

HJS 310

Importance of Love in American Justice System

In “Criminology as Lovemaking: An Africa Centered Theory of Justice”, Agozino investigates the role of love in criminal justice and law by unearthing old and new philosophies of justice to expose how various philosophical traditions avoid love in their attempt to devise a solution to the shaky groundwork of justice, which is solely based on the rationality, authority, and truth but it lacks love. In particular, Agozino reveals western philosophers' avoidance of love. Agozino put great emphasis on the ancient African idea of ‘you should love your neighbor’ and that everybody is created by one god, therefore, requiring equal treatment.

Agozino further highlights that without love justice would be simply domination. Similarly, significant figures like Mahatma Gandhi and Martin Luther King Jr. also found love to be extremely influential in seeking justice. Both the figures used love and non-violence to fight oppression and ultimately bring positive social changes with minimum harm to others. Therefore, Agozino suggests that instead of viewing criminology as a hate-driven system of revenge and punishment, it should be examined as a theory and methods of generating love among people in multicultural societies, as well as to educate people about universal love. Agozino discloses how love would make a difference in the lives of inmates by helping them fight against continued institutionalization by the criminal justice system. This is because learning to love one another would eliminate self-hatred that exists in them. However, western philosophers maintain that rather than love, law and justice must be based on nature because love is arbitrary, and it takes self into consideration, as a result this would create unsound judgment.

Agozino claims that this crisis of seeing love as a weakness is rooted in the Western social theory. Agozino finds imperialism and colonization to be problematic because such

ideas and practices represent the qualities of all crimes. In addition, other American ideology such as individualism contradicts African idea of ‘you should love your neighbor’, therefore, such an idea is defective. Moreover, critical race scholars and authors like Blau find American liberalism to be fallacious because such ideas discourage community formation. In order to see progress in the world today, Agozino recommends the restoration of the love of knowledge and the knowledge of love in our study of *Mythos, Logos, Physis, Nomos and Eros* (14). Because American philosophical traditions avoid ancient African universal love in their justice system, its society functions in a disorderly manner in relation to their ideas and practices such as imperialism/colonization, individualism and liberalism. Therefore, it is important to incorporate love in the US Criminal Justice System to resolve issues of crime and social order.

The African philosophies emphasize the importance of love in justice. According to Agozino, love is defined as a universal human virtue and a big circle within which justice exists (5). In Agozino’s opinion, “Love is something 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 if 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” (6). For Agozino/African philosophers love is greater than justice and compassion. When there is love, justice and compassion and other elements located within the love naturally takes place. Love is a paramount moral quality of human beings that is all inclusive, meaning despite individuals differences in terms of race, age, ethnicity, country, gender, income etc., love is something everybody can practice. Agozino maintains that love in African philosophy is actually the non-erotic love of all humanity (10). Tell exactly, the “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” (Agozino 12). This African concept of love expresses that because every human being is created by one god, we are all related and therefore, instead of treating others as enemies one should treat others with love. If we practice loving our neighbors, such practices can not only resolve small conflicts between next door neighbors, but it can also help prevent war between nations. Most importantly, Agozino argues that without love justice cannot exist, and law would be empty of justice and be merely domination (6). It can be inferred that a just treatment is not just until love is incorporated because in the absence of love justice would be merely an oppression. Without love, institutions such as the government can oppress people in the name of justice and such acts would not be immoral. Hence, it is crucial that love be incorporated in the justice system. Apart from African philosophers, famous freedom fighters also gave prominence to love in relation to seeking justice and positive social change.

Similar to African theory of justice, Mahatma Gandhi and Martin Luther King Jr. also found love to be an important element in justice. For example, “Gandhi thought love was stronger than anger or fear because it was more intelligent and led to conflict-resolution rather than to destructiveness” (King 12). For Gandhi Love was a method with which chaos and conflicts in societies are prevented. Gandhi used love and nonviolence to fight against British colonization of India. Love was so powerful that it influenced African Americans from the West, in their fight against systemic racism. King attest that Martin Luther King Jr. uncovered the tactic for social reform in racist America through Gandhi’s use of love as a powerful tool for social and collective transformation (King 96). This proves that love is indeed a universal human virtue. Even though the struggle faced by these figures occurred in different countries with different cultures, they both were able to use love to seek justice. This further clarifies that without love justice is merely an oppression. Just like the African

philosophers, Dr. King didn't refer to love as "romantic, affectionate or sentimental passion" (King 101). King claims that for Dr. King, "justice is dependent on love... and is really an act of love protesting against that which violates love" (102-103). This means that justice cannot exist without love since it is dependent on love. Dr. King even encourages his fellow African Americans to love their neighbor as themselves (King 103). This shows how love was a powerful tool for people to end racism- an immoral act resulting from the lack of love in American justice system. Racism would not have prevailed if love was incorporated in American legal or justice system. If Americans or white people loved their African Americans neighbors, then African Americans would have been treated equally, as well as enjoyed the same rights and privileges like the whites. Such atrocities (racism and colonization) would have never transpired with the existence of love in the justice system.

Unlike the Africans and the two historical freedom fighters, the western philosophical traditions have dismissed love in developing a remedy for their weak basis of justice. According to Agozino, Western Law and Procedure derived from ancient Egyptians, whose legal system was based on universal love (12). However, western philosophers such as Plato and others partially replicated ancient Egyptians legal system, whilst disregarding its foundation on universal love (Agozino 12) From the get go, western philosophers didn't value love. Although African notion of love arrived thousands of years before the emergence of Greek City States, they were slow in studying this important lesson (Agozino 12). Especially Plato saw love as a weakness that he disregarded universal love. Agozino argues that Plato doesn't call upon men to love one another and for him the greatest love is the love of pure beauty, which is similar to the pursuit of fame or immortality, and his rejection of love as a method of making men whole, shows his idea of social disunity (7). For Plato, love is erotic and not the Afrocentric love for your neighbor. Western philosophers believe that law and justice should be based on nature not love because love is arbitrary and it takes self

into consideration, resulting in unsound judgments (Agozino 7). In addition, the ancient Egyptians judicial system was also built on love. In all the formal proceedings of its courts, “parties themselves submit their case in writing...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" (Agozino, 13-14). On the contrary, Agozino claims that “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” (14). All these evidences reveal how love in justice has been ignored since the founding of the Western legal system. Such a legal system is very different from African theory of justice, which believes in the unity of love and justice. As a result of such avoidance, US society functions unjustly in relation to their ideology as imperialism.

In the absence of love, US society indulges in wrongful actions provoked by imperialism/colonization. By applying African Fractal chaos theory to criminology, Agozino argues that “imperialism is the general character of all crime” (19). For him, the commonality that is found in all crimes is the desire of conquering the spaces of others and colonizing them. For example, when adults abuse children, when pick-pockets invade, when rapists attack, when countries invade other countries, they are all involved in invading other people’s space (Agozino 19). I do agree with Agozino about the nature of these crimes portraying imperialism, which I know is the practice with which one extends their power and control by invading space. All the crimes mentioned above encroach on people’s space. Agozino further claims that “true lovers are usually not regarded as invaders are colonizers” (19) Since the American society is founded on imperialism and has conquered many territories throughout history, including Native Americans, Native Hawaiians, and Puerto Ricans etc. This imperialist history of America shows that America is not a true lover. According to Agozino,

“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” (20). This shows the role love can play in maintaining social order and mitigating crimes through the elimination of conquering mentality or attitude. If love is incorporated into American justice system and African’s “love you their neighbor” has been encouraged in the US, then it would result in less or no crime/imperialism/colonization or people’s space would not be invaded. We would further have a safe, peaceful, united and cordial society where everybody can live happily without fearing any attack from criminals or enemies. Moreover, American notion of individualism complements imperialism.

American ideology such as individualism boosts imperialism and colonization/crimes in US society. According to Koons, “Individualism is a theory or worldview that gives some kind of priority to human individuals over groups, institutions, and shared practices; collectivism reverses this priority” (529). Collectivism, in contrast, prioritizes common good, “a good that pertains irreducibly to society as a whole (or to smaller groups of individuals)—a value that is not merely a function (summative or otherwise) of individual values” (Koons 530). The difference between the two indicates that individualism emphasizes the demands of individuals over the demands of a group as a whole. Moreover, individualism results in the lack of empathy- people care less about others and only care about oneself and one’s welfare (Riggio). When you follow such cultural beliefs (individualism), you give importance to yourself or you put yourself first and not others and such belief has the potential to hinder oneself from seeing the importance of helping others. As a result, it becomes easier to invade space/colonize/commit crimes, since you don’t care about others. This behavior goes against ancient African’s idea of love for your neighbor. As noted by Agozino, invasion of other people’s space is a characteristic of crime, therefore, it can be inferred that such ideology ignites crimes. It is very important to implant love in American justice system as well as to

promote love for your neighbor because such changes would result in people caring about others, thus, retreating from invading others spaces/committing crimes. Similar to individualism, American idea of liberalism also focuses on individual autonomy.

American liberalism enhances individual freedom or rights rather than collective/community rights as a whole. Agozino put emphasis on the unity of love and justice beyond family, suggesting everybody to advocate for the global family (18). However, American idea of liberalism, mainly rights, does the complete opposite. According to Blau, American liberal doctrine of individual sovereign rights “ignores the many ways that people have cultural and social identities... promotes the idea of individuals autonomy without acknowledging that people live and work in groups-families, clans, communities, tribes, cities. In these groups, people often endeavor to communicate, cooperate, and reciprocate, and liberal principles do not encourage such endeavors” (130). Such doctrine drives people to become selfish or self-centered because it teaches people that your right matters as an individual and not as a group. Furthermore, critical race scholars find the foundation of liberalism such as rights are disuniting. Delgado and Stefancic argue that instead of inspiring people to build close and respectful communities, individual rights divide people from each other- “stay away, I’ve got my rights” (24). These liberal principles or doctrine is imperfect because it makes people selfish and fails to guarantee equality to the community as a whole. Although such doctrine promises equality, in reality, the government resists programs that ensure equality. For instance, everybody has the right to vote, but felonies, disabled persons, and Native Americans etc. are denied voting rights by enforcing laws that restrict them from voting. All this evidence shows that liberalism gives importance to individuals rather than to the community as a whole and this can cause disunity among people/communities/nations. When bonds between people are weak, people are more likely to invade space or commit crimes. Therefore, it is necessary to integrate love in the American justice or legal system to

avoid crimes and issues in the society. In particular love is extremely important in the US criminal justice system or in prisons.

In the absence of love, US society is in chaos, especially its prisons are overflowing with criminals. These prisoners are mostly African Americans, which shows racism in the US criminal justice system. For instance, “On any given day, over 60 percent of the black men in the District of Columbia are enmeshed in the criminal justice system—in jail or prison, on probation or parole, or wanted on a warrant” (Delgado and Stefancic 113). Delgado and Stefancic states that the rate of executing black men for murdering whites is ten times higher than that of whites who murder blacks (113). Likewise, “the number of young black men in prison or jail is larger than the number attending college” (113). With love institutional racism can be ended because African notion of love teaches universal love meaning to treat everybody equally. When such institutions treat African American equally as Whites people and love them like their neighbor, they are less likely to be targeted. Moreover, Agozino argues that for the US prisoners, the African philosophy of universal love “would make a difference in their personal lives and assist them in their resistance against continued institutionalization by the criminal justice system” (6). Agozino adds 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” (6). This proves that criminal’s self-hatred can be eliminated by incorporating love in the US criminal justice system. Agozino proposes an African theory of justice, which acknowledges the common humanity of us all, as well as seeks to decolonize interpersonal and inter-group relationships by instructing them on love rather than conquest (Agozino 19). I think that love would be a great solution to eliminating or minimizing crimes or invading other people’s space because emotions are more powerful than hate. Teaching people to love their neighbors can prevent them from committing criminal conducts. In order for prisoners to become

normal citizens they have to improve their behavior and mentality. This change is only possible through love for themselves and for their neighbor. Love can also be incorporated in the justice system through programs that focus on developing love in these prisoners, who ended up in prison due to flawed American ideology and practices.

In conclusion, Western philosophers have left out the most important element in devising a solution for the shaky foundation of justice or their legal system, which is universal love or the ancient African notion of “you should love your neighbor”. Because of the absence of love in Western legal system, its nation is effectively following and practicing imperialism/colonization, individualism, and liberalism, which are all imperfect, further resulting in atrocity or crimes. These ideologies and practices disunite communities, create selfish people who only care about oneself and eventually influence people to commit crimes or invade other people’s space. Without love, US society functions poorly and this is evident in US prisons which are filled with criminals. Even the US is known for being the “World’s Warden” for having the most prisoners in the entire world. The overflowing of US prisons with criminals reveals the mayhem that exist in its criminal justice system, as well as the fact that their approach in maintaining order is ineffective, therefore, requiring some alterations. Such a justice system can be fixed with love instead of conquest/imperialism. Love is a universal human virtue of love for your neighbor and this love helps generate reparations and restorative. Love for others or those who have wronged can be amended or repaired through reparations and restorative justice- giving financial support or any other support to the victim. Teaching people to love their neighbors can prevent them from committing criminal conducts. Love is critical in the prison system because when prisoners don’t recuperate properly, they find it hard to reintegrate back into society after their release. As a result, they are more likely to commit crime again. It is crucial that love be introduced in the justice system through reentry programs that focus on love and neighborhood. An example of

reentry program which incorporates love would be to engage offender's families in reentry. Through the love and care from their family members, the prisoners can become true lovers. Just as Agozino mentions, true lovers are not invaders and colonizers, this means that when criminals become true lovers they are less likely to commit crime, thereby maintaining the order in a nation or the world.

References

- Agozino, Biko. "Criminology as Lovemaking: an Africa Centered Theory of Justice." *African Journal of Criminology and Justice Studies*, vol. 1, no. 1, 2005, pp. 4-22.
- Blau, Judith. "Comparing Constitution." *Sociology and Human Rights*. Sage Publications, 2011.
- Delgado, Richard and Stefancic, Jean. *Critical Race Theory*. New York University Press, 2001.
- King, Mary. *Mahatma Gandhi and Martin Luther King Jr: The Power of Nonviolent Action*. UNESCO Publications, 1999.
- Koons, Robert. "Individualism Vs. Collectivism." *Academic Questions*, vol. 32, no. 4, Springer, Dec. 2019, pp. 529–41, doi:10.1007/s12129-019-09824-2.
- Riggio, Ronald E. "Are We All Becoming More Self-Centered?" *Psychology Today*, Sussex Publishers, 27 July 2017, www.psychologytoday.com/us/blog/cutting-edge-leadership/201707/are-we-all-becoming-more-self-centered.