

***CRIMINOLOGY AS LOVEMAKING: AN AFRICA CENTERED
THEORY OF JUSTICE***

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ABSTRACT

This paper explores the potential role of love in criminal justice and jurisprudence by excavating ancient and modern philosophies of justice to reveal the puzzling evasion of love in attempts by various philosophical traditions to engineer a solution to the wobbly foundations of justice exclusively on the quicksand of rationality, authority and truth but without love. The paper will adopt the format of Platonian philosophical dialogue (originally borrowed from Africa) by staging a breaking of bread between Jens A.B. Jacobsen (JJ), a business man who died seeking universal justice through nature rather than through love and Ifi Amadiume (IA), the Nigerian feminist theorist. As in the dramatic dialogues of Plato, the characters JJ and IA are not the actual persons Jacobsen and Amadiume but, to a large extent, fictional characters for me to use in exploring the place of love in justice. The drama opens in Professor Amadiume's dining room where she is about to eat dinner and suddenly a ghost appears at the dinner table reciting from Pushkin and she invites the ghost to join her in breaking bread.

JJ: 'I am no more the ardent lover
Who caused the world such vast amaze:
My spring is past, my summer over,
And dead the fires of other days,
Oh, Eros, god of youth! Your servant
Was loyal - that you will avow,
Could I be born again this moment,
Ah, with what zest I'd serve you now!
(Pushkin, 'Old Man', 1815)

IA: Oh admirer of the grandson of the 'Negro of Peter the Great', come and join me in breaking bread.

JJ: How can you invite a total stranger to share your meal. You do not even know what I am.

IA: It is an African thing. You won't understand.

JJ: Try me.

IA: Africans always invite anyone around to join in a meal. We say *bia rie ihe* in Igbo, *zo ka ci abinci* in Hausa, *wa jeun* in Yoruba and *di dia mkpo* in Efik, all of which mean; come and eat something or simply, *come chop* in broken English. In fact, it is customary to invite the spirits of our ancestors to join in every meal. That is why we pour libations.

JJ: So you know that I am a spirit.

IA: Everyone is a spirit.

JJ: Absolutely. Absolutely. Absolutely. But I am really a ghost, are you not scared or spooked?

IA: No, as Peter Tosh would say, I am a *duppy* (ghost in patois) conqueror. I shall walk through the valley of the shadow of death but I shall fear no evil because the Lord is with me.

JJ: You are still backwardly religious

IA: And backwardly loving too, what is wrong with that?

JJ: You should live in truth not in love and religion.

IA: Well, love is true and religious faith is a true fact of life in the black community. No race of people can survive the holocaust that my people survived without a strong faith in the being upstairs or without striving to love even the enemy. You know why? I will quote a sister, Cheryl Clarke, to explain why with reference to lesbian love:

‘... all of us would do well to stop fighting each other for our space at the bottom, because there ain’t no more room. We have spent so much time hating ourselves. Time to love ourselves. And that ... is the final resistance.’ – Cheryl Clarke (1983).

JJ: Interesting stuff. You are absolutely right that the oppressed cannot survive if they keep fighting one another for crumbs. That is a truth. You do not need religion or love to tell you that.

IA: So what have you got against love?

JJ: What’s love got to do with it? Let me quote for you something that I said to Albert A. Anderson in a 1991 dialogue when he asked me what is the difference between Christian love and natural compassion. I answered that;

‘Love means nothing, because it has come to mean so many things. It can be sexual relations, it can be somebody wanting to protect...it can mean anything. You see two animals mate, and you call that love; or one animal helps another... love is far too vague. But compassion is something concrete, that single word incorporates what is essential: nature’s compassion for the truth. One must always seek the roots of which a thing is

built. Procreation...inquisitiveness...balance...beauty...harmony...awareness. These are the basic things, through them one should seek the definitions of life itself. Compassion is basic in order to achieve balance’.

IA: There is a difference between love and compassion, you know. When George W. Bush talks about compassionate conservatism, does he mean compassion for the poor and not for the fortunate one per cent that got most of his tax cuts? Passion, as in Mel Gibson’s *The Passions of the Christ*, is about suffering and compassion is co-suffering or sympathy or mere pity. Love, on the other hand, is something that everyone needs – rich and poor, fortunate and unfortunate, beautiful and ugly. In other words, love is more universal than compassion: not everyone who is compassionate is loving but everyone who is loving is compassionate. Compassion assumes that suffering will be eternal while love aspires to an end of suffering and the flowering of joy. If the love bug computer virus was titled, ‘I feel compassion towards you’ rather than the infectious ‘I love you’, not many powerful company executives, privileged scholars, voyeuristic newspaper editors would have opened it with anticipation instead of deleting it with contempt.

JJ: You have a point there, love can be abused, not everyone is in need of compassion. However, when it comes to justice, there is always a need for compassion towards the suffering of the offender and the victim. Are you saying that compassion is not possible without love or that love can exist without compassion?

IA: Neither justice nor compassion can exist without love or they will be fraudulent. Think of love as a big circle and within that circle you find two smaller circles called justice and compassion. Of course, there are other circles within love that deal with other aspects of life than justice and compassion but love is the universal human virtue.

JJ: What has love got to do with justice?

IA: What is the role of love (or what you have called compassion) in the administration of justice? Dr. Biko Agozino, explored this question with the African Caribbean Culture Club at the Cayuga prison in New York State during the thanksgiving weekend of 1999. After Dr Horace Campbell talked to the inmates about the exemplary life of Julius Nyerere, Biko Agozino linked Nyerere’s philosophy of *Ujamaa* or familyhood to the philosophy of universal love. The inmates agreed with him that the practice of what Rasta people call ‘One Love’, would make a difference in their personal lives and assist them in their resistance against continued institutionalization by the criminal justice system. It is true that most of the crimes of violence committed by black youth are committed against black people and this is indicative of self-hatred that we must go beyond by learning the art of loving one another. The more difficult question is how love can be seen as an essential part of justice in the sense that without love, justice will be nothing but injustice? This is especially so against those who suffer what has been termed *victimization as mere punishment* by Biko Agozino in his critically acclaimed 1997 book, *Black Women and the Criminal Justice System: Towards the Decolonization of Victimization*. Don’t you agree that without love, the law will be empty of justice and be simply domination or oppression?

JJ: I will refer you to another answer that I gave to Albert Anderson five years before I died when he asked me about the notion of justice. I told him that

‘There is a necessity for the community to survive, and there has got to be a certain order. The problem is when the order becomes artificial. It goes back to preservation.’ He understood this to mean that law must be based in nature. Absolutely. Absolutely. Absolutely. He asked me again whether there is a way law can be universal if it is arbitrary. I answered that there is no way such can happen ‘but the lawyers tend to think of law as arbitrary, so it is important for them to think about law from another point of view. Judges and the legal community should be exposed to the other side, to think of law and justice as based in nature. That would help to give a little more balance....It is human nature to be compassionate. Absolutely, and that is the way nature’s compassion functions. But, you see, processes function differently, depending upon the environment and circumstances. Preservation has had its influence on the organism’s function. Preservation has thrown it out of balance, and it develops unsound judgment. To have unsound judgment, of course, leads to all sorts of problems. But if one can get in balance by ignoring the self, there is balance. But one must not put the ego into it.

IA: I see. You are afraid of love because you think that it will introduce unsound judgment, because you think that love is arbitrary and that it takes the self into consideration. I think that some of you dead white men should be silent for a while so that black women who have loved selflessly can teach you what it is to love. Alvin Gouldner in his 1965 book, *Enter Plato*, understood this root of the crisis in Western social theory when he observed that;

‘Although Plato speaks well of friendship and regards it as desirable among men, nowhere does he indicate that the disunity he dislikes is due to a lack of love. For him, it is not that “love is not enough”, but that love is, in itself, downright suspect. Neither in a Christian nor in any other sense does he call upon men to love one another. Essentially, Plato strives to strip love of its Dionysian qualities and to make it a thing of the mind, rather than something of the deepest emotions or of the whole, embodied man. For him the best kind of love is not the love of men for one another, but the love of pure beauty, or the contemplation of the beauty of eternal forms...Rather than thinking of love as a way of making men whole again, as others of his time do, Plato regards it as akin to the pursuit of fame, as basically expressive of the pursuit of immortality. Like the fame won in a contest, love is man’s hedge against immortality... Plato’s rejection of love as a way of mending men and making them whole reveals still further his conception of social disunity: disunity does not entail a sense of individual isolation, of experienced social distance from others, or a felt loss of communion with them, or of a separation between man and man. Essentially, Plato speaks here as an Apollonian. He rejects the Dionysian quest for communion among men through love or, for that matter, through alcohol. He rejects the bond of strong feeling in favor of temperate friendly admiration and on behalf of a measured coordination among specialists arranged in hierarchical manner. What Plato seeks is not love but respect’.

JJ: That is true of Aristotle too for according to him, the love between equals is inferior to the love of a parent for a child or the love of a husband for the wife or the love of a monarch for the subjects. Yet, as Machiavelli, Burke and Freud emphasized, human beings tend to be masochists because they interpret love as weakness and see pain as a sign of strength and that is why the

authority we love, we do not respect and the one we respect, we fear rather love. Terry Eagleton (1990) summarized the philosophical distrust of love by conservative political theorists:

‘The political paradox is plain: only love will truly win us to the law, but this love will erode the law to nothing. A love attractive enough to engage our intimate affections, and so hegemonically effective, will tend to inspire in us a benign contempt. On the other hand, a power which rouses our filial fear, and hence our submissive obedience, is likely to alienate our affections and so spur us to Oedipal resentment. Casting around for a reconciling image, Burke offers us, of all things, the figure of the grandfather, whose male authority is enfeebled by age into a “feminine partiality.”

IA: How sad, how sad. Is it not true that Eagleton went on to highlight the critique of the sexism of Burke by Mary Wollstonecraft in her *Vindication of the Rights of Women* where she argued that Burke was trying to exclude women from the realm of moral authority. A similar critique can be found in my own (Ifi Amadiume, 1987) writings where there is evidence of the moral authority that women wield in pre-capitalist African societies. This mythic love of all in obedience to the love of nature that cares and provides abundantly for all irrespective of race, class or gender is found among Native Americans too, according to Jon Conescu (1995). Yet it is not true that love is always soft and not tough too. Rastafarians, for example, emphasize that the struggle against Babylon is motivated primarily by the one love of the oppressed rather than the hatred of the doomed pitiable oppressors. The One Love philosophy of Rastafari suggests that without democracy, love could easily become another excuse for dictatorship – a point that bell hooks made in her essay on democratic parenting in her book, *Feminist Theory: From Margin to Center*. In this connection, Eagleton concluded that;

‘The fullest instance of free, reciprocal self-fulfillment is traditionally known as love; and there are many individuals who, as far as the personal life goes, have no doubt that this way of life represents the highest human value. It is just that they do not see the need, method or possibility of extending this value to a whole form of social life. Radical politics addresses the question of what this love would mean at the level of a whole society, as sexual morality tries to clarify what counts as love in sexual relations between individuals, and medical ethics tries to define what counts as love in the treatment of bodies which are suffering. It is because love is a highly vexed, obscure and ambiguous topic that such ethical discourses are necessary in the first place. Modern ethical thought has wreaked untold damage in its false assumption that love is first of all a personal affair rather than a political one.’

JJ: That was why I came back to wander the earth like the ghost of Hamlet’s father until I learn the truth about love and immortality. I was told by Plato at the gate of Magnesia that I should go back and acquire the knowledge of love before I could gain immortality in the ideal city.

IA: How sad, why would anyone want to spend eternity in a dystopia like that where it is even a crime to change the songs decreed for festivals and where the laws are rigid and where homosexuality is a crime and slavery is lawful and love is rejected as madness? The *Advocate* of 03/02/99 Issue 780 p.9 presents an interview with two lesbians who were married by a United Methodist Minister, against the policy of the church but in line with a California ballot initiative

to allow same-sex unions. According to one of the lesbians, Charlotte, ‘...I think of it as love and justice. Jeanne and I are deeply in love and have been for 15 years, and it was time to make a public statement to that effect. And because the church had made its ruling against same-sex unions, it became a justice issue also.’ Plato would have exiled the couple from his Magnesia contrary to the Christian love of all of God’s children that Cornel West has been advocating. In any case, why did Plato not send you back to Greece to learn the lesson of universal love?

JJ: He pointed out a slogan painted at the gate of the Magnesia: ‘Out of Africa Always Comes Something New’.

IA: So why me, why did you not go to Egypt or Zimbabwe to learn from the ancients?

JJ: I did. It was there that I met thinkers who gave me your address and sent me to you. I was told that you are a theorist of the love of the outsider within (especially in your book, *Male Daughters, Female Husbands*) and that you are the best qualified to teach me all that I need to know. That was why I had to appear at your dinner table so that the scene will be set like the scene in Plato’s *Symposium* where Socrates debated the meaning of love with his interlocutors. Please do not send me away without enough to quench my thirst.

IA: ‘Oh what a rat race! This is a rat race! Rat race, I’m saying, when the cat’s away, the mice will play, political violence fill your city yeah! In the abundance of water, the fool is thirsty, rat race!’

JJ: I know that song. The guys who told me to come to you were singing the song in Zimbabwe as they occupied the farms of absentee white farmers. Then one white man started singing, ‘Is this love is this love is this love that I am seeing? I want to know want to know want to know now.’ And the singers replied ‘We wanna love you, we wanna love and treat you right. Everyday and every night we’ll be together. With the roof at over our head we’ll share the shelter, Oh Jah provide the bread, we’ll share the same roof, We’re willing and able and so we lay our cards on the table.’ Their leader was called Bob, another was called Harriet, Fela was there too, and another leader was Samora. Do you know the man called Bob?

IA: Yeah man, everybody knows Marley, the theorist of One Love or universal love. But are you sure that you are willing to humble yourself, bend down low and let me tell you what I know?

JJ: Absolutely. Absolutely. Absolutely. But how am I going to repay you?

IA: Just promise that you will go back and enlighten the dead white men about love and justice. If they learn the truth, perhaps they will rewrite their ancient books and teach their descendants what they have been struggling to ignore.

JJ: I promise. I promise. I do.

IA: Then sit on the ground and let us begin grounding the ghost of a dead white liberal... I will use theories of crime and punishment to educate you about universal love. This grounding will explore the view that criminology could be seen as theories and methods of creating love among

people in a multicultural society instead of being seen as a hate-driven system of vengeance and retribution. The idea of criminology as lovemaking is close to what Richard Quinney (1998, *For the Time Being*) theorized recently as 'compassionate criminology' but this choice of words sounds too close to the compassionate conservatism of the new right for comfort. Moreover, Quinney concluded that Buddhist compassion is geared towards peacemaking criminology whereas his passion for Hindu Scripture should have pointed him in the direction of lovemaking via the *Karma Sutra* while African philosophies would emphasize the non-erotic love of all humanity. This grounding dialogue will raise serious doubts about the hopes that peace is a sufficient condition for justice given the fact that pacification is essentially an act of conquest as Tony Giddens (1992) found in his *Transformation of Intimacy*, an interpretation that is close to Michel Foucault's repression thesis in *The History of Sexuality*.

JJ: Lucky old Foucault. He is one of the gatekeepers of the Magnesia. I can't wait to get started.

IA: The grounding will review the ultimate prices that black people have paid for seeking to love and show justice to the Other through readings of the 'Dream' of Martin Luther King Jr (1967), for a sense of what he called the 'Beloved Community' and link this to the 'Consciencism' of Kwame Nkrumah, the 'Ujamaa' of Julius Nyerere, the 'black consciousness' of Steve Bantu Biko, the 'Black Skin White Masks' of Frantz Fanon, the autobiography of Malcolm X, *The Souls of Black Folk* by W.E.B. Du Bois, the *Return to the Source* of Amilcar Cabral, the *Sacred Hope* of Agostino Neto, the 'Beloved' of Toni Morrison, the 'One Love' of Bob Marley and Peter Tosh, the love songs of Jazz, Blues and Funk, the 'genealogical Christian love' of Cornel West, *the Invisible Man* of Ralph Ellison, *Nobody Knows my Name* by James Baldwin, *Possessing the Secret of Joy* by Alice Walker, *Jagua Nana* by Cyprain Ekwensi, *Efuru* by Flora Nwapa, *Second Class Citizen* by Buchi Emecheta, *I will Marry When I want* by Ngugi and Ngugi, *So Long a Letter* by Mariama Ba, *Tales of Tenderness and Power* by Bessie Head, *Gifts* by Nurudeen Farah, *Our Sister Killjoy* by Ama Ata Aidoo, the transgressive essays of bell hooks on love and her latest book on love, *The Alchemy of race and rights* by Patricia J Williams, *Blues* by Angela Davis, *Groundings with my Brothers* by Walter Rodney, Horace Campbell's *Rasta and Resistance*, and the representations of love and justice in Fela Kuti's Afrobeat, and in gangsta rap, ragga and jungle music. This Pan African conception of love and justice will be compared and contrasted with ancient and modern European philosophies of love and justice in order to synthesize the best of all traditions for the foundation of liberation criminology based on love primarily in the interest of people of African descent who are facing unprecedented racist-sexist-classist criminological crises at the turn of the millennium.

JJ: That is a hell of a lot of reading to do.

IA: Well, that is only the introductory reading list from which we will move on to other texts. Before I send you away to go and do your homework I will like to quote something that sister bell hooks said: '... in a white supremacist country, the black person who is most threatening is the one who loves Blackness, who loves the embodiment of Blackness, the mark of Blackness on the skin, in the body.' Your first assignment is to answer why black people who are loving are seen to be threatening?

JJ: I don't know. Why?

IA: The readings will explain it to you. You should also consider reading the 1957 public lectures of Paul Tillich (1960). I am puzzled that such a challenging booklet has been completely ignored by criminologists through a conspiracy of silence. To give you a slice of what he said:

‘ Justice can be reached only if both the demand of the universal law and the demand of the particular situation are accepted and made effective for the concrete situation. But it is love which creates participation in the concrete situation. It would be completely wrong to say that love should be added to justice if the uniqueness of the situation is to be reached. For this would mean that justice as such is impossible. Actually the situation shows that justice is just because of the love which is implicit in it.’

JJ: Very interesting stuff. But I need an outline for my grounding. Where will your lectures begin and where will they end? How will you assess my knowledge and certify my diploma?

IA: Your grounding will comprise of ten lectures or dialogues plus this introductory meeting and a concluding meeting. The only test will be how you practice the lessons you will learn here in the world out there. We will discuss love and justice in ancient Africa, ancient Asia, ancient Greece, ancient Middle East, under the trans-Atlantic slavery and colonialism, under post-colonial and internal colonial conditions, under post-modern conditions, the evasion of love in western jurisprudence and in conventional criminology.

JJ: I can't wait to get started. But the books you mentioned are all modern. I am not sure that there is anything in them about the ancient world. Would you please give me a brief overview to guide my future reading.

IA: Fair enough. I will start by referring you to an online newsletter, *Ma'at News*, Volume III, No. II, March/April 1999 where there is a feature article, ‘Another Myth Bites the Dust: Egypt -- Not Greece -- Was the Source of Western Law and Procedure’. You were probably taught as a child that ancient Greeks created the first complex legal system, that the Romans borrowed this from them and spread it to the rest of Europe. But where did the Greeks borrow from?

JJ: The Greeks had no one to borrow from. They were the first to break from *Mythos* or mythology about gods to *Logos* or the logical search for knowledge about *Physis* or the world. In the process they developed *Nomos* or law and kept a distance between the rational administration of law and *Eros* or the emotions of love that could becloud justice. That is why their symbol of justice, Persophane, is a blindfolded goddess. I have just finished reading an article by Walter Burkert (1999) and he argues that we should go back to the ancient Greeks to regain the love for knowledge in a postmodern world where scientific discoveries (like genetic engineering and DNA mapping) are held in suspicion if not outright contempt due to the abuses of science in the past. In the same issue of the journal, Wendy Doniger (1999) was critical of Burkert on the ground that classical Greek civilization and the classical education it inspired were imperialist, discriminatory and never intended to be universal while other cultures, like those of Asia, Africa and Native America, made original contributions that should not be neglected. However, I still agree with Burkert that the Greeks were the original philosophers of logic and science, they were the first to move beyond *mythos* into *logos*.

IA: Really? Do you know that the slogan that you saw painted on the gate of Plato's Magnesia was a saying that ancient Greeks had more than one thousand years ago? 'Out of Africa Always Comes Something New.' Thousands of years before the Greek City States emerged, ancient Africans developed the idea that you should love your neighbor because there is one God that created all of us and so we should not regard people from different cities as enemies or barbarians. Rather, we should find ways that all the different cities can be governed together. The ancient Greeks were slow to learn this lesson and even Plato's final utopian dystopia was only a city and not a country or kingdom including different cities. The *Ma'at Newsletter* that I referred you to earlier, illustrates the remarkable legal system in ancient Egypt that Plato and others tried to copy partially and superficially while rejecting its foundation on universal love. The King of Egypt was close to the philosopher King that Plato admired except that he ruled according to a codified law which Plato tried to introduce in his final treatise, *The Laws*. The Pharaoh derived his authority from the Sun-god, Osiris, and since the sun shines on everyone, this was the symbol of the one God that loves everyone irrespective of race, wealth or gender. The Pharaoh was not a despot but ruled with the assistance of ministers, priests and judges. Records of wills, contracts and property were kept at the palace thousands of years before the Greeks started experimenting with similar documentations. According to the Newsletter:

‘ The most important concept in ancient Egyptian law was that of MA'AT – the very name that we have chosen for this newsletter. MA'AT was also the name of the Egyptian goddess of justice. As a concept, MA'AT meant truth, justice, virtue, integrity, righteousness, godliness, etc. All Egyptians strove to reach the standard of MA'AT in their daily lives; and sometimes the pharaohs assumed the title "Son of MA'AT" or "Justice."

The pharaohs' obsession with MA'AT was understandable. According to their spiritual teachings, each soul, including that of the king, would appear before the goddesses of MA'AT after death. At that time, one's soul would be weighed on the scale of justice, and a determination would be made by MA'AT as to the overall quality of one's life and where one would spend the afterlife. Being concerned that MA'AT would express mercy and compassion upon his soul in the after-life, most pharaohs were merciful and compassionate toward their subjects during their reigns.

The goddess MA'AT is always shown with the feather of justice erect on her headdress. Special gold collars, bearing the emblem of MA'AT, were produced for use in the courtroom. Legal proceedings began when the presiding judge donning the gold collar. The judgment was rendered by giving this gold collar to the successful litigant, in token of his success.

Across the centuries, pharaohs and judges left records of their dispensation of justice and mercy in allegiance to MA'AT. In the fifth dynasty, Judge Hetep-her-khast wrote of himself: "I never took away anything by force from any man. I never did an act of oppression to any man. For God loveth the thing that is just."

In the 12th dynasty, Khnem-hotep writes of King Amenomhet I: "His majesty came that

he might abolish wrong....set right the abuses, and restore what one city has taken from another; allotting the water-course rights according to the recorded titles of former times, that he might do justice." Nineteenth dynasty pharaoh Ramses III recites the following achievements as a just ruler:

"I planted the whole land with trees and green things, and made the people to dwell in their shade. I made the land safe, so that a lone woman could go on her way freely, and none would molest her. I rescued the humble from their oppressors. I made every man safe in his home. I preserved the lives of those who sought my court of justice. The people were well content under my rule."

The Ancient Egyptians developed legal codes and placed forty rolls of the code on the courtroom table for reference. The first recorded international treaty is also found on the wall at Karnak in Egypt about 1390 and the treaty between Ramses II and the invading Hittites required that absconding officials from each country should be returned safely to their country of origin without being "prosecuted for his offence; his property shall not be seized nor his wives nor children, nor himself be put to death nor mutilated."

Other legal documents included bail-bonds, deeds of land and of houses, leases, sales, contracts, etc. These were all executed in the popular cursive writing form called demotic. The following is an example of a marriage contract:

"In the month Athyr of year I of King Khabbash, the Lady Settyr-Benne, daughter of Peteharpokrates and Semminis, has said to Teos, son of Pow and Nesoharpokrates: "Thou makest me thy wife, thou givest me two and a half silver staters as wedding-gift. If I divorce thee as husband, hating thee and loving another more than thee [!], I shall restore to thee one-half this wedding gift. I grant unto thee one-third of all my property acquired during our marriage. This contract, a duplicate handed to thee, is hereby acknowledged in the presence of sixteen witnesses, and shall not be changed, without thy consent, either orally or in writing.' Peteharpokrates, Notary."

Greek historian Diodorous has left a record of the Egyptian legal system in his day, which was during the last phase of pharonic civilization. According to him, prior to the legal proceedings, thirty judges were selected by the pharaoh or his highest ranking judicial assistant. Upon assembling, the judges selected a chief justice from among them. (The pharaoh provided each judge with a stipend, and the chief justice's remuneration was much larger than the others.) According to Diodorous:

"Such among the Egyptians is the manner of conducting all formal proceedings of the courts [i.e. without any speeches from attorneys]. For they believe that from speeches of attorneys much clouding of the legal issues would result; the cleverness of the speakers, the spell of their delivery, the tears of the accused, influence many persons to ignore the strict rules of law and the standards of truth. For very often [in other countries] one sees experienced members of courts, whether through fallacious argument or pleasing voice or compassionate emotion, swept away by the eloquence of the speaker; whereas [the Egyptians] believe that if the parties themselves submit their case

in writing, the bare facts alone being thus taken into account, a more correct judgment will be reached; and thus the readier speakers will gain no advantage over the slower ones, nor the skilled over the unskilled, nor the bold lying ones over the diffident truthful ones; but that all will have equal opportunity before the law by simply allowing ample time for the parties to study their pleadings and for the judges to deliberate and decide upon the allegations of the respective parties."

These records indicate the emphasis that ancient Egyptians placed on love in their judicial system but the ancient Greeks chose to de-emphasize love because they saw it only in terms of erotic love or Eros, ignoring the love of justice and the love in justice which the Egyptians saw as natural and divine. According to *Ma'at News*,

'Egypt was the classical land where two thirds of Greek scholars went to study. The great historian, linguist, nuclear physicist and Egyptologist Cheikh Anta Diop (1974: 230) has written: "It is impossible to stress all that the world, particularly the Hellenistic world, owed to the Egyptians. The Greeks merely continued and developed, sometimes partially, what the Egyptians had invented." In the same vein, historian Basil Davidson (1994: 323) has recorded that "[t]he Greeks all agreed upon the cultural supremacy of pharaonic civilization and the ways in which they wrote about this clearly show that they would have thought it absurd to advance a contrary opinion. "The same writers likewise took it for well established fact that the Greeks had learned their civilization from the same source, and that that had come about, in some degree, because Egyptians had formed settlements in Greece in earlier centuries."

JJ: Are you saying that if the Greeks and the Europeans had learned the emphasis that Egyptians placed on the role of love in justice, there would have been more progress in the world today.

IA: Precisely. The only thing the Greeks learned was the love of wisdom while they dismissed the wisdom of loving people as sentimental madness. They borrowed the idea that justice is a goddess from the Egyptians but due to their sexism, they insisted on blindfolding the goddess. Even the genre of the dramatic dialogue that we attribute to Plato is similar to the written Egyptian court procedure that Diodorus described above. Jesus Christ studied in Egypt and returned to the Middle East to proclaim love for Jews and Gentiles alike to the annoyance of the clergy and learned men of the time who still believed in a tribal God that would wage war on other people and even on his own chosen people. However, Christian love tends to be other-worldly or simply divine whereas the ancient Egyptians who were the first to develop the belief in immortality, believed that justice and love must be demonstrated here and now. It is not too late for the world to regain the love of knowledge and the knowledge of love in our study of *Mythos, Logos, Physis, Nomos* and *Eros*.

Professor Zenon Bankowski of the University of Edinburgh, Scotland explored this in his inaugural lecture, *Law, Computers and Love*, 1994. He notes how inadequate law and computers would be if they were not animated by love. Similarly, love would be inadequate if there are no rules that guide relationships between autonomous individuals in a heteronomous society where we depend increasingly on machines (like automated cash machines and automated library records) that are programmed to follow impersonal rules with the possibility that human beings

can intervene with their own programmed rigidity to bend the rules sometimes or break them with love. He illustrates this by recounting the judgment of Lord Atkin of the British House of Lords in the case of *Donoghue v. Stevenson (1932) A.C.* where the injunction that you should love your neighbor was defined as taking reasonable care not to injure anyone who could potentially be harmed by your actions. This is the limited way that Christianity has influenced Western jurisprudence with the lesson learned from the African idea of universal love. This remains limited because it still does not address the idea that the administration of justice itself should be based on love for all. At the same time, Bankowski illustrates the inadequacy of love without rules or anarchic love by reference to the parable that Jesus used in answer to the lawyer who asked him who his neighbor was:

‘Does “All you need is Love” really capture how we should live? The parable of the labourers in the vineyard can help clarify this. We might say that the parable means that love is its own reason. That the love of God knows no bounds and He gives to all what they need. He cares for all and gives to each the subsistence of a day. He does not care that effectively some get paid more per hour than others. Even although they are doing the same work. But the parable can also show us the danger of love without rules. For it might be that it (rightly) rigs the case. Why? The master is God and therefore a special case. He is all-knowing as well as all-good. Since God knows all, he knows what is best for everyone; being all-good, he can be trusted to will it for everyone; by being all-powerful, he can achieve it for everyone. But we are not Gods and we are defective in this respect. If we rely on love we will inevitably get things wrong. Experience tells us that sort of society will soon dissolve into one where the lovers are the dictators. They know what is best for you. You will be forced to do it because it is what you really want - regardless of what you say. You will be forced to be free - the road to hell is indeed paved with good intentions’

JJ: That is very interesting. Neither love nor justice nor machines are enough for human happiness, all these have to be combined in the right order. I think that I am beginning to understand the direction of this dialogue. The root of the error is to see one of these essentials as self-sufficient without the other essentials. I think that Baudelaire highlighted this mistake when he emphasized that love is significant not simply because of erotic relationships but because everyone knows that evil is a certainty in the absence of love. According to Baudelaire:

‘Once, in my presence, the question was asked, What is the greatest pleasure of love? Someone naturally responded: to receive – and someone else: to give oneself. –The latter said: pleasure of pride! – the former: sensual delight of humility! All these filthy minds were speaking like the *Imitation of Jesus Christ*. – Finally there was an impudent utopian who asserted that the greatest pleasure of love was to form citizens for the fatherland. As for me, I say: The sole and supreme pleasure of love lies in the certainty of doing *evil*. – Both man and woman know, from birth, that in evil is found all sensual delight.’

IA: Derrida used that quote to preface chapter four of his *Given Time: I. Counterfeit Money*, where he analyzed the gift of counterfeit money that a friend of Baudelaire made to a beggar. Is it still a gift if what is given is counterfeit that could land the beggar in jail as counterfeiter when he tries to spend the money. Would the beggar forgive the person who surprised him with such a

huge gift that turned out to be false? Incidentally, Bankowski was wondering about this situation in his inaugural lecture: does the love of neighbors require him to stop and give to every beggar on his way to work in Edinburgh, especially since that would make him invariably late if not bankrupt? In other words, Derrida seems to be arguing that gifts to the beggar, even when not counterfeit coins, are always like the gift of tobacco that smokers often hand out to all around them out of generosity that can kill, as in Freud's cancer of the mouth from cigars or the increasing awareness of passive smoking. Derrida seems to suggest that a gift should be something that cannot be returned or exchanged otherwise it would not be a gift anymore. In the case of the beggar, the best 'gift' would be the non-gift of making the society better so that no one would have to beg for a living given that beggars always receive more beating (from 'beat the poor' chanting mobs) and more scorn (from the self-righteous rich) than they receive even counterfeit gifts that they may never forgive. As Derrida puts it: 'Would a gift that proceeds from a natural power, from ordinary aptitude for giving, be a gift?'

Monica Prasad (1999) indirectly answered this question in the negative. The gift ceases to be a gift the moment it is exchanged for something else, a point Derrida made in critique of Marcel Mauss who wrote about the exchange of gifts without clarifying whether what was exchanged remained gifts when they were owed like debts to be repaid with interests. According to Prasad, interviews with the customers of prostitutes (a biased sample if ever there was one) revealed that the customers rated the exchange of sex for money higher in morality than the exchange of sex for affection (what did she expect the wankers to say?) because it was based on the logic of commodity exchange. Apart from the selective sample of people that Prasad interviewed, her research reveals a common error of equating love with eroticism in the public imagination but such an equation has not always been proven as her reference to the work of S. Seidman (1991) illustrates. According to Seidman, from 1830 to 1980, three shifts in public imagination occurred with reference to the relationship between love and sex in America. The period 1830 (the height of plantation slavery) to 1890 (just after the abolition of slavery), 'love' was separated from 'Eros' but this was not surprising in an era when it was common for white men to rape black women routinely without any pretension that it was a crime or a sign of love. The period 1890 to 1960 brought sex back into love (or was it the other way around?) and again this was not surprising because this was the period that African Americans were first recognized as being capable of falling in love and the period when many African American men were lynched by white mobs following allegations by white men that they raped their white women. The period 1960 to 1980 witnessed a return to the distantiation of love and sex given the increased commercialisation of social relations and the glorification of market forces. Analysing what Patricia Hill Collins (*Black Feminist Thought*) referred to as the 'love and trouble tradition' among African Americans, Orlando Patterson (*Rituals of Blood*) reports that in answer to a survey question; 'Would you have sex with someone you do not love?' most men and women answered no except African American men, a majority of who answered yes.

The confusion of sex with love which you (JJ) mentioned earlier in your statement that love was meaningless was demonstrated in the sensational case of Gillian Guess, the Canadian juror who was convicted in 1998 of attempted perversion of justice for having an affair with a man she was trying for murder (see 'Juror Convicted for affair' in *National Law Journal*, 07/06/98, vol. 20, Issue 45, p.A12). In a detailed report on the case, Chris Wood (1998) stated that Gillian Guess was warned by her sister and by her best friend to call off the affair or quit the jury when she

confessed her infatuation to them but she persisted until the defendant and five other co-accused were found not guilty. The police provided surveillance audio tapes where Gillian Guess, an intelligent woman with two bachelor's degrees who was taking a master's course in psychology and law, was boasting to her 15 year old daughter that; 'My attraction to him was a complete intoxication...I got to the point where I couldn't see straight. It just became an obsession.' The fact that the defendants were dark-skinned and the jury all-white was said by another juror to have been used by Gillian to hound other jurors into finding them not guilty or she would accuse them of being racist. A court clerk testified that Gillian's behavior was unusual because she was seen flirting with the defendant: 'She could flip her hair and look seductive...She'd smile almost coyly' at the defendant who was 10 years younger than the twice divorced mother of two. In the end the Supreme Court found her guilty of attempted perversion of the course of justice but she insisted: 'I have been convicted for falling in love and nothing more. I have not committed a crime'. But was it love or simply, as she confessed, a white woman's 'obsession' with the sexuality of an innocent black man?

It is cases like this that probably motivated the incredibly sexist ancient Greeks to adopt a goddess as the symbol of justice provided she was blindfolded otherwise, she would become infatuated when faced with a handsome defendant and she would find it impossible to 'think straight'. Perhaps the distinction between love and infatuation should be clarified further during our groundings, the difference between sex or mating and loving should be highlighted from the beginning in order not to sustain the wrong impression that love and justice are polar opposites.

Pauline Kleingeld (1998) addressed this false contradiction between love and justice by focusing on domestic life as bell hooks did in her *Feminist Theory: From Margin to Center*. I will end this introductory grounding by quoting extensively from Kleingeld:

'The view I have outlined does not call for the flat-out rejection of the currently dominant conception of marriage as a matter of love and affection. The problem with this conception does not lie in its focus on love per se, but in the exclusivity of this focus. It should be changed by adding an explicit concern with justice to it not by replacing affection with justice.... I have argued that there is no necessary tension between justice and affection, and that a genuine commitment to a just marriage is compatible with a genuine love for one's spouse. That does not imply, of course, that there are no tensions between spouses when it comes to realizing a just and loving marriage. Misunderstandings may hamper their communication, occasional egoism may seduce them to present their needs in a distorted way, their love or their commitment to justice may turn out not to go very deep, after all. Such problems and the tensions resulting from them, however, are not caused by an in-principle incompatibility of justice and affection. Rather, they result from a lack of love, weakness of will, an incapacity to engage in deliberation, and so on.'

JJ: Pardon my asking, but the direction of this grounding seems to be ethnocentric. If a European wrote or said something like this praising Europe and putting Africa down, you will call it Eurocentrism. I think that what you are saying is a version of Eurocentrism, it is Afrocentrism and it is equally wrong. Don't you think so?

IA: The direction of your grounding is unapologetically Afrocentric but Afrocentricity does not amount to Afrocentrism (see Molefi Asante). The difference is that we are making Africa the center from which we begin this great journey of re-discovery but we are not saying that Africa is civilized and Europe is barbaric, unlike Eurocentrism that privileges only the thoughts of Europeans whereas we are making use of thinkers from all cultural backgrounds here. The reason why we are making Africa the center of your grounding is because, as you said, Plato sent you back to Africa and thinkers of African descent directed you to me. Another reason is that African contributions to love and justice are relatively unknown while European repudiations of love are well-known. For example, the Great Kingdom of Egypt is exceptional for having expanded through a peaceful accord between the Northern and the Southern Kingdoms rather than through conquest as Arnold Toynbee reports in *Mankind and Mother Earth* even while holding on to the white supremacist assumption that Africans have made no significant contribution to history. No wonder the kingdom lasted for thousands of years compared to kingdoms that expanded through conquest and were vulnerable to rebellion from vassal states in more recent history. Most of the wars fought by ancient Egypt were wars of defense against foreign invaders who were after its famed wealth. The Europeans who visited Africa all testified to how peaceful and just the people were, how kind and loving they were towards strangers and citizens alike, how those accused of treason could seek asylum in the city of God in which the king was forbidden to enter and how the property of dead white traders were safeguarded for onwards return to their descendants (see Cheik Anta Diop, *Precolonial Black Africa*). The glorification of conquest over love and good neighborliness was largely promoted by the Arab slave trade and the European slave trade which valued money over human life and this was made worse by colonialism in Africa. So today, I am not saying that Africans are lovers and Europeans are warriors. Rather, I am saying that the whole world, including Africans who are fighting and killing one another over insignificant differences, need to be re-educated in the love of the neighbor as an important element of justice. The emphasis on the unity of love and justice is very important beyond the family because it is something we should all advocate for the global family. People in Africa, especially, will appreciate this emphasis given the way the slave trade and colonialism distorted our belief systems and promoted market forces as being superior values to the traditional African values of love and affection for all. The worldwide AIDS crisis being made worse by the poverty-driven commercialization of sex, the many civil wars and political instabilities worldwide, stem mainly from this lost vision of love of the neighbor and the wanton pursuit of private interests at the expense of communal well-being. The absence of love in political philosophy helps to promote opportunism with the result that love is seen as weakness while militarism is seen as bravery in an atmosphere of impunity and under a system of justice driven by hatred rather than love.

JJ: Is love of others conditional on love of self? I am trying to get at the trauma of self-hatred, the bane of the oppressed and victims.

IA: I learned a lot from the film *Hurricane* which is about dealing with injustice. It was not compassion that led the young lad to Hurricane, but love and that love was developed when the autobiography of Ruben Carter spoke directly to the young man, making him love himself by loving the author that he identified with personally. The white Canadian supporters had compassion which is necessary in the struggle against injustice, but the stronger liberating force

was love for Hurricane and without that love, the compassion of the Canadians may never have developed. The young lad's life became meaningful once he developed love for Hurricane. I left the film very curious about the disappearance of the family of Hurricane from the struggle to free him and why they were left out of the celebration of his eventual acquittal. Was it another case of white people playing Tarzan to save a noble savage in the same way that the story of Steve Biko was hijacked by a white liberal journalist and his family in the film, *Cry Freedom*? But what is this love? In an interview, Ruben Carter himself kept saying, "I love Denzel". Denzel Washington began to open up; something personal and experiential that in fact excluded his love for his wife; suddenly, he was a seeker radiating around Ruben Carter! I don't think it is anything mystical. It is about justice and, I might add, healing. As black men all these guys were wounded by a racist system and the wound was open and needed healing. What is this wounding, this racism? It is quite concrete and material, as clear as the realization of right and wrong, hence their solidarity in truth = love! In prison, Hurricane had to cope with not just disempowerment by the prison system, the wound of the injustice of false accusation. He taught himself not to need compassion or kindness until he got truth - love! Once he was loved by the young lad and loved back, he could no longer cope with jail and at first he tried to flee from the love so as to be better able to cope with prison! But as Peter Tosh sang, 'If it is love that you are running from, there's no hiding place!'

JJ: Bravo! Wonderful stuff! Wow! Your approach of grounding and encyclopedic content are marvelous. Is there a place in the dialogue to come where you show us the way to increase our love? Are there actual techniques beyond intellectual understanding by which we can do this? It may be that an understanding at the abstract level will find its way into changes in law, policy, and social institutions, but is it important and are there ways to increase love in our day-to-day lives? I guess I'm asking if there is a place for change and development on the individual level as well as at the social level? It seems that much of what you have said implies the practical value of love on the individual level. The question that begs answering for me is, are there techniques available to introduce it in our daily lives, moment by moment, or is it assumed that knowledge at the abstract level will transform into realization as manifested in our daily round of activities? Is intellectual understanding of the importance of love enough? Does it naturally transform our lives without a practice or method that helps us put it into operation in our lives?

IA: The answer to your questions is yes. That is why we followed Walter Rodney by calling this dialogue a grounding. One of the sessions in our grounding to come will be devoted to the praxis of love in our daily lives. We have started the grounding by addressing abstract theoretical issues especially to clear away any objections to love at the institutional level. I also think that love at the personal level is more easily understood than love at the institutional level.

Biko Agozino (2003) underscores this in the conclusion to his book where he applied African Fractal chaos theory to criminology by arguing that imperialism is the general character of all crimes. To him, what all crimes have in common is the will to invade the spaces of others and colonize them. This indicates that love would have a role in solving the problems of crime and social order since true lovers are usually not regarded as invaders or colonizers. When adults abuse children, when rapists attack, when pick-pockets invade, when countries invade other countries, they are all engaged in the attempt to encroach on other people's space. This shows that there is a link between all acts of deviance just as there is a link between all human beings.

An African theory of justice will recognize the common humanity of us all and attempt to decolonize interpersonal and inter-group relationships by grounding them on love rather than conquest. However, the discussion of love at the institutional level is not abstract at all, it is as concrete as the discussion of love at the interpersonal level.

As I argue in *Reinventing Africa* the rigid logocentric European thought that we mentioned earlier, invented Oedipal resentment and a feminine grandfather because it lacks the *Mkpuke* (or women's living-nursing-caring-rearing huts in Igboland as opposed to the ceremonial *Obi* of the men) thought system based on matriarchy - love and collectivism. It also lacks the *Ochie/Diana* category of love and indulgence (see my book, *Male Daughters...*). Indigenous Igbo thought system is more holistic = plurality. In *Reinventing Africa*, I argue that in truth African women's systems are dealing with moral authority, while the patriarchal male system is concerned with property rights, succession and juridical force! Shared kinship and shared memory means that these guys also participate in the matriarchal system and the matriarchal system ameliorates patriarchy. Remove the women's system and you get militarism and raw violence - our demise today! It is not surprising that justice was a goddess in ancient Egypt!

In *Reinventing Africa*, I critiqued two French radical anthropologists who did fieldwork in Cote d'Ivoire and came to the conclusion that political economy is incomplete without taking into consideration, the domestic mode of production and reproduction. Surprisingly, neither of them mentioned the role of women even though what they referred to as the domestic mode of production is largely under the control of women. More recent developments in that country have confirmed the validity of my critique. The political crisis in the country is dominated by the struggle among the ruling class of men as to who should have the right to contest the presidency. The exclusion of one of the aspirants on the basis of a claim that his mother was born in a neighboring West African country has plunged the country into a civil war that is fought mainly by young men on both sides. My critique pointed out that the country has significant numbers of matrilineal cultures where children belong to the mother's brother and not to the father. Thus, if your mother is from a different country, you are automatically assumed to lack what they call Ivorite or pure Ivorianess. Frantz Fanon made a similar critique in *The Wretched of the Earth* where he specifically mentioned Ivory Coast as an example of where there are pitfalls in national consciousness given the large demonstrations against other resident Africans after independence. This shows the extent to which Africans have forgotten our deep love for one another irrespective of where we come from. The conflict shows how Africans prefer to resort to militarism with genocidal technologies adopted from Europe and North America instead of sitting down, men and women, to dialogue and find solutions to any problems that confront us. In that conflict, the Ivorian Air Force bombed French peacekeeping troops, mistaking them for rebels and the government issued an apology to France for the death of nine French troops but when hundreds of Africans are killed on both sides, no apology is given. Our people need to rediscover the love of justice and the justice in love to avoid similar crises in the future. We need to come together as the children of Africa and live in one love and one unity!

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