

Dani Wadada Nabudere & Andreas Velthuisen (eds.) the Restorative Justice in Africa: From Trans-Dimensional Knowledge to a Culture of Harmony; AISA Publishers, 2013 pp. 1-139

By Mammo Muchie

Restorative justice is about knowledge for bringing lasting peace in Africa by employing what the authors called “Trans-dimensional Knowledge Management Model (TDKM-M). The model is developed as a tool for negotiating truth, collective search for conflict resolution, reconciliation of conflicting interests and working to bring lasting peace. It is a model to bring justice, freedom, dignity, self-worth, recognition, respect, spirit, restitution of personhood through self-reliance so that human relations are organised not by conflict of interests, values, races, religions, languages, ethnic identities and other differentiations; but above all by recognising and appreciating the deep the philosophies that emanated from Africa, that are still potent but not yet applied. These philosophies that will save the world are Ma’at and Ubuntu.

1. “Maat embodied foundational values of love, life, creativity, and awareness that worked to inhibit or isolate isfet (life’s entropic tendencies) by an inner matrix of virtues-order, balance, harmony, compassion, reciprocity, justice and truth. Maat cannot easily translate into European Languages (Hunter Alvin Adams III, 2013, p. 463)”

2. Ubuntu is built on the philosophy there is an ‘I’ in “you, and there is a “you in’ I’.” We cannot be fully human alone. We are made for inter-dependence, we are made for family (I am because we are). When you have Ubuntu, you embrace others. You are generous, compassionate. If the world had more ubuntu, we would not have war. We would not have this huge gap between the rich and the poor. You are rich so that you can make up what is lacking for others. You are powerful so that you can help the weak, just as a mother or father helps their children.” (ibid.)

The authors wish to bring rehabilitative or restorative justice to facilitate transdisciplinary knowledge production to establish interrelationships amongst persons, facts, images, representations, fields of knowledge, action and recognition. They look into different types of justice such as traditional,

transitional and restorative by contrasting with the instrumental, adversarial, retributive or punitive justice.

Restorative justice has been applied where conflicts were high in Africa such as the South Africa, Rwanda, Uganda, Kenya and Liberia. What the authors brought out was how traditional justice from each of these states Ubuntu from South Africa, Acholi in Gulu in Northern Uganda and the Gacaca Court system in Rwanda are relevant and would bring restorative or rehabilitative justice.

We know about Ubuntu. What human beings fail is to practise Ubuntu. If our churches, states, businesses, universities and all learn to practise ubuntu, we will have a world that is peaceful, just, humane, spiritual and prosperous for all by taking care of all the wellbeing of the people. But we are not there yet.

The Gacaca court system is a kind of legal system with the participation of people in judgment through tradition. "It is the revival of a traditional court system of 'wise men' that is both the symbol and achievement of justice at the village level in the Great Lakes region." (P.49)

In Ethiopia the Gacaca system is called 'Afersta'; it is a traditional form of justice that aims not to make retribution or punishment, but rehabilitation and restoration of personhood. Village level disputes from family to any form of injustice often are dealt with by the communities. They call the villagers to assemble; and they preside and mediate by electing elder wise community members to lead the process. There is no lawyer or judge. The villagers in their meetings hear the cases and adjudicate. The main motivation is not to take punitive action but to promote rehabilitation of the accused by redressing the injustices to the injured. This way the community redresses justice and promotes social cohesion, encourages tolerance and peaceful coexistence especially in the rural areas. As a young boy, I remember seeing these Afersta type courts and how the accused is punished through rehabilitation and not retributive punitive action by sending them to jail or putting them in a punishment that makes it difficult for them to exist normally.

One of the challenging problems Africans as a whole face is ignoring often theories, concepts, values and principles of justice born in Africa by imitating others. If values and rehabilitative justice that originated in Africa are used, they may be able to retain the original identity and spirit that can reinforce the social cohesion which punitive and retributive variants imported from outside can do by creating adversarial social relations.

This book is very important in raising the critical issue of varieties of justice systems without ignoring the traditional justice system. It encourages the integration of both tradition and modern system

and not as it is currently happening by only relying on the modern variant and provides concrete cases from the different countries in Africa. As Africa is under attack from ICC, it is all the more important it works very hard to integrate its rehabilitative and restorative justice and build Africa as a land of justice as it was the founder of the very philosophies of ubuntu and Maat that will save the world.

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Reference:

Hunter Halvin Adams, III, Reframing Trans-Atlantic Slavery as Humanicide: Resolving Hidden Wounds and Prioritising a New Vision of African Humanity, in Muchie et al (ed); The African Union Ten Years After: Solving African Problems with Pan-Africanism and the African Renaissance, Aisa Publishers, Pretoria, South Africa

Muchie et al (ed), The African World: From Fragmentation to Unity and Renaissance, Aisa Publishers, Pretoria, South Africa, 2012