollect an instance - a woman was convicted before the judges of adultery, and delivered over, as the custom was, to her husband, to be punished. Accordingly he determined to put her to death: but it being found just before her execution that she had an infant at her breast, (...), she was spared on account of the child”(Equiano, 1996, p.2). This testimony reveals that when a woman is guilty of adultery, according to custom, the judges ask the

husband on which punishment she has to receive. However, in the above instance, the life of the woman was spared because she had a child to breastfeed. It means that breastfeeding women were not punished with death sentence because the child is innocent. If the mother is killed, the child will be the one to suffer. Because of these laws, traditional African societies were spared from odious crimes, theft and even adultery. However, in the modern Africa, adultery is no longer seen as a crime; that is why, the African society of today has been perverted. Both men and women are copying the western lifestyle as the standard one. Most of the domestic violence in many African households of today are related to infidelity of one of the spouses. The enforcement of a more punitive laws can reduce the rate of domestic violence.

The laws were enforced in the society to regulate people's everyday activities, and ensure the smooth running of the public affairs. Our ancestors knew that in order to avoid anarchy in the society, they had to regulate the public life.

### **1-2. Rights of Slaves**

Traditionally, African continent had known slavery; that is, the practice of holding slaves existed in Africa before the arrival of Westerners. In terms of the rights of those slaves, Equiano testifies that they had certain advantages and rights in the traditional African society. In that, he affirms that the customs and laws of the society had granted some basic human rights to African slaves. For instance, Africans were forbidden by the established laws to brutalize or handle slaves like objects or animals because the status of slaves as human beings was fully recognized in African communities. They were granted almost all the basic human rights that free African people enjoyed.

In relation to that, Coulibaly A.S and Coulibaly Z. (2019) in their article titled, "Precolonial African Society and Slavery in *The Interesting Narrative of the Life of Olaudah Equiano or Gustavo Vassa, The African*" substantiate through Equiano's narrative that African slaves were well nurtured, well dressed, and they even had the right to marry with the person of their choice. They were granted comfortable sleeping houses and beds to sleep in, just like free people of the society. They enjoyed several privileges in the community. They had the freedom of movement approximately like all the freemen in the community. In addition to that, Equiano expounds that despite their status of slaves, some African slaves were even allowed to possess their own slaves who worked for them. To show that the human rights of traditional African Slaves were protected by Africans, Equiano make the following comparison: "—But how different was their condition from that of the slaves in the West Indies! With us they do no more work than other members of the community, even their master; their food, clothing and lodging were nearly the same as theirs... Some of these slaves have even slaves under them as own property and for their own use". (Equiano, 1996, 9). The excerpt demonstrates how humanistic and open-minded traditional Africans were as far as human rights and humanity are concerned. Though Africans possessed slaves, their slaves were put on an equal footing as themselves because slaves were as human as themselves. This African social convention gave slaves more rights and liberty. Kurukan Fuga charter of 1236 also confirms the recognition of the human rights of slaves in traditional Africa. Its article 20 says, "Do not ill-treat the slaves. We are the master of the slave

but not of the bag he carries.” This shows that in the Mande society, masters did not have the right to brutalize slaves nor to kill them because African slaves were not considered as chattels.

Traditional Africans practice of slavery was not related to criteria based on race. This means that anyone could become slave, so the criteria on the basis of which Africans could enslave other Africans are related to war and crime. At war, when one army defeated another army, the captured soldiers of the latter would become slaves of the victorious army. On the other hand, when an individual committed serious crimes or adultery, he/she was likely to be kept slaves to serve their sentence. The foregoing idea is well clarified in the following passage: “—Sometimes indeed we sold slaves to them, but they were only prisoners of war, or such among us as they had been convicted of kidnapping ...or other crimes which we esteemed heinous” (Equiano, 1996,p.6). In this passage, the narrator admits that his countrymen used to possess slaves and even trade them. However, he insists that those slaves were either prisoners of war or those who had committed serious crimes.

## **2. Modern America and the Rights of black Americans**

Although there has been a significant change in the life of black Americans as far as their civil rights are concerned today, they still don't benefit the same rights as the white Americans under the American laws. A lot of recent events that occurred in America allow us to affirm that some American laws enforcement officials do not behave with Blacks the same way they do with Whites. Several struggles had been undertaken by African Americans from slavery period, passing through the reconstruction period up to present day. Black movements have conducted a long struggle in order to achieve the civil rights. They have actually been granted all civil rights of the United States. They are considered full Americans like white Americans according to the American Constitution. However, in the modern America, it is noteworthy to note that though the constitution says that “all citizens are equal under the laws”, on the judicial sphere, Blacks are still facing unfair treatment. The case of the police violence against people of African origins is a good example of the foregoing statements. To evidence this, a study by Amnesty International entitled, “USA: Race, Rights and Police Brutality” in September (1999) shows the following: “It highlighted evidence that racial and ethnic minorities were disproportionately the victims of police misconduct, including false arrest and harassment as well as verbal and physical abuse”(p.1). The extract implies that it was proved that some law enforcement officers in the USA are engaged in deliberate and wanton brutality against the minority black population. For instance, the fatal shooting of an unarmed West African immigrant, Amadou Diallo, in New York City in February 1999 in a perfect proof of the foregoing statement:

Amadou Diallo, in New York City in February 1999. Four white officers from an elite crime squad looking for a rape suspect fired 41 shots at Diallo, striking him 19 times as he stood in the vestibule of his apartment building. The shooting highlighted not only the tactics of the crime squad itself (which had been the subject of repeated complaints) but wider concern about police unjustly targeting black people and other minorities as potential criminals (Amnesty International, 1999, p.1).

We can notice clearly in the excerpt that the poor Amadou Diallo was unarmed and he was at the entrance of his apartment building when they shot him down without asking him or allowing him to speak. In the mind of such police officers, they stereotypically consider all the black people as wrongdoers. In relation to this affirmation, the study by Amnesty International (September 1999) displays that: “ In April 1999, an interim report published by the New Jersey Attorney General’s office concluded that New Jersey state troopers had been using race as a basis for stopping drivers on a major inter-state highway in the hope of making drug arrests”(p.2). This evidences that in many American states, the security agents hinder seriously the civil rights of black Americans, just because of their race. Whereas the constitution has granted the black population the same right as the white, but in reality, Blacks are oppressed by those who are supposed to protect them in the society. On the basis of their skin color, the nonwhite minority population of USA are the victims of transgression against their civil rights by law enforcers, supposed to be the guarantors for indicated rights. Several American cities are concerned with claims of racial profiling made against police forces across the USA, among which one can cite California, Colorado, Florida, Illinois, Indiana, Maryland, Massachusetts, Pennsylvania, Oklahoma, Rhode Island and Texas (Amnesty International, September 1999).

Moreover, one of the most recent cases of the transgression against the rights of black Americans is the killing of George Floyd, an unarmed 46-year old black man by the police in Minnesota USA, on May 25, 2020. This black man was murdered the similar way as many other black people previously. This situation in today’s America is the evidence, showing that American police are still tougher on black people than their white counterparts. In addition to that, the statistics have also shown that the majority of the inmates in American prisons are black people, particularly in the State of Minnesota:

Compared to other states, Minnesota has the greatest black-to-white disparity in imprisonment rates. In 1997, the most recent year for which state-by-state data are available, the ratio of African Americans to whites in state prison was 25.09 to 1. This is the highest ratio of all states. In 2000, 37.2% of the state’s prisoners were African American. By comparison only 3.5% of the population of Minnesota was African American (Council on Crime and Justice,(Council on Crime and Justice, N.D), p.1).

The above is a statistic about the imprisonment rates between Whites and Blacks in the State of Minnesota, United States in 1997 and 2000. These statistics reveal that despite the small number of African Americans in the State of Minnesota, they count the largest percentage of the imprisonment rate in comparison with white population. This shows that American Blacks are still experiencing race-based discrimination just like the early periods that followed the abolition of slavery. With this regard, it can be sustained that the old stereotypical visions about Blacks are still prevailing in the American society. The foregoing idea is illustrated as follows:

From the earliest White portrayals of Indians as “savages” bent on murdering helpless homesteaders on the plains and prairies, to their regular claims that African Americans were sexual “brutes” who must be prevented from raping White women, the notion that Brown and Black people

must be controlled and confined due to their innate and inherent criminal and deviant natures is, as historian Khalil G. Muhammad puts it, “embedded in the cultural DNA of the nation” (Thompson, 2019, p.222).

The extract evidences that in the earliest period of the history of the USA, Indians, due their skin color, were portrayed by some Whites as savages, and many helpless indigenous Indians were killed on that account. The same quotation evinces that African Americans were regarded as sexually brutes, so they had to be stopped from raping white women. Hence, the Historian Khalil G. Muhammad considers that particular state of mind of some white Americans as a cultural DNA which was embedded in the nation. We can learn from the passage that the contemporary Americans are still under the historical stereotypes which envisioned Blacks as the others or inferior. Therefore, many American lawmakers are more likely to jail African Americans than white Americans.

### **Conclusion**

In sum, the study has presented side by side the traditional Africa and its approach to justice and human rights on the one hand, and the sensitive issue of the civil rights of black Americans in the modern America, on the other hand. It has been demonstrated that the two types of societies were different in terms of epoch as well as in terms geography. It is revealed that the human rights of people, in traditional Africa, were guaranteed by laws based on consensus relating to local customs and traditions. On the other hand, in the present time America and the rest of the world, the civil rights of citizens are guaranteed by the constitutions. It is evinced that in precolonial Africa, Africans benefited much more protection than African Americans in the modern America. In Africa, the established laws were correctly enforced and were rigorously respected by Africans. Laws were not intended to privilege some particular citizens more than the others. The judgment was delivered the same way for everyone no matter one’s status, race or gender. The study has noticed that the present Africa has become the antithesis of the traditional Africa in terms of laws and people’s rights. However, the study has demonstrated that in modern America, people of African descent are still not treated on the same footing as the white Americans. And the laws enforcement officers who are supposed to protect all American citizens are those who are hampering the civil rights of Blacks. Finally, the study demonstrates that the question of human rights has become an instrument for world super power, like the United States to consolidate and protect their interests throughout the world. As a recommendation, we can say that African countries should look back and inspire from their traditional and cultural laws which were adapted to African realities more than the form of human rights advocated by Americans and their allies.

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