Ludic Ubuntu: An Appeal toward Transformative Justice

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South African philosopher Mogobe Ramose says that Westerners have the strange habit of "being in time," in other words, of being ruled by time; Africans, by contrast, used to "make time." Prisoners are told and have internalized the punitive aspect of "doing time." Nowhere else does one "do time;" and yet, calendars are forbidden in prison (in the U.S.). So, the punishment, even if it lasts a few days, feels eternal; it feels even worse when committed to the "box" (solitary confinement).

As a penal abolitionist, I am committed to undo such torturous practice. Furthermore, the modern prison regime has done little in the past 200 years to redeem itself. Instead, as poet Oscar Wilde (1896) documents powerfully his own prison experience, it contributes to spirit murder and dehumanization of all, especially the vulnerable ones:

> For they starve the little frightened child
> Till it weeps both night and day:
> And they scourge the weak, and flog the fool,
> And gibe the old and gray,
> And some grow mad, and all grow bad,
> And none a word may say.

Ramose claims that the Zulu concept of Ubuntu pulsates through all of African philosophy. It is based on a proverb "*umuntu ngumuntu ngabantu.*" The translation is only approximate: One is only human through other humans. According to Ramose,

> [T]he English language does not exhaust the meaning of this maxim or aphorism, it may nonetheless be construed to mean that to be a human be-ing is to affirm one's humanity by recognizing the humanity of others and, on that basis, establish humane relations with them. *Ubuntu* understood as be-ing human (human-ness): a humane respectful, and polite attitude towards others constitutes the core meaning of this aphorism. (2003, p. 231)

Where does the prison experiment in an Ubuntu ethic fit in? Well, very badly, indeed. Prison is precisely the location where one ruptures interrelatedness in being with others. Stripped of personal goods and personhood, a prisoner becomes a number (which may incorporate his or her date of entry) and loses bodily integrity. His hair may be cut against his wishes. Her body is violated through strip searches. And everybody is issued uniforms, which include badly fitting bras for

women. Trans women are put in male prisons and lose their right to hormone therapy. Shackles on joints (hands and feet) hamper movement—one has become chattel, a good to be moved around at will, tampered with; a human has been reduced to being property of the state. Even those prison regimes that treat the incarcerated humanely are unable to reconstitute an Ubuntu ethic. Once a person is cordoned off, put into a uniform, etc., she loses the right to dignity. Philip Zimbardo's study, the Stanford prison experiment (1971), makes it very clear that the guarantors of dignity, the guards, assume an authoritarian stance that becomes excessive (sadistic, etc.). Zimbardo recently said in a radio interview that putting a person into a uniform transforms him into a monster. A Malian prison warden proudly told me that I wouldn't be able to distinguish prisoners from guards, because nobody wears a uniform. He explained that it is his mark on humanizing the prison. His prison was built by the French colonial power in the middle of the capital Bamako, as a sign of terror and keeping the population in check. Today, the huge wall carries the message of reform.

African critics of the prison understand very well that the prison was an invention of colonial powers. It had nothing to do with a benign ideology of reforming the wayward people. As Ngugi wa Th'iongo writes in his novel *Petals of Blood*, the white man came to the village to build a church and a police station. Decolonizing the mind means to understand the ideological connections between the colonial religion and the jailhouse. Christian religion obfuscated the colonial project of land grabbing and social control by preaching love and acceptance of the *Osu* (cf. Achebe's description of an outcast people in *Things Fall Apart*).

I argue that the prison devolution or decarceration movement will arise most urgently from the African continent. Africans can still remember the power of traditional reconciliation, which did not rely on social death. Exile was an extreme form of punishment as was the death penalty. Of course, I need to mention that South Africa has now caught up with the U.S. by allowing U.S. corporations to set up private prisons, notably a youth prison. And overcrowding is a serious issue in many African countries, as is death by "natural causes"—due to overcrowding and unsanitary conditions.

However, African courts and police also acknowledge the power of customary law, of indigenous practices based on tort law and not incarceration. I mention two examples. Rwanda's jails were filled to the brim with accused *genocidaires* after the 100 murderous days where over one million people were killed. Gacaca courts were set up all over the country, and thousands of accused men and women were tried by fellow villagers or city dwellers. The goal of the proceedings was reconciliation, not revenge. Only those who had a leading role in plotting the genocide were committed to the Western juridical system.

The second case is of course the Truth and Reconciliation Commission of the new South Africa, in short the Truth Commission. Its chair, Archbishop Desmond Tutu, extolled the virtue of Ubuntu ethics, reminding all participants that their lives are inextricably interconnected and therefore, forgiveness is a key ingredient in moving toward a process of reconciliation. Indeed, his prophetic wish was heard by some participants, surprisingly, involving a U.S. couple and African township youth. Five young imprisoned men petitioned successfully the Truth Commission for granting them amnesty of a political murder, of U.S. white student Amy Biehl. Her parents also met with two of the men, who asked the Biehls to adopt them as their sons to take the place of their daughter. This is a fairly universal practice of indigenous justice the world over. To atone for a murder, one may be asked by a council of elders to move in with the victim's family. Linda Biehl shared on the occasion of the twentieth anniversary of her daughter's death that she could confidently say that the now adult men have become close friends. In one photo, Linda shares sharing a light-hearted moment and hug with Easy Nofemela, one of her sons (http://www.ocregister.com/articles/biehl-522733-amy-linda.html?page=3). Linda and her husband Peter bought them land where they could build their homes and raise their family. The Biehls also set up the Amy Biehl foundation and to date over 1800 township kids are in afterschool programs offered by the foundation. It is a shining example of transformative justice between people who are not even residing on the same continent, let alone community.

I argue that the Amy Biehl legacy is also one of ludic or playful Ubuntu. Why playful? Spiritual or religious texts often invoke the metaphor of breaking bread with your former enemy. I would ask that we go a step further and imagine playing games with those whom we hurt or who hurt us: a win-win game, of course. Laughing over a shared joke is part of that ludic expression of Ubuntu. Forgiveness is but one step towards the lofty goal of reconciliation. But often, it is still fraught with bitterness or resentment. Once we can be in the same space, and even, at the site of commemorating the bitter event, as in Linda's and Easy's case, to share a smile or laughter, this is the sacred moment of ludic transformation.

In many African traditions, such as among the Acholi of Northern Uganda, drinking together, victim as victimizer, a potion of a bitter herb (Mato Oput), is another way of moving toward (ludic) Ubuntu. The past, namely having blood shed, is hurtful and very bitter—hence imbibing bitterness is the gift shared to reconcile and letting go of resentment, so that it does not infect the next generation. African "customary law" is very keen on looking-forward, not on reviving past grudges. Of course, on the continent, there are still areas such as Somalia that are fraught with conflict and intense violence. But my hope is to shine a light on practices that are unnoticed in many

countries and are worth studying—especially here, in the prison nation of the world, the U.S.

What are the processes to move forward to and with a *ludic* Ubuntu? I suggest that we look at this procedural justice model in the way we look at the five stages of grieving as mapped out by Elizabeth Kuebler-Ross (http://www.ekrfoundation.org/five-stages-of-grief/): Denial, anger, bargaining, depression, and acceptance. Of course, it doesn't entail a linear process, and one could perhaps speak of phases or faces of grieving the death of a loved one. People victimized through acts of violence (emotional, physical, mental, spiritual) also have to pass through these different phases. Mapped upon the idea of ludic Ubuntu, the grieving and healing process could look this way:
1. frustration and reacting in violence; denial of being one (justice as revenge)
2. expressing shame, resentment, guilt or fear (debtor's justice)
3. contemplation and expressing moral outrage (justice or just-us?)
4. transforming rage into forgiveness; reconciliation (restorative justice)
5. loving what is; laughter, comic relief; being interconnected (transformative justice)

In fact, I am envisioning a double helix of Ludic Ubuntu, which symbolizes the dynamic interplay of the life-affirming (Dionysian) and rationalizing (Apollonian) forces:

The Double Helix of Ludic Ubuntu: Dionysian and Apollonian Dynamics
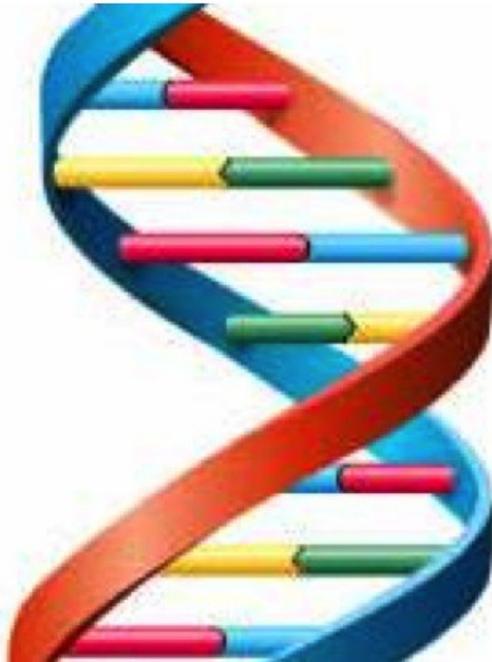
Being One (Dionysus > Apollo)
Will to Power, Comedy, Laughter,
Child's Play, Loving what is

Forgiveness, Reconciliation

Moral Outrage (Dionysus = Apollo)

Fear, Guilt, Shame, Bad Conscience,
 Debtor's Justice

Denial Being One (Apollo> Dionysus)
Will to Nothingness, Tragedy

I have seen many of these phases displayed in the aftermath of the murder of the Black teenager Mike Brown in Ferguson and beyond, since August 2014. The initial shock of the loss of a beloved son and disbelief over seeing his body in the street for four (!) hours, transformed into many violent and non-violent ludic expressions, protesting raw white supremacist state power. From looting stores to marches and prayer meetings, from skillful use of "shooting back" with social media photo ops ("hands up, don't shoot") to contemplative hip hop music videos and selfies of Black men and women voicing their justified moral outrage at a criminal injustice system (Broadway Stars, 2014). I am not suggesting that Black Americans and those being in solidarity can be at the face four or five at this moment, or, really, at any moment of re-living "Black August" historically and into the future. And nobody is to be blamed for not attaining a stage of four or five. That is not the point of proposing a ludic Ubuntu.

The urgency of my proposal is really a plea for going *beyond* a critique of the current system, which includes a modicum of restorative justice and ideal of rehabilitation. What does this plea mean? Angela Y. Davis (2005) helpfully gave us back the term of "abolition democracy," coined by W.E.B. duBois a century earlier. Davis clarifies that after 1865, all political and economic institutions, in fact, capitalism, too,

should be dismantled, in order to birth a new anti-racist society, committed to uphold the democratic bargain for all. In order to achieve such a bold dream of transformative justice, prisons must fall as well, and Davis gives a succinct critique of the prison industrial complex in her earlier work (2003). Many abolitionists are guided by a Marxian *Utopieverbot* (i.e., a prohibition of mapping out a non-alienated society), which I wish to overcome by proposing a ludic Ubuntu ethic.

There may be humble beginnings of finding evidence of such playful recognition of other humans. I am talking about the "playground." In her film, *Reject*, Ruth Thomas-Suh (2013) chronicles the lives of kindergarten kids who navigate beyond social rejection using this mantra, inspired from Vivian Paley's book: "You can't say, you can't play." Of course, we witness exclusion of a Latino boy, Justin, and see a change in his physical demeanor. Yet, when the mantra is taught, we see a beautiful transformation of the bullies, who excluded him, and in the boy Justin who changes his posture and communicative style into peaceful and boisterous jumps: He exudes one anchor of the Lakota *Circle of Courage*: I belong! I am loved! Here is an image of the Circle of Courage, which is another way of expressing ludic Ubuntu:

https://www.reclaiming.com/content/aboutcircleofcourage
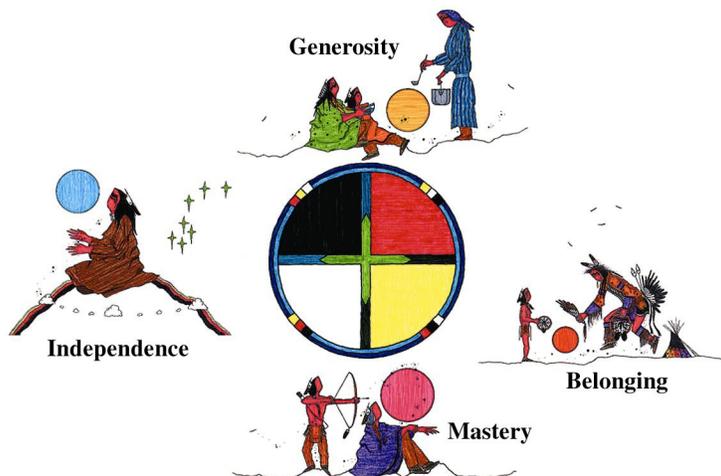
The words Circle of Courage® are trademarked, and materials contained in the description of this positive youth development model are copyrighted, by Starr Global Learning Network. The model was first described in the book *Reclaiming Youth at Risk* by Larry Brendtro, Martin Brokenleg, and Steve Van Bockern. Reclaiming Youth International is the corporate division of Starr responsible for the administration of training in the Circle of Courage, e.g., Response Ability Pathways (RAP) as well as other Starr programs. See www.reclaiming.com for further information.

The Lakota Indian model of teaching "courage", or, really, ludic Ubuntu, wonderfully models human interconnection which focuses on sharing, compassionate, and loving ways of being with each other or dreaming by oneself ("independence"); the child is taught to make decisions with others in mind as well as fostering their own dreams and playfulness. What if the child (or young adult) steps outside the circle?

A ludic Ubuntu model works toward reintegration with loving assistance, as healing circles practiced by many American Indians, or elder circles from Africa would suggest. Sometimes, it could be an intervention by your joking relatives, e.g. practiced in the Mande world of West Africa, with whom you share totemic, historical ties. They will remind the "errant" person of the importance of ties and belonging. It may also be your personal guide, the griot or *jeli* who will assist in remediation (Nagel, 2007).

What if we thought of "criminality," which is, as sociologists tell us, a quite human and normal behavior of testing boundaries, in spiritual ways? Rather than thinking of it as a behavioral or mental "problem," why not imagine it as *mis-rememberance*? We act in "criminal ways" only when we forget that we are spiritual beings practicing an earthly, material experience. As spiritual beings we know that nobody can be killed, because there is no such thing as death. There's only transformation. Secondly, it is a *mis-application of language*: bullying is a case in point—a misuse of one face of the language of love (http://www.5lovelanguages.com/):
Acts of service
Quality time
Words of affirmation
Physical touch
Receiving gifts.

Perhaps one has never been taught the language of *any* of the five faces of love or the virtues expressed in the Circle of Courage. If this is the case, such basic and serious neglect of raising a child, most indigenous cultures, especially in the African context, would recognize that it is not the youth who "is" a criminal, but instead, it is the community, family and institutions who have all failed the (young) person. Ludic Ubuntu then is a communal practice in mending, repairing relationships and clearly not an expression of judgment and condemnation. I invite you to envision a society free from jails and other forms of total institutions. I invite you to contemplate your path towards a ludic Ubuntu.

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