INTRODUCTION

In 2008, I visited Africa for the first time, co-convening with Johan van der Vyver, a contributor to this volume, a conference on “Law, Religion and Human Rights” in Durban, South Africa. At a crucial midpoint in the conference, attention turned to the most basic concepts of human rights and whether these are understood differently in Africa, Europe and the United States. Pleading permission to exercise a bit of “American humility”, I asked the group if I could raise a possibly stupid question. My question was whether some human rights, particularly those rights to work, health and other human goods, embodied in the International Covenant on Economic, Social and Cultural Rights, were more fundamental than the freedoms of religion, speech, association and others inscribed in the International Covenant on Civil and Political Rights, and whether the focus on civil and political rights in places like North America and parts of Europe meant that they were “luxury rights” compared to the economic and social rights that might be more essential in other parts of the world – especially to Africa – as conducive to “human flourishing”.

I was quickly corrected. My African colleagues expounded at great length about the importance of civil and political rights – especially freedom of religion – as crucial for being able to express, teach and organise societies around conceptions of human good and human flourishing. Access to basic forms of health, nutrition, education and employment are fundamental to the life of the body, but freedoms of religion, speech, assembly and press are essential to being able to articulate these goods and to hold governments and societies accountable when they are lacking. Rather than a hierarchy of rights, my African colleagues pointed to a dense and mutually reinforcing web of rights in which no right is a luxury and all are important components of human flourishing. The chapters in this collection of papers presented at the African Consortium for Law and Religion Studies (ACLARS), held at Baze University in Abuja, Nigeria, in May 2018, attest to this diversity and interrelatedness of various components and to the importance of law and religion in securing them.

Consistent with the conference’s location in Nigeria, the book’s first section includes chapters on “Religious Freedom and Human Flourishing in Nigeria”. Sam Amadi provides a comprehensive overview of the delicate balance in the Constitution of the Federal Republic of Nigeria between Section 38 guaranteeing freedom of religion and Section 10 forbidding the establishment of state religion. It is an arrangement, Amadi tells us, in which “the Nigerian Constitution speaks in the language of “freedom, equality and justice” in one breath and in the language of “promotion of dominant religions” in another, requiring considerable jurisprudential work to “square the circle” and to promote religious freedom in Nigeria to the ultimate end of human, social and political flourishing. Idowu Akinloye writes specifically on the role of churches in human flourishing, what they contribute to society and what is lost when disputes within churches themselves, a rising phenomenon in Nigeria, prevent churches from fulfilling these important functions. Attention to risk management and proper procedures for internal church governance can help

prevent and mitigate these disputes. Omomayowa Abati and Ebenezer Elesemoyo write primarily about another timely issue around the world, namely religious sound disturbances, along with other disputes that accompany the presence of religion in public spaces, namely university campuses. Equally timely is Anthony Adekola's essay on *hijab* disputes, with a similar focus on higher education and universities in Nigeria, along with his recommendation that such disputes might be better handled by methods of alternative dispute resolution than litigation. Rounding out the section is another conceptual overview chapter by Ibrahim Imam and Wahab Egbewole on religious freedom and rule of law as essential to human flourishing in Nigeria. Therein, Imam and Egbewole supply important definitional discussions of the concepts of "rule of law", "human flourishing", and "freedom of religions" – all concepts which, like "human rights", need to be interpreted, reinterpreted and reinterpreted again in every context and generation.

The book's second section on "Social Media and Human Flourishing" shifts, briefly, into the cutting-edge issue of the ambivalent relationship between social media and human flourishing. Alternatively praised for promoting global communication and conversation and disparaged for devolving into hate speech and discourse, social media has presented challenges to law and religion in Africa, as it has nearly everywhere else in the world. Célestin Gnonzion centres his inquiry around a particular day during Lent in 2015 in which a religious leader in Côte d'Ivoire circulated on social media a rather apocalyptic message said to have emanated from the Virgin Mary. These and other "religious messages" have been problematic in Ivorian digital social networks, arousing antagonism and fanning fears in ways that religious leaders and the law have struggled to address. From the other side of the African continent, Mohammed Jemal Ahmed examines online religious "polemics" that have emerged amongst Ethiopia's Orthodox, Muslim and Protestant Evangelical groups. These polemics have also been joined and circulated robustly by Ethiopian diaspora groups in ways that reflect the porousness of national and religious identities in the global social media environment.

The book's third section on "Conflict, Crisis and Corruption" is big and broad, encompassing a range of issues that bear on human flourishing in Africa. Niklas Hultin focuses on the African human rights system and how it can protect and contribute to human flourishing, especially in times of conflict. Sohail Wahedi describes the programme of "export of revolution" whereby Iran is seeking influence in Africa through the export of Shiite-friendly understandings of religious freedom, as well as support of Shiite groups, particularly in Nigeria. From themes of conflict and revolution, Jean-Baptiste Sourou takes readers of his chapter to the recent crisis of African migrants that have made the Sahara Desert and Mediterranean Sea into "cemeteries for black people" and threaten to sweep too many of Africa's "strong arms" of youth into the migratory flow. Theodros Teklu writes compellingly in his chapter on the relationship of scarcity and corruption. It is a dynamic in which "scarcity reveals not only the humanity and sameness, but also the anti-humanity, of the Other" in ways that lead all too easily to corruption and exploitation.

The chapters in the book's fourth part on "Religion and Human Flourishing" address directly the effects of religion, non-religion and religious movements on human flourishing. Edmore Dube's chapter discusses the role played by the Zimbabwe Catholic Bishops Conference in calling for racial justice as the country moved towards independence – the raising of prophetic voice being a key way in which many religions have promoted human flourishing throughout the ages. John Esubonteng chronicles, in rich sociological detail, the work of the Azusa Street Children's Project and other religious initiatives in addressing the situation of street kids in Ghana. Asonzeh Ukah brings a similarly keen social scientific eye to the Faith of Unity, a new religious movement in Uganda, with a distinctive theology and set of rituals around healing, particularly of human disunity. Jeremy Gunn unpacks the concept of "*sharia*" in Islam, showing its origins in the notion of a path to water, which certainly represented life and human flourishing in the arid areas in which Islam originated. Gunn argues for this idea of *sharia* as a path, rather than a rigid legal code, in ways that can inform our understanding of Islamic law. Leo Igwe, by contrast, argues for a pathway to human flourishing beyond religion, examining particularly the group Atheists in Kenya and their challenge to religious objections to homosexuality.

The fifth section of the book, on "Family, Community, Nation and Development", includes chapters that explore the effects of gender, family and community norms on human flourishing, as well as the role of religion in national development. Elias Bongmba and Richard Talla present some early research on land disputes in villages in Cameroon and how intermarriage, and particularly shared faith amongst intermarried families, carries the possibility of reconciliation and flourishing in these communities. Helen Linonge-Fontebo's chapter on female genital mutilation in Cameroon examines both the government's attempt to eliminate the practice and the reasons why some women and families of young girls continue to defend it. Chapters by Marlino Mubai and Júlio Machele both address the role of religion, including Christians, Muslims and African traditional religions, in the new nation of Mozambique after independence. The Mozambican context was one in which religion was derided by the Marxist-Leninist government, while at the same time playing crucial roles in developing health, education and the social sector.

The brief sixth section, "Animals, Food and Human Flourishing" like the social media section earlier on, takes up topics of great current interest, namely, religious slaughter of animals for food and the dietary practices of the Rastafari. Helena van Collier provides a detailed legal analysis of the treatment of ritual animal slaughter, particularly Islamic *halal* and African traditional religious practices, in the context of South Africa's constitutional guarantee of religious freedom and its other animal protection laws. Fortune Sibanda describes the *Ital livity* diet of the Rastafari in holistic and political terms, as an instance of Afrocentric "chanting down" of the GMO and unhealthy foods of the West. In both chapters, food and dietary practices assume important roles, not only in human flourishing, but as important markers of community and identity.

The seventh and final section of the book, on “Religion and Constitutionalism in South Africa”, brings together a set of essays on religion and constitutionalism in South Africa, with important lessons for other African nations. Mary-Anne Plaatjies-Van Huffel takes up the debate over South Africa’s Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and a set of reports on hearings on the “commercialisation” of religion and abuse of belief systems that became controversial for what, in the view of religious freedom organisations such as the South African Council for the Protection and Promotion of Religious Rights and Freedoms (SACRRF) and Freedom of Religion South Africa (FORSA), amounted to a heavy-handed regulation of religion, which by Plaatjies-Van Huffel’s argument also violated South Africa’s constitutional tradition of separation of powers. Yolanda van der Vyver provides a highly normative architectural analysis of the palimpsest of construction of South Africa’s Constitutional Court in Johannesburg and its function as both an “historical bridge” to a post-apartheid future and a setting for justice as a “clearing under a tree”. Johan van der Vyver’s chapter on self-determination of religious communities concludes the volume with a comparison of Nigeria and South Africa and the peril of affording “*political* representation in the structures of government to a *cultural* or a *religious* group”.

The invocation of the ancient Greek concept of *eudaimonia* in several chapters shows the enduring significance of questions of human flourishing, which can be defined in diverse ways, while still circling an axis of universal human values. ACLARS looks forward to taking on another set of diverse perspectives on universal concerns next year at its 2020 conference in Kenya on “Law, Religion and Family”. Freedom, flourishing and family – all central topics for law and religion in Africa to be taken up in the coming year.

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