

Dignity Before Law: Legal Positivism, Human Rights Education, and Transformative Citizenship in Postcolonial Contexts

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Abstract

Background: Human rights education often teaches rights as legal entitlements granted by constitutions, treaties, courts, and public institutions. While legal recognition is indispensable for protecting rights, this juridical framing becomes philosophically fragile when law is treated as the source rather than the guardian of human dignity. **Objective:** This article develops a critical-theological and philosophical account of transformative citizenship education by interrogating a central paradox of modern political life: law is necessary because rights require institutional protection, yet law becomes dangerous when it imagines itself to be the author of human worth. **Method:** Using critical-constructive normative synthesis, the article brings legal philosophy, biblical-theological anthropology, African communitarian thought, postcolonial human rights critique, freedom of expression jurisprudence, and transformative learning theory into interdisciplinary dialogue. **Argument:** Against a purely legal-positivist account of rights, the article argues that human dignity is morally prior to positive law. Legal systems may recognize, regulate, protect, suspend, or punish the exercise of rights, but they do not create the human person and therefore cannot originate human worth. The doctrine of the imago Dei offers a theologically robust account of inherent dignity, while African communitarianism corrects excessive individualism by joining rights to duties, belonging, memory, and relational responsibility. The free speech paradox further demonstrates how law may protect expression while simultaneously defining punishable boundaries. **Contribution:** The article proposes a Dignity-Centered Transformative Citizenship Framework with six dimensions: ontological grounding, moral recognition, legal protection, communal responsibility, critical discernment, and transformative action. **Conclusion:** The article concludes that transformative citizenship education must form learners who respect law without worshiping law, defend rights without detaching them from responsibility, and recognize that law is most just when it bears witness to a dignity it did not invent.

Keywords: human rights education; legal positivism; transformative citizenship education; human dignity; imago Dei; African communitarianism; freedom of expression.

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1. Introduction

The modern language of human rights has become one of the most influential moral vocabularies of the postwar world. Its power lies partly in its audacity: it speaks of human beings before they are citizens, voters, taxpayers, workers, consumers, members of parties, or recognized subjects of a state. The Universal Declaration of Human Rights begins by affirming the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice, and peace in the world (United Nations, 1948). The International Covenant on Civil and Political Rights similarly states that rights derive from the inherent dignity of the human person (United Nations, 1966). Such language is not trivial. It already suggests that law does not manufacture dignity; rather, law publicly acknowledges and protects what precedes it.

Yet much citizenship and human rights education easily slips into a thinner account: students are taught that rights are what constitutions, treaties, courts, policies, or institutions grant. At one level this is understandable. Rights must become legally visible if they are to be protected by public authority. Without constitutional guarantees, courts, administrative procedures, and international instruments, moral claims often remain politically fragile. The African Charter on Human and Peoples' Rights recognizes this juridical need while giving a distinctively African articulation of rights, peoples, duties, freedom, equality, justice, and dignity (African Commission on Human and Peoples' Rights, 1981). But the deeper question remains: if rights exist only because law grants them, what happens when law withdraws, narrows, manipulates, or weaponizes them?

This question is not abstract. Apartheid was built through law. Colonial domination was organized through law. Slavery and racial subordination were once defended through law. Emergency powers, sedition provisions, citizenship exclusions, restrictions on conscience, and selective enforcement of public order rules all show that legality and justice

cannot be treated as identical. Law may be a shield for the vulnerable, but it may also become a polished instrument of domination. In Fuller's (1958) exchange with Hart, the problem was not merely whether law and morality are conceptually separable; it was whether fidelity to law can survive when legal order is detached from the moral purposes that make order worthy of human allegiance. Hart (1958) rightly warned against confusing what law is with what law ought to be, but that analytic distinction does not rescue citizenship education from the moral question of whether a legal order deserves obedience.

This article therefore asks: If law can both recognize and restrict rights, what moral foundation should guide transformative citizenship education in teaching students about human dignity, freedom, responsibility, and justice? The argument developed here is deliberately balanced. It does not dismiss law, constitutionalism, courts, or international human rights institutions. Rather, it argues that law is indispensable but not ultimate. Law is necessary because rights need public protection. Law is dangerous when it claims to be the source of rights. The state does not create the human person; therefore, the state cannot be the original author of human dignity.

The article makes four contributions. First, it clarifies the distinction between legal recognition and moral grounding. Second, it offers a critical-theological account of dignity through the doctrine of the *imago Dei*, while acknowledging the challenges of using theological language in pluralistic educational settings. Third, it retrieves African communitarian thought as a corrective to atomistic rights discourse, without romanticizing community. Fourth, it proposes a Dignity-Centered Transformative Citizenship Framework to guide human rights and citizenship education in contexts marked by colonial memory, post-conflict reconstruction, pluralism, and contested authority.

The urgency of this inquiry has intensified because the contemporary crisis of rights is no longer confined to formally authoritarian regimes. Recent rule-of-law and democracy data show that the legal-institutional conditions through which rights are protected are weakening across many jurisdictions. The World Justice Project reported that 68% of countries declined in rule of law in 2025, with freedom of opinion and expression falling in 73% of countries and freedom of assembly and association falling in 72% (World Justice Project, 2025). V-Dem's 2026 Democracy Report similarly identifies freedom of expression as the most consistently targeted dimension of democracy during contemporary autocratization (Nord et al., 2026).

These trends sharpen the educational problem addressed in this article: if learners are taught that rights are merely the products of law, they may lack the moral grammar needed to evaluate legal systems when those systems become vehicles of exclusion, censorship, surveillance, or selective protection. Transformative citizenship education must therefore form learners who understand both the indispensability of law and the danger of legal absolutism.

2. Methodological Orientation: Critical Conceptual and Normative Inquiry

This study uses critical conceptual analysis. It does not present interview data, survey findings, or classroom observations. Instead, it synthesizes bodies of literature that are often discussed separately: legal positivism and natural law, biblical-theological anthropology, African communitarian philosophy, critical human rights theory, postcolonial critique, and transformative citizenship education. Conceptual analysis is appropriate because the problem under investigation is not first an empirical question about whether students know rights provisions; it is a foundational question about what educators mean when they teach rights, dignity, law, citizenship, and responsibility.

More precisely, the article uses critical-constructive normative synthesis. It is critical because it interrogates the assumptions beneath legal-positivist, liberal, communitarian, theological, and postcolonial accounts of rights. It is constructive because it does not stop at critique but develops a pedagogical framework capable of guiding curriculum design, classroom deliberation, and civic formation. The method proceeds through four analytical movements: conceptual clarification, by distinguishing dignity, moral rights, legal rights, citizenship, and institutional recognition; genealogical critique, by examining how legal categories have historically organized both protection and domination; theological-philosophical grounding, by placing *imago Dei* anthropology in dialogue with natural law, capabilities theory, Ubuntu, and public reason; and pedagogical translation, by converting the normative argument into a framework for transformative citizenship education. This approach is appropriate because the article's primary question is not whether learners can recall rights instruments but whether citizenship education can form moral judgment when legality and dignity diverge.

The methodology is also normative. It does not merely describe how human rights education is practiced; it asks what kind of moral reasoning such education should cultivate. Transformative learning theory emphasizes the revision of frames of reference through discourse, critical reflection, and more inclusive ways of judging experience (Mezirow, 2003; Taylor, 2007). Freire's (1970) account of education as conscientization similarly resists pedagogies that train learners merely to adapt to oppressive structures. In this article, transformative citizenship education is understood as a pedagogical practice that forms learners capable of critically discerning law, power, dignity, responsibility, and action.

Previous work on Mission-Driven Learning Theory argued that education becomes thin when competence is detached from telos, calling, stewardship, and moral formation (Sangwa & Mutabazi, 2025a). The

present article extends that teleological concern into human rights and citizenship education by asking not only what learners know about legal instruments, but what kind of persons they are being formed to become when legality and dignity diverge.

The article uses historical and contemporary examples such as apartheid, colonial legality, free speech restrictions, South Africa's Truth and Reconciliation Commission, and Rwanda's Gacaca courts to illustrate legal and moral tensions. The South African TRC report describes a process designed to help a nation transcend divisions and gross violations of human rights (Truth and Reconciliation Commission of South Africa, 1998). Rwanda's Gacaca process, which UNDP Rwanda reported as having tried more than 1.9 million suspects over a decade, reveals both the promise and dispute surrounding community-based justice after mass violence (United Nations Development Programme Rwanda, 2021). These examples are not treated as exhaustive cases but as pedagogically useful sites where law, memory, accountability, and reconciliation collide.

The literature was selected purposely rather than exhaustively. Primary legal and policy texts were included where they articulate dignity, rights, citizenship, human rights education, freedom of expression, or duties in authoritative institutional form. Foundational jurisprudential sources were included where they clarify the relation between law's validity and law's moral authority. Theological sources were included where they address the imago Dei as an account of universal human worth. African philosophical sources were included where they develop personhood, community, duties, Ubuntu, and relational moral formation. Critical and postcolonial human rights sources were included where they expose the ambivalence of rights discourse under unequal global power. The framework therefore emerges not as a generic curriculum model but as an interdisciplinary synthesis shaped by the article's central problem: law must protect dignity, but dignity cannot depend on law for its existence.

3. Conceptual Clarifications: Rights, Dignity, Law, and Citizenship

A central weakness in much public discourse is the failure to distinguish human dignity, moral rights, legal rights, citizenship rights, and institutional permissions. Human dignity refers to the worth of the human person as such. Human rights are moral and legal claims that arise from or give public expression to that worth. Legal rights are rights recognized and enforceable within a legal order. Citizenship denotes membership in a political community, carrying rights, duties, forms of belonging, and claims to participation. Legal recognition is the public act by which institutions acknowledge and protect a right. Moral grounding concerns why the right ought to be recognized in the first place.

This distinction matters because a person may possess moral dignity even when law fails to recognize it. The enslaved person did not become dignified only when abolition arrived. The colonized person was not made human by independence. The person excluded from citizenship, silenced under censorship laws, or persecuted by a discriminatory regime does not lack dignity because the state fails to acknowledge it. The deepest function of just law is to conform public order to the moral truth of human worth. Where law refuses this truth, law may remain legally valid in a positivist sense but morally disordered.

Legal positivism, in its careful forms, does not necessarily claim that law is morally good simply because it is law. Hart (1958, 2012) sought to distinguish the existence of law from its moral merit. This analytic separation is pedagogically useful because students must learn to describe legal systems accurately before judging them. But if legal positivism becomes a moral psychology, training citizens to treat validity as sufficient for obedience, then it becomes dangerous. The problem is not the analytic distinction between law and morality; the problem is the educational formation of citizens who cannot ask whether law deserves moral allegiance.

Natural law theory, by contrast, insists that positive law is accountable to a moral order beyond mere enactment. Finnis (2011) defends natural law through practical reason and basic human goods, rather than through a simplistic appeal to religious decree. The natural-law tradition helps citizenship education recover a crucial question: what makes legal authority morally binding? But natural law can also be misused when educators present contested moral claims as self-evident without dialogue. A dignity-centered approach should therefore distinguish moral realism from authoritarian certainty. It should invite disciplined reasoning, not coercive dogmatism.

This distinction also places the article within a wider debate between moral and political conceptions of human rights. Moral conceptions, represented in different ways by Griffin (2008), Wolterstorff (2008), Perry (1998), and Tasioulas (2013), treat human rights as grounded in features of human persons that are not reducible to state recognition. Political conceptions, associated especially with Rawls (1993), Raz (2010), and Beitz (2009), emphasize the role human rights play within international political practice, particularly in setting limits to sovereignty and justifying forms of external concern. Waldron (2012) adds a further complication by arguing that dignity is not only an abstract moral value but also a juridical status through which law recognizes persons as bearers of standing. These accounts differ, but their tension is pedagogically fruitful. A dignity-centered approach need not deny the political function of rights; rather, it insists that political function alone cannot explain why the vulnerable remain morally claim-bearing when institutions refuse recognition. The educational task is therefore to teach learners how legal validity, political practice, moral worth, and juridical status relate without collapsing one into the other.

Transformative citizenship education lies at this intersection. It must teach students that rights require institutions but are not reducible to institutions; that citizenship requires law but cannot be exhausted by

legal status; that dignity demands public protection but does not originate in public approval. UNESCO's global citizenship education guidance emphasizes knowledge, skills, values, and action for a more just, peaceful, tolerant, inclusive, secure, and sustainable world (UNESCO, 2015). Such education becomes philosophically deeper when it asks why human beings are worthy of justice before any institution decides to recognize them.

4. Legal Positivism and the Fragility of Rights

Legal positivism is often caricatured as moral indifference. That caricature should be avoided. Hart's project was partly an attempt to bring analytic clarity to jurisprudence by distinguishing the sources of law from moral evaluation of law (Hart, 1958, 2012). A legal system needs criteria by which legal officials identify valid rules, and Hart's rule of recognition remains one of the most influential accounts of such criteria. The educational value of positivism is that it prevents students from assuming that a rule ceases to be law simply because it is unjust.

Yet this same insight exposes the fragility of rights when they are imagined as nothing more than products of enacted law. If a right exists only because the state grants it, then the right is contingent upon state will. It may be expanded by statute, narrowed by regulation, suspended under emergency powers, reinterpreted by courts, or ignored through selective enforcement. This is why the history of legality must be taught alongside the history of human rights. The problem is not only illegal violence; it is legally organized indignity.

Apartheid South Africa remains one of the clearest modern illustrations. Apartheid was not merely social prejudice. It was a legal architecture of racial classification, movement restriction, spatial segregation, political exclusion, and economic dispossession. The victims of apartheid did not lack rights because they lacked humanity; they lacked legal recognition because law was aligned with racial

domination. The South African TRC later had to confront gross human rights violations generated by a political and legal order that had clothed injustice in bureaucratic form (Truth and Reconciliation Commission of South Africa, 1998).

Colonial legal orders functioned similarly across much of Africa. Colonial administration regularly classified persons not as co-equal citizens but as subjects, natives, tribes, labor units, or populations to be governed. Mamdani's (1996) analysis of citizen and subject remains important because it shows how colonial rule produced bifurcated legal orders: civil power for citizens and customary power for subjects. In such systems, law did not merely fail to protect dignity; it helped construct unequal political identities. Postcolonial citizenship education must therefore teach that legal categories are never innocent when they distribute recognition, voice, and vulnerability.

Genocide and mass violence also reveal how bureaucratic legality can become morally monstrous. Arendt (1951/1973) warned that statelessness exposed the weakness of rights when persons lost membership in a political community willing to protect them. Her famous concern about the right to have rights was not a denial of inherent dignity but a political diagnosis: moral dignity may exist, yet without institutions willing to recognize and protect persons, human beings become exposed to organized abandonment. The lesson for education is sobering. Rights need law, but rights cannot be grounded only in law.

The same ambiguity appears in contemporary restrictions on dissent, speech, and public participation. International human rights law protects freedom of expression, but it also recognizes limits. Article 19 of the ICCPR protects the freedom to seek, receive, and impart information and ideas, while permitting restrictions under strict conditions when provided by law and necessary for respect of the rights or reputations of others, national security, public order, public health, or morals (United Nations, 1966). The Human Rights Committee's

General Comment No. 34 insists that freedom of opinion and expression are indispensable for the development of the person and foundational for democratic society (Human Rights Committee, 2011). Still, states often invoke public order or morality not to protect dignity but to silence critics.

This is the educational crisis: learners must be formed neither as legal cynics nor as legal idolaters. Cynicism dismisses institutions and encourages destructive politics. Idolatry treats law as morally final. Transformative citizenship education requires a more demanding posture: respect for law as a necessary public instrument, joined to moral discernment about when law must be reformed, resisted, or judged against the dignity it ought to protect.

5. Human Dignity Before the State

To say that dignity precedes the state is to deny that the political community is the creator of human worth. The state can name a person, register a person, tax a person, punish a person, protect a person, deport a person, silence a person, or honor a person. But the state does not create the human person. If the person precedes the state's recognition, then dignity cannot be authored by state permission. This is the deepest reason why a merely positivist account of rights is insufficient for citizenship education.

This does not mean that dignity floats above history as a vague sentiment. Dignity must be translated into institutions, habits, laws, and social practices. Wolterstorff (2008) argues that rights are grounded in the worth of the rights-holder, not merely in social convention. Perry (1998) similarly contends that human rights language presupposes a claim about the sacredness or inviolability of every human being. One need not adopt every element of their theistic arguments to recognize the force of the point: if human beings are not intrinsically worthy, rights talk becomes a tool of preference, consensus, or power.

A dignity-before-law thesis also challenges narrow citizenship. Modern states often distribute rights through citizenship, yet human dignity cannot depend on citizenship. Refugees, stateless persons, migrants, prisoners, children, ethnic minorities, religious minorities, political dissidents, and persons outside dominant legal categories remain human before they are administratively recognized. Arendt's (1951/1973) concern with statelessness remains important precisely because it reveals the political tragedy that occurs when a human being's moral worth lacks institutional shelter.

Contemporary displacement makes this point painfully concrete. UNHCR reported that 123.2 million people were forcibly displaced at the end of 2024 because of persecution, conflict, violence, human rights violations, and events seriously disturbing public order (UNHCR, 2025). Such figures expose the practical fragility of rights when persons are separated from stable political membership, effective documentation, territorial protection, or functioning institutions. Displaced persons do not lose dignity when they cross borders, lack papers, or fall outside ordinary citizenship regimes; rather, their vulnerability reveals the difference between dignity as moral status and rights protection as institutional shelter. For citizenship education, displacement is therefore not a peripheral humanitarian issue but a central test of whether learners understand human worth beyond nationality, documentation, and legal belonging.

Dignity before the state also imposes limits on both majority will and technocratic governance. A democratic majority cannot vote a minority out of humanity. A court cannot erase personhood by procedural reasoning. A policy cannot become just merely because it is efficiently administered. A constitution may express dignity, but it does not originate dignity. The juridical task is derivative: law must bear witness to a moral reality it did not invent.

For transformative citizenship education, this distinction changes the pedagogical question. Students should not be asked only to identify rights in

legal instruments. They should also be invited to ask: what kind of being must the human person be for these rights to make sense? Why should the vulnerable be protected even when the majority finds them inconvenient? What does justice require when legality and dignity diverge? These are not optional philosophical luxuries. They are necessary questions for citizens in societies where law may be captured by ideology, fear, ethnicity, class interest, or political survival.

6. The Imago Dei as a Foundation for Human Rights Education

The doctrine of the imago Dei offers a powerful theological account of dignity. In the Christian tradition, human beings bear the image of God. This has been interpreted in various ways: substantively, in relation to rational or moral capacities; relationally, in relation to communion with God and others; and functionally, in relation to human vocation and stewardship (Szczerba, 2020). For the purposes of human rights education, the doctrine's importance lies not in reducing dignity to one capacity but in affirming that every human life has worth before and beyond social usefulness.

Biblically, the imago Dei is not first a doctrine of state recognition but a doctrine of created identity. Genesis 1:26-27 places human worth before any political institution, legal code, citizenship category, or social hierarchy. Genesis 9:6 links the prohibition of bloodshed to the fact that humanity is made in God's image, while James 3:9 condemns the contradiction of blessing God while cursing human beings made in God's likeness. These texts do not provide a modern rights catalogue, but they establish a theological anthropology in which the human person may not be reduced to utility, productivity, ethnicity, class, legal status, ideological conformity, or political convenience. In this sense, imago Dei theology does not replace legal rights discourse; it supplies a deeper moral grammar by which legal rights can be judged, defended, and humanized.

The imago Dei grounds dignity in creation rather than citizenship. A person is not dignified because the state recognizes her, because the market values him, because the community approves them, or because a legal category includes the person. The person is worthy because human life is marked by divine intentionality. This theological anthropology resists racism, ethnocentrism, caste thinking, tribal dehumanization, misogyny, ableism, xenophobia, and political demonization. In principle, it denies every ideology the right to decide which human beings count.

The doctrine also unites rights and duties. If another person bears God's image, then I encounter not an object of use but a neighbor before whom I have responsibility. Human rights are therefore not licenses for self-assertion without moral obligation. They are claims arising within a moral order in which each person is answerable for the dignity of others. This is why imago Dei theology can correct both authoritarian statism and radical individualism. The state may not crush the person, but the person may not treat freedom as exemption from responsibility.

Several objections must be addressed. First, can theological foundations be used in pluralistic classrooms? The answer depends on how they are used. If imago Dei is imposed as a sectarian test of belonging, it betrays its own universal claim. But if it is presented as one historically significant and philosophically serious account of dignity, it can enrich public reasoning. Witte and Green (2011) argue that religious traditions have both supported repression and contributed crucial moral resources for human rights. The task is not to baptize human rights education into one tradition but to help learners understand how traditions ground dignity, responsibility, restraint, repentance, and reconciliation.

Second, does grounding dignity in God exclude non-religious students? It need not. A pluralistic pedagogy can present imago Dei as a theological grammar that can enter dialogue with secular accounts such as Kantian dignity, capabilities theory,

natural law, Ubuntu, or cosmopolitan humanism. Sen's (1999) capabilities approach, for example, offers a nonsectarian account of freedom as substantive opportunity. Nussbaum (2000) similarly defends basic capabilities as requirements of human flourishing. These accounts may differ metaphysically from imago Dei theology, but all resist reducing human worth to legal recognition or economic utility.

Third, has religion itself sometimes been used to justify oppression? Yes. Any serious theological contribution to human rights education must admit that religious language has been used to legitimate slavery, colonialism, patriarchy, antisemitism, ethnic exclusion, and violence. The answer is not to abandon theology but to subject theology to its own deepest moral claims. If every person bears the image of God, then every religious practice, institution, interpretation, and political alliance must be judged by whether it honors or violates that image.

This also means that imago Dei must be used self-critically. Christian theology has public credibility in human rights education only when it refuses every theological arrangement that denies in practice what it affirms in doctrine. If every person bears the image of God, then racism, ethnic contempt, misogyny, caste-like exclusion, tribal dehumanization, exploitative labor, xenophobia, and religious coercion are not merely social failures; they are theological contradictions. A dignity-centered pedagogy must therefore teach theology not as a badge of superiority but as a discipline of repentance, recognition, and responsibility before God and neighbor.

Thus, imago Dei is not a slogan to be placed above human rights education. It is a demanding anthropology. It asks students to see human beings before they see political labels. It asks them to judge law by dignity, speech by truth and neighbor-love, citizenship by justice, community by responsibility, and reconciliation by the repair of persons rather than the convenience of power.

7. African Communitarianism: Rights, Duties, and Relational Personhood

African communitarian thought contributes a necessary correction to excessively individualistic rights discourse. In many African philosophical traditions, personhood is not imagined as isolated autonomy but as relational existence within community, memory, ancestry, responsibility, and shared moral life. Mbiti's (1969) well-known formulation of communal existence captures this relational emphasis. Menkiti (1984) argued that personhood in African traditional thought is deeply connected to the community, while Gyekye (1997) developed a more moderate communitarianism that recognizes both communal embeddedness and individual worth.

This tradition is important for citizenship education because modern rights talk can become thin when it treats the individual as a self-enclosed bearer of claims. Rights need duties. Freedom needs formation. Citizenship needs belonging. Peacebuilding needs memory. Reconciliation needs social repair. The African Charter itself reflects this integration by articulating both rights and duties, and by recognizing peoples' rights alongside individual rights (African Commission on Human and Peoples' Rights, 1981). In this respect, African legal and moral thought offers more than a regional variation; it challenges the liberal tendency to separate rights from the moral ecology that sustains them.

Ubuntu, especially in South African reconciliation discourse, has often been invoked to emphasize that a person becomes fully human through humane relations with others. Tutu's (1999) theology of forgiveness and restorative justice drew deeply from such relational sensibilities. In the context of transitional justice, this communitarian orientation helps explain why truth-telling, public acknowledgement, apology, restitution, and reintegration can matter alongside punishment. The South African TRC and Rwanda's Gacaca courts both reveal, in different and contested ways, that law alone

cannot heal social rupture. Communities must reckon with memory.

Yet African communitarianism must not be romanticized. Community can protect dignity, but it can also police conformity. Appeals to culture can support solidarity, but they can also silence women, youth, religious minorities, migrants, persons with dissenting political views, and those whose experiences threaten official narratives. Tradition can preserve moral wisdom, but it can also be sacralized to prevent critique. Political actors may invoke unity to suppress opposition, or invoke community to avoid accountability. A dignity-centered pedagogy must therefore affirm the community without allowing the community to swallow the person.

The educational implication is precise. Students should be taught to hold three truths together. First, the individual person has moral worth that cannot be erased by the state or community. Second, human beings become practically and morally formed in relationships, institutions, histories, and communities. Third, both individualism and communitarianism become dangerous when detached from dignity. The first becomes selfish autonomy; the second becomes oppressive conformity. Transformative citizenship education must teach rights with duties, belonging with conscience, and solidarity with critical discernment.

8. The Free Speech Paradox: Protected Until It Becomes Unacceptable

Freedom of expression provides a powerful test case for the claim that law recognizes rights but also regulates and restricts them. Article 19 of the UDHR protects freedom of opinion and expression, including the freedom to seek, receive, and impart information and ideas (United Nations, 1948). Article 19 of the ICCPR gives this protection treaty form, while allowing restrictions under defined conditions (United Nations, 1966). The Human Rights Committee (2011) describes freedom of opinion and expression as indispensable conditions for the full

development of the person and the foundation for free and democratic society.

The paradox is evident. A legal order may say that speech is free, yet it must still decide what counts as protected speech, harmful speech, incitement, defamation, blasphemy, sedition, hate speech, misinformation, extremism, or threats to public order. Some limits are necessary. Speech that directly incites violence, dehumanizes vulnerable groups, or intentionally mobilizes hatred may destroy the very dignity that free expression is supposed to serve. The Rabat Plan of Action therefore proposes a high threshold for restricting expression in cases involving advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence (OHCHR, 2012).

Still, the danger remains: the authority that defines unacceptable speech may itself be the object that needs criticism. Is free speech truly a right if the boundaries of acceptable speech are controlled by the same state, university, platform, religious body, or dominant ideology that may be criticized by that speech? The answer cannot be simplistic. A society that protects all speech without regard for harm may permit the strong to weaponize language against the vulnerable. A society that overregulates speech may permit the powerful to call every critique dangerous.

A dignity-centered approach requires distinctions. Speech that critiques power should enjoy robust protection, especially when it exposes corruption, abuse, exclusion, or injustice. Speech that incites violence or directly attacks the equal humanity of others may be legitimately restricted when limits are lawful, necessary, proportionate, and not politically selective. Speech that spreads deliberate falsehood must be resisted through education, counterspeech, and transparent correction, but criminalization should be approached with caution because truth-regulation can become political control. Speech that challenges dominant ideologies should not be silenced merely because it is uncomfortable. Institutional speech codes should protect dignity without creating intellectual timidity.

The digital environment intensifies this paradox because speech is now governed not only by states and courts but also by platforms, algorithms, advertisers, security agencies, and transnational information systems. Freedom House reported in 2025 that global internet freedom declined for the fifteenth consecutive year, with authoritarian governments using censorship and offline repression to suppress protests organized online, while democracies also experienced growing constraints on digital expression (Freedom House, 2025). The problem is therefore no longer simply whether the state permits speech. It is whether citizens can discern how speech is amplified, buried, monetized, manipulated, criminalized, or socially punished across hybrid public-private infrastructures. A dignity-centered approach should teach learners that digital citizenship requires more than personal expression; it requires truthfulness, verification, restraint, courage, and resistance to both mob coercion and state censorship.

This concern builds on prior work arguing that misinformation governance should protect truthful speech, require institutional transparency, decentralize content moderation, and avoid coercive uses of the misinformation label that can suppress dissent under the appearance of public protection (Sangwa & Mutabazi, 2025b). In the present article, that argument is translated pedagogically: learners must be formed to resist falsehood without surrendering free inquiry to state-platform control.

For citizenship education, the free speech paradox is invaluable. It forces students to confront the tension between liberty and responsibility. It asks whether truth-seeking requires offense, whether dignity requires restraint, whether the state can be trusted to define harm, and whether citizens can speak courageously without dehumanizing opponents. The answer proposed here is not libertarian absolutism or authoritarian regulation. It is disciplined freedom: speech ordered toward truth, dignity, conscience, and public accountability, with legal restrictions limited to clearly demonstrable harms under strict safeguards.

9. Postcolonial Human Rights: Liberation, Domination, and Selective Moral Language

Human rights discourse has a double history. It has been a language of liberation, used against colonialism, apartheid, dictatorship, torture, genocide, gender-based violence, censorship, and exclusion. At the same time, it has been criticized as a language sometimes deployed selectively by powerful states, institutions, NGOs, and geopolitical actors. Mutua's (2001) critique of the savages, victims, and saviors metaphor remains influential because it warns that human rights advocacy can reproduce paternalistic narratives: the non-Western world is cast as savage, local victims as helpless, and Western actors as rescuers.

A postcolonial account of human rights education must take both sides seriously. It would be morally reckless to abandon universal dignity merely because human rights language has been misused. Colonial subjects, anti-apartheid activists, political prisoners, survivors of mass violence, women resisting harmful practices, and minority communities have often relied on rights language to name injustice. Yet it would be intellectually naive to ignore the selective moral grammar of global power. Some violations become urgent only when they fit geopolitical narratives; others are ignored because they implicate powerful allies, markets, militaries, or institutions.

The universalism-versus-cultural-relativism debate must therefore be reframed. A crude universalism risks arrogance when it abstracts rights from history, local moral vocabularies, and the agency of affected communities. A crude relativism risks complicity when it allows culture, sovereignty, or tradition to excuse violence and oppression. An-Na'im (1990) argued for cross-cultural legitimacy in human rights, insisting that international standards require internal cultural transformation rather than external imposition alone. This remains a valuable direction. Universal dignity must be defended, but universal language must be spoken with humility, historical consciousness, and accountability to local voices.

African contexts sharpen this need. The African Charter emerged from anti-colonial memory, concern for sovereignty, and a desire to articulate human and peoples' rights in a regional idiom (African Commission on Human and Peoples' Rights, 1981). It reflects the struggle to join universal human dignity with collective self-determination, duties, development, and anti-colonial justice. This is why human rights education in Africa should not merely import frameworks. It should cultivate students able to evaluate both local injustices and global hypocrisies, both oppressive traditions and imperial moral posturing.

The central educational challenge is to avoid two forms of captivity: captivity to state sovereignty and captivity to external saviorism. The first tells citizens not to criticize injustice because it is internal. The second tells citizens that liberation must come from elsewhere. Transformative citizenship education should form learners who can speak from within their histories, draw from local moral resources, engage global norms critically, and resist any power that violates dignity, whether that power is domestic, communal, international, religious, corporate, or ideological.

10. Transformative Citizenship Education: Respecting Law Without Worshiping Law

The argument so far implies a demanding pedagogy. Students should learn law, but they should not worship law. They should respect institutions, but they should not confuse institutional order with justice. They should defend rights, but not detach rights from duties. They should critique culture, but not despise community. They should speak freely, but not treat freedom as permission to humiliate. This is the moral and intellectual work of transformative citizenship education.

Such education begins with conceptual literacy. Learners must understand the difference between human dignity, human rights, legal rights, citizenship,

moral duty, legal recognition, and political belonging. Without these distinctions, public debate collapses into slogans. Students may either assume that anything legal is right or that any disliked law is illegitimate. A mature pedagogy helps them name distinctions before drawing conclusions.

Second, transformative citizenship education requires historical consciousness. Students must study colonialism, apartheid, genocide, postcolonial state-building, transitional justice, and reconciliation not as distant events but as moral laboratories. The purpose is not guilt without action or nationalism without critique. It is to understand how law, identity, violence, memory, and institutions shape the present. In African contexts, this means examining citizenship formation, state fragility, liberation movements, restorative justice, and the unfinished work of social repair.

Third, it requires moral reasoning beyond legality. Learners should be asked: What does the law say? Whose dignity is protected? Whose dignity is ignored? Who benefits from this arrangement? What historical wound is being managed or denied? When should citizens obey, reform, resist, or morally critique law? What would responsible action require? These questions are not an invitation to lawlessness. They are an invitation to morally serious citizenship. Fourth, the pedagogy must be dialogical. Controversial questions should not be avoided. They should be structured with respect, evidence, intellectual humility, and protection of dignity. Students should debate whether rights come from God, nature, reason, community, law, or consensus; whether free speech should protect offensive ideas; whether victims should ever be asked to forgive; whether unity can silence memory; whether culture can justify practices others call oppressive; and whether global citizenship sometimes hides elite power. Such questions do not weaken education. They reveal whether education has the courage to form judgment.

Fifth, transformative citizenship education must be action-oriented. UNESCO's global citizenship

education framework emphasizes knowledge, skills, values, and action (UNESCO, 2015). Students should therefore move from analysis to advocacy, mediation, reconciliation initiatives, policy briefs, stakeholder mapping, community dialogue, digital responsibility, and practical citizenship. The classroom becomes not a substitute for society but a rehearsal for responsible participation in society.

This action-orientation is also consistent with UNESCO's 2023 Recommendation on Education for Peace, Human Rights, International Understanding, Cooperation, Fundamental Freedoms, Global Citizenship and Sustainable Development. The Recommendation defines transformative education as co-created teaching and learning that recognizes the dignity and diversity of learners, eliminates barriers to learning, motivates critical reflection, and empowers learners to become agents of change at individual, community, local, national, regional, and global levels (UNESCO, 2023). This definition strengthens the argument of the present article because it shows that transformative citizenship education is not merely activist pedagogy. Properly understood, it is dignity-aware, critically reflective, participatory, and action-oriented education ordered toward just and peaceful societies.

11. Toward a Dignity-Centered Transformative Citizenship Framework

This article proposes a Dignity-Centered Transformative Citizenship Framework. The framework is designed for human rights education, citizenship education, religious education, peacebuilding education, and leadership formation in pluralistic and postcolonial contexts. Its central claim is that education should form learners who can recognize dignity before law, protect dignity through law, practice dignity in community, and defend dignity against both state and communal violation. The framework contains six dimensions.

First, ontological grounding asks: Who is the human person? This dimension requires learners to examine competing accounts of personhood: theological, philosophical, legal, communitarian, liberal, postcolonial, and capabilities-based. Its purpose is to prevent rights education from becoming merely procedural. If students never ask what kind of being the human person is, they may inherit the right language without understanding its moral depth.

Second, moral recognition asks: Why does every person matter? This dimension connects dignity to equality, vulnerability, conscience, and moral worth. It invites dialogue among imago Dei theology, natural law, capabilities theory, Ubuntu, and secular humanism. Its aim is not to force metaphysical agreement but to cultivate moral seriousness about why no person should be reduced to utility, tribe, race, gender, status, religion, ideology, or citizenship category.

Third, legal protection asks: How should law protect dignity? This dimension affirms constitutionalism, courts, treaties, rights instruments, due process, and institutional accountability. It avoids anti-legal romanticism. Rights need public protection. The UDHR, ICCPR, African Charter, domestic constitutions, and regional human rights systems are necessary achievements, even where imperfect. Students must learn how institutions work, how claims are made, and how law can be used responsibly.

Fourth, communal responsibility asks: What duties do we owe one another? This dimension draws from African communitarian philosophy, religious ethics, restorative justice, and citizenship education. It teaches that rights are not solitary possessions but relational claims within a moral ecology. Freedom without responsibility becomes domination by the strong; responsibility without rights becomes submission to the powerful. The task is to hold both together.

Fifth, critical discernment asks: When must law or culture be challenged? This dimension is crucial. It

trains students to examine power, ideology, historical harm, institutional capture, and selective moral language. It helps them ask when legality becomes injustice, when unity silences truth, when tradition oppresses, when rights language becomes imperial, and when free speech becomes dehumanization. Critical discernment is the conscience of the framework.

Sixth, transformative action asks: How should citizens repair harm and pursue justice? This dimension moves from analysis to practice. Learners design advocacy plans, peacebuilding strategies, policy proposals, mediation processes, community charters, reconciliation initiatives, and digital responsibility practices. The measure of learning is not only conceptual accuracy but responsible action.

The framework can guide curriculum design in several ways. A module on human rights may begin with dignity and legal instruments, then examine colonial legality and contemporary rights struggles. A module on citizenship may study belonging, national identity, exclusion, and statelessness. A module on reconciliation may compare retributive and restorative justice, including the TRC and Gacaca. A module on global citizenship may connect local responsibility to systems thinking, digital ethics, and intercultural humility. Across all modules, students are repeatedly returned to one guiding question: what does dignity require here, and what form of citizenship would protect it?

12. Discussion: What This Framework Adds to Human Rights and Citizenship Education

The framework contributes to scholarship and pedagogy in four ways. First, it deepens human rights education by refusing to reduce rights to instruments. Students should learn the UDHR, ICCPR, African Charter, and constitutional provisions, but they should also learn the moral grammar that makes such instruments intelligible. The legal text protects dignity; it does not create dignity.

Second, the framework guards against legal fetishism. Some citizenship education implicitly trains students to equate good citizenship with compliance. Compliance is sometimes necessary, but it is not the whole of citizenship. Moral citizenship includes the capacity to identify unjust law, to reform institutions, and to resist dehumanization without becoming destructive. This is especially important in societies where law has been used to administer inequality.

Third, the framework joins rights and duties without collapsing one into the other. Liberal rights discourse can become too individualistic; communitarian discourse can become too conformist. A dignity-centered approach insists that persons have claims that communities must respect, and communities have moral bonds that persons must not treat with contempt. This balance is essential for African contexts where state-building, national identity, and communal belonging remain deeply contested.

Fourth, the framework gives educators a way to handle controversial questions without abandoning intellectual rigor. Rights from God or rights from law, free speech or protected dignity, universalism or cultural context, reconciliation or punishment, community or individual conscience, sovereignty or international accountability: these tensions should not be flattened. They should be taught as sites of moral formation.

13. Case-Based Pedagogical Applications for African Transformative Citizenship Education

A dignity-centered framework becomes educationally meaningful only when students use it to interpret concrete problems. In African citizenship education, case-based pedagogy is not an optional method; it is the bridge between conceptual fluency and public judgment. Students learn the meaning of dignity more deeply when they confront situations in which law, identity, memory, violence, and responsibility are not

neatly arranged. Three cases are especially instructive: apartheid and the TRC in South Africa, Gacaca in Rwanda, and the contemporary problem of digital speech in fragile or polarized societies.

The South African case helps students see how law can create a world of regulated indignity. Apartheid was not simply private racism but public reason deformed into racial legality. A dignity-centered classroom can ask students to identify the difference between legal order and moral order. It can then move to the TRC, where the pedagogical question becomes more complex: what should a society do when the law itself has helped produce the wound? The TRC was not a perfect mechanism. Its public truth-telling helped build a record and opened spaces for testimony, but critics have rightly noted unresolved questions about reparations, economic justice, and the limits of conditional amnesty (Truth and Reconciliation Commission of South Africa, 1998; Tutu, 1999). The educational value lies in the tension. Students must ask whether truth without material repair is sufficient, whether punishment without truth heals, and whether reconciliation can be morally demanded before justice is experienced.

Rwanda's Gacaca courts create a different set of questions. The system responded to the immense scale of the 1994 Genocide against the Tutsi, when ordinary courts were unable to process the number of suspects. UNDP Rwanda (2021) reported that more than 1.9 million suspects were tried through Gacaca over a decade. This scale forces students to confront institutional limits. What should law do when formal legality cannot bear the weight of mass atrocity? Gacaca also raises concerns about due process, trauma, community pressure, truth, confession, and reintegration. A dignity-centered pedagogy should neither celebrate nor dismiss it uncritically. Rather, it should ask what Gacaca reveals about the relationship between accountability and social repair, between community participation and procedural justice, and between the need for national healing and the danger of silencing unresolved pain.

A third case concerns digital speech. Students inhabit a world in which political speech, religious claims, misinformation, hate speech, satire, dissent, and identity conflict circulate instantly across borders. A classroom can give students a scenario: a viral post about a political or ethnic conflict includes dramatic claims and images that may be true, false, decontextualized, or intentionally inflammatory. The legal question is whether it is permitted. The dignity question is whether amplifying it protects truth or endangers persons. The citizenship question is what responsible action requires. This case allows educators to connect Article 19 of the ICCPR, General Comment No. 34, and the Rabat Plan of Action to everyday judgment (Human Rights Committee, 2011; OHCHR, 2012; United Nations, 1966).

These cases suggest a practical classroom sequence. First, students identify the legal framework: What laws, rights, institutions, or procedures apply? Second, they identify the dignity claim: Who is vulnerable, excluded, harmed, or dehumanized? Third, they analyze power: Who benefits from the current arrangement and who lacks voice? Fourth, they identify communal responsibility: What duties do citizens, leaders, institutions, and communities bear? Fifth, they decide on transformative action: What practical intervention could protect dignity without deepening conflict? This sequence transforms case analysis from a descriptive exercise into moral and civic formation.

Such pedagogy is especially important in first-year university education because students are often encountering the language of rights, law, identity, and global responsibility at the very moment when they are forming public selves. If education simply teaches them to memorize instruments, it may produce technically informed passivity. If it teaches them only critique, it may produce suspicion without responsibility. If it teaches them only activism, it may produce action without judgment. The framework proposed here seeks a wiser formation: learners who can analyze law, honor dignity, interpret history,

listen across differences, and act with disciplined courage.

The framework also changes assessment. Rather than asking students only to reproduce definitions, educators can assess whether learners can move through a full cycle of judgment: identify a concrete case, distinguish legality from justice, map stakeholders, apply theoretical concepts, evaluate competing moral claims, propose a practical response, and reflect on their own civic responsibility. Such assessment aligns with transformative learning because it requires students to examine assumptions, negotiate complexity, and connect knowledge with action (Mezirow, 2003; Taylor, 2007). It also aligns with human rights education because students learn that rights are not merely content to be remembered but obligations to be understood, defended, and practiced.

Finally, dignity-centered pedagogy can help protect the classroom itself. In courses dealing with genocide, religion, ethnicity, gender, nationalism, and political conflict, disagreement can easily become personal. A dignity-centered classroom does not avoid controversy, but it disciplines controversy through evidence, moral seriousness, and protection of persons. Students learn that courageous speech and respectful listening are not opposites. They are companion virtues in any society that hopes to remain free without becoming cruel.

14. Limitations and Further Research

This article is theoretical and conceptual, and its framework has not yet been empirically tested. Future research should therefore move in three directions. First, qualitative classroom studies should examine how students reason with the framework when confronted with contested cases involving censorship, transitional justice, religious pluralism, citizenship exclusion, or communal pressure. Second, comparative curriculum studies should investigate whether dignity-centered citizenship education differs across secular universities, Christian institutions,

African higher education contexts, and post-conflict societies. Third, mixed-methods studies could operationalize the framework into measurable indicators of ethical reasoning, respectful disagreement, legal-moral distinction, advocacy planning, and civic responsibility. Such research would not replace the normative argument developed here; it would test how the framework functions pedagogically when learners face real moral disagreement.

The article also speaks from a Christian theological horizon while seeking public and interdisciplinary relevance. This is both a strength and a limitation. It allows the argument to draw deeply from *imago Dei* anthropology, but it also requires serious dialogue with Muslim, African traditional, secular humanist, feminist, and other moral traditions. A mature dignity-centered framework should not demand uniform metaphysical agreement before defending human worth. Rather, it should cultivate principled convergence around the claim that no human being should be reduced to legal status, political usefulness, ethnic belonging, economic productivity, ideological conformity, or social approval.

15. Conclusion:

This article has argued that law can recognize, regulate, protect, suspend, and punish the exercise of rights, but law cannot be the ultimate source of human dignity. If rights are grounded only in positive law, they remain vulnerable to the will of the very authorities they are meant to restrain. The history of colonial legality, apartheid, citizenship exclusion, censorship, and post-conflict justice shows that law is morally ambivalent. It may protect dignity, but it may also organize humiliation.

The proper conclusion is not contempt for law. Rights need legal protection. Courts, constitutions, treaties, commissions, and public institutions matter deeply. But law becomes just only when it acknowledges a dignity prior to itself. The *imago Dei* provides one powerful theological account of that dignity. African communitarian thought reminds us that dignity is lived relationally through duties, belonging, memory, and responsibility. Critical human rights theory warns that rights language can liberate or dominate. Transformative citizenship education must hold these insights together.

Students must therefore learn to respect law without worshipping law, to defend rights without isolating persons from community, to speak freely without destroying dignity, and to challenge injustice without becoming careless with truth. The state does not create the human person; therefore, the state cannot be the original author of human dignity.

The central educational danger, therefore, is not only that students may misunderstand rights. It is that they may be formed either into obedient subjects who cannot judge unjust legality, or into suspicious critics who cannot build just institutions. A dignity-centered transformative citizenship education seeks a harder and wiser formation: citizens who can honor law without absolutizing it, critique power without despising order, defend rights without abandoning duties, affirm community without sacrificing conscience, and speak truth without destroying the humanity of those with whom they disagree. Such education is urgently needed wherever law is tempted to become sovereign over dignity rather than servant to it. Law is most just when it bears witness to a dignity it did not invent.

Table 1. The Dignity-Centered Transformative Citizenship Framework

Dimension	Guiding question	Pedagogical focus	Risk guarded against
Ontological grounding	Who is the human person?	Theological, philosophical, legal, and communitarian accounts of personhood	Rights without foundations
Moral recognition	Why does every person matter?	Dignity, equality, vulnerability, conscience, and moral worth	Reduction of persons to utility or identity
Legal protection	How should law protect dignity?	Constitutions, courts, treaties, due process, and institutional accountability	Anti-legal romanticism
Communal responsibility	What duties do we owe one another?	Ubuntu, duties, reconciliation, belonging, and social repair	Individualism without obligation
Critical discernment	When must law or culture be challenged?	Power analysis, historical memory, dissent, and unjust legality	Legal or cultural idolatry
Transformative action	How should citizens repair harm and pursue justice?	Advocacy, peacebuilding, policy, mediation, and civic practice	Theory without responsibility

The framework should be read as a normative-analytical heuristic rather than as a completed empirical instrument. Its value lies in helping educators, curriculum designers, and researchers examine whether a given human rights or citizenship curriculum addresses the full moral ecology of dignity. A curriculum that teaches only legal protection risks proceduralism. A curriculum that teaches only communal responsibility risks conformity. A curriculum that teaches only critical

discernment risks suspicion without constructive action. A curriculum that teaches only transformative action risks activism without philosophical grounding. The six dimensions are therefore mutually corrective: ontological grounding deepens rights discourse; moral recognition humanizes it; legal protection institutionalizes it; communal responsibility socializes it; critical discernment purifies it from idolatry; and transformative action translates it into civic practice.

Declarations

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Availability of data and materials: Data sharing is not applicable to this article because no empirical datasets were generated or analyzed. The study is based on conceptual, theological, philosophical, legal, educational, and documentary sources cited in the manuscript.

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