

**NORMALIZED ABNORMALITY: POST-COLONIAL ITERATIONS OF
LAW AND RELIGION IN THE GLOBAL SOUTH**

Ngũgĩ wa Thiong'o

Law and religion have commonality in morality: rules governing human contact and conduct. In religion, the rules are enforced by moral terror, for instance, threats of burning in hell, in the case of Christianity, or being swallowed by Jackals in the case of the pre-Christian Egyptian system of order and justice, called Maat. In Law, say criminal law, the rules are enforced by the coercive terror of the state; ie the police, Judiciary and prison. Thus the religious and the state order are separated by the methods of coercion. The two systems of moral order may not always be in harmony with each other.

In their beginnings, religion tend to represent a moral order at antagonistic odds with that of the State. For instance, Christianity started as the religion of the poor. The early disciples and followers of Jesus were workers; fisher-people and sex workers, mostly. Persecuted by the Empire and shunned by the Jewish religious elite of Sadducees and Pharisees, Christians were some of the first Communists. They lived in caves and catacombs and shared the available livelihood. For those of you who read the bible, there is that scene in the acts of the apostles which tells of Ananias being punished for not bringing his proportionate share of wealth to the common pool.

All this changed with the Edict of Milan, issued in 313 CE by Emperor Constantine, the first Pontentate of the Roman Empire to convert to Christianity. Thereafter, the religious and Imperial state power merged or became mutually supportive. Sometimes monarchs became also the virtual heads of the Church. For instance the Kings and Queens of England were always the titular heads of the Anglican Church by virtue of them being kings and queens.

This was the religion which historically comes to the global South alongside colonialism. This Christianity was a religious ally of colonial ventures. Note the famous saying associated with David Livingstone, who talked of the three C's of colonization: Christianity Commerce and civilization.

In some cases, as in slavery, Christian leadership was not averse to tampering with the Bible to remove passages which supported resistance to oppression. The best example was the so called slave Bible in the Americas where verses like the one in Galatians which said “there is neither bond nor free, for ye are all one in Christ Jesus”, were omitted.

Gone was also passages in Jeremiah 22:13: “Woe unto him that buildeth his house by unrighteousness, and his chambers by wrong; that useth his neighbour’s service without wages and giveth him not for his work.” Or in Exodus 21:16—“And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death”.

In their place, the missionaries emphasized passages that encouraged subservience, like Ephesians 6:5 where servants are called upon to be “obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ.”

Colonialism, as an integrated economic, political, cultural and psychological system, turned the normal into the abnormal, at all those levels. For instance, the normal cognitive process is always from here to there in a dialectical process of mutual illumination. Every journey, including that of knowledge begins where you are. But colonialism always tried to condition the colonized into thinking and acting as if the journey of knowledge begins in Imperial centers. There was a time in Africa when this was literally true. For a Kenyan to go to Nigeria, they had to fly to London first, and from there catch plane back to Lagos. In short, colonization was a system of the negation of the normal order of knowledge and being, into a system of abnormalities. Nowhere does this manifest itself better than in the practice of Law and justice.

Let me illustrate this with just one example, which affected the system of justice in colonial South. Language. European languages were literally planted on the negation of languages indigenous to the South. All the laws and their administration, including so called treaties, were in European languages. But ninety percent of the population did not speak or read English. And yet, caught breaking the colonial laws, they were hauled before an English speaking judiciary, which failed the dictum, laid down by **Lord Hewart**, then Lord Chief Justice of England in the 1924 case of *Rex*

v. Sussex, that “Justice must not only be done, but must also be seen to be done”.

Even in the case of Maat in Ancient Egypt, the judicial process was carried out openly before the Chief Judge Osiris and 42 other judges. The heart on trial had to show that they had not committed any of the 42 laws of Maat. In other words, they were given a chance to defend themselves. But they did this openly in Kemet, the African language common to them all. The colonial system in the South, did the opposite: Justice could only be meted in European languages. This had consequences for the many, the majority of the populations.

Let me illustrate this by a real life story narrated by the great Irish English writer, James Joyce. Joyce published the story, titled *Ireland at the bar*, in the Italian journal, *Il Piccolo dell Sera* on 16th Sept 1907.

It tells a story of four or five peasants, all Joyceans, from the village in Maamtransana in the Western Province of Ireland arrested and accused of the murder of a woman¹. The accused, among them a sixty year old, did not know English. The court resorted to the services of an interpreter. Asked if he had seen the woman on the morning in question, the bewildered sixty year old would go into lengthy explanations in Gaelic; the officious interpreter would reduce the entire explanation into: He says, No, your worship. Asked if he was in the vicinity, the old man went through a similarly lengthy explanation; the interpreter reduced it to: He says No, your worship. The man was sentenced to death.

Here translation contributes to the injustice meted against the sixty year old.

The case of the old man, seen by Joyce as symbol of the Irish nation, hence the title, *Ireland at the Bar*, could be describing a scene in any part of the colonial South where the majority were similarly rendered linguistic deaf and mute by policies that set European languages as the normative measure of worth in every aspect of national life.

The Post-colonial is a normalized abnormalities of the colonial state.

Everything, from the organization of wealth and power and values to the administration of justice takes place in the context of this inequality of power between the dominant and the dominated languages. The judicial system still fails the dictum of being done and

¹ James Joyce, *Occasional, Critical and Political Writing*, edited by Kevin Barry, Oxford Word's Classics, 2000.

seen to be done. In short peasant communities in Africa and the South, the majority in every nation, have no access to justice, even where it most affects them: their land and lives.

The indigenous peoples in the settler colonies of the Americas, Canada, Australia and New Zealand never experienced decolonization. Independence for these older settler colonies meant the independence of the colonists, not the colonized, and therefore the normalization of the abnormalities of the colonial system. So, although I have been talking about the global South, but the normalized abnormalities of the colonial, especially language matters, continues to haunt the administration of justice in many parts of the world.