

EXPLORING THE CONCEPT OF JUSTICE IN THE ANCIENT NEAR EAST AND EDO CULTURE WITHIN THE FRAME OF RELATIVE UNIVERSALISM

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Abstract

Culture influences understanding, and a look at diverse subjects from the spectacles of different cultures could help in arriving at a more robust appreciation of these subjects. This paper explores the concept of justice in Ancient Near East and Edo culture within a re-imagined theoretical framework of relative universalism. The study aims to reveal the common values and principles that reinforced the concept of justice in these two distinct cultural contexts. The paper pays attention to the cultural and societal factors that shaped the idea of justice in both societies and argues that Ancient Near Eastern culture, though credited with the creation of the oldest law codes in history, is not universal in the understanding of justice from ancient times. The work relies on the African comparative method of African cultural hermeneutics and finds that: from the lens of relative universalism, justice has several dimensions and its application varies in different cultural contexts; the concept of justice presents with intriguing parallels and divergences in both Ancient Near Eastern civilizations and Edo culture; and the practices of justice in these ancient cultures offer valid perspectives to a more comprehensive understanding of justice as an evolving concept. This provides a channel for critical discourse on inclusive and culturally sensitive justice systems in contemporary societies. The paper concludes that the journey towards a more inclusive justice system in any society in contemporary times must pay attention to the evolving tapestry of cultural principles and practices that shaped the ideas of justice in various cultures.

Introduction

Ancient human civilizations across the globe present intricate dimensions to the appreciation of critical concepts even in modern and postmodern contexts. The concept of justice is particularly laced with threads of ancient cultures, principles, and practices. This is such that it could be argued that the idea of justice evolves in various societies with unique patterns shaped by historical, social, and cultural influences of the people, with no particular culture accorded a universal status in its understanding and practice. This study set out to examine the concept of justice as evident in the Ancient near Eastern (hereinafter, sometimes abbreviated as ANE) societies and traditional Edo culture. The

two extremes of cultural relativism and universalism are circumvented in favor of Dahre's (2017) suggestion of relative universalism in actualizing the task of this paper. Adamo (2005) already argued that African culture is as important as the ANE culture in the interpretation of especially the Old Testament. As Adamo (2005) posits, Africa and Africans did not only make significant contributions to ancient Israel by influencing the beliefs, manners, and customs of Israel, but Africans also had a strong influence on the ANE as a whole. This necessarily implies that such an orientation that takes the ANE as the universal culture for the interpretation of biblical texts is not only faulty but suggests prejudice and exclusion. What is more plausible is to acknowledge that other cultures have valid grounds in terms of ethics and morality on which principles and practices, including those of justice and human rights, are based. This paper expresses this notion by examining the idea of justice in both ANE and Edo cultures, showing that although the concept of justice is culturally relative, both cultures share some commonalities in principles and practice of justice, suggesting strong support for relative universalism. The understanding of justice in the ancient Near East was not merely legalistic in orientation but had some profound reflections of the societies' values, ethics, and even morality. This is shown clearly in the Code of Hammurabi, alongside other legal documents of the ancient Near Eastern civilizations. This is also true of the ideas of justice prevalent in the historical context of traditional Edo culture. The vast ancient Near Eastern environment and the distinct historical epochs of the Edo people of Nigeria offer robust ground for an in-depth exploration of the concept of justice. The two cultural contexts each showcase a mosaic of beliefs, customs, and norms that highlight their respective notions of justice and from which a more inclusive justice system could be pursued in contemporary societies.

Methodological Concern

It is significant that the idea of justice, even in contemporary times, be constantly subjected to multidimensional approaches in an attempt to unravel its various contextual perspectives (Boloje, 2017). As Marshall (2012) observes, the understanding of justice is often limited by the finite nature of humans and their peculiar historical experiences. "Our experience of justice and reality in general is always mediated through particular cultural and historical traditions. It is therefore unavoidably contextual." (p. 12). Over the years, anthropologists have struggled with the problem of whether there exists a universal principle of justice or whether the idea of justice should be entirely discussed within the socio-critical theory of cultural relativism. The dilemma is not easily resolved. Cultural relativism tends to absolve cultures of what could be described in contemporary contexts as abhorrent and unjust conduct constituting human rights abuses, such as slavery and some widowhood practices. On the other hand, it is difficult to accept the existence of a

universal principle of justice on the grounds that all human concerns are mediated through cultures. Rather than talk of cultural relativism or universalism with regard to the concept of justice, a somewhat integration of both, in what Dahre (2017) coined as relative universalism is adopted in this work. This framework opens up a window through which the concept of justice could be comprehended and appreciated as uniquely socio-cultural in orientation and the possibility of appropriating justice from a cross-cultural standpoint in advocating a more balanced and inclusive justice system in contemporary times.

Generally, in African Cultural Hermeneutics, the comparative method seeks to compare the ANE culture and Bible with African culture. Holter (2002) sees this method “as studies whose major approach is a comparative methodology that facilitates a parallel interpretation” (p. 88). This allows for the grasp of certain motifs of the ancient world and supposed African parallels, “letting the two illuminate one another” (p. 88). The African comparative approach here is taken “from a perspective where African comparative material is the major dialogue partner” (Holter, p. 88). In this paper, the idea of justice in Edo culture is the authentic African context in dialogue with the concept of justice in Ancient Near Eastern culture.

In Ancient Near Eastern Culture

ANE was a vast land, now the vast area of the Middle East. It has the distinction of being the cradle of what has been passed down in history as justice systems, particularly Common and Civil law (Westbrook, 2003). Doak (2006) notes that the first actual historical glimpse of laws and justice as idealized or practiced is found within the Mesopotamian environment. Accordingly, many fundamental legal codes that suggest the depth of the grasp of social justice in ancient time came to us from the Near Eastern legal codes. Westbrook (2003) abundantly details the fact that the concept of justice in ancient times goes beyond the common logic of modern jurisprudence to include extraordinarily large strands of the machinery of justice – legal provisions that covered every aspect of the economic, social, political, and religious life of the societies. He adds further that the legal system of ANE was by no means a single system; rather, it was a product of many societies with different languages and cultures which, at different epochs, flourished and declined in that environment (Westbrook, 2003). These societies left their significant cultural marks on what would eventually become the unique idea of justice in the ANE. It has also been established, like Westbrook above, that apart from the formal law codes, like that of Hammurabi, in which the ideas of social justice in the Ancient Near East are preserved, there existed other instruments from which the concept of justice, especially in Mesopotamia can be gleaned. These other evidences come in the form of royal decrees

and edicts, royal instructions, trial records, written economic transactions, private letters, and even mythical literature (Doak, 2006).

Irani (1993) states that the intrinsic idea of justice, which was more widespread in the Mesopotamian regions, was an abstraction resulting from an intuition inherent in human nature; that in any interaction, among humans, a person should get what he or she deserves. In other words, this meant that no one was to be allowed to receive undeserved benefits or be made to bear underserved burdens. Interestingly also, ancient societies were responsible through their social norms, laws, and economic practices for creating situations where the underprivileged and powerless did not end up in states of deprivation of their property and freedom. To achieve this in the Ancient Near East in particular, there were dedicated legal reforms such as debt forgiveness, limitation in the periods of slavery, and provisions that guided lending on usury among the people. These were either conceived as directions from deities or as general conceptions of a just society for which the ruling authority was responsible (Irani, 1993). Doak (2006) delineates the concept of social justice as it relates to the Mesopotamia milieu and writes that:

Justice (Akkadian *mīšarum* and Sumerian *níg-si-sá*) in Mesopotamia (along with its approximate counterparts, *šāphat* and *sedeqah* in the Hebrew Bible) entails both the alleviation of suffering for the poor, mistreated, and marginalized and the conviction and punishment of the oppressors. Thus, the concept of “social justice” in Mesopotamia can refer broadly to any aspect of crime or punishment, for anyone who is considered “wronged” in any circumstance. (p. 1-2)

Justice was not only limited to the poor or marginalized, even though the marginalized, which could include widows and orphans, were often highlighted as most vulnerable to mistreatment and consequently mainly required defense; even the most horrible of criminals were offered protection in various circumstances (Doak, 2006). As was the case with Israel, which conceived of their laws as instruments of justice delivered to them by Yahweh, most ancient legal codes, especially that of Mesopotamia, conceived of their laws as provisions from the gods they worshipped. While the place of deities’ responsibility in ensuring social justice is the underlining factor stressed in many monumental inscriptions, the concept of justice and its practical importance are to be found in “the mundane and yet vital contexts of the family, city, and village as the foci of judgment and fair social treatment” (Doak, 2006, p. 13). Many OT scholars have drawn robust nexus between, especially the code of Hammurabi and the extant legal corpus of the Old Testament. It has been abundantly argued that not only are the collections of laws of the Mesopotamia society older in comparison with those in the Old Testament, but there seems to have been an embodiment of a common justice tradition that was shared in the whole region of the Near Eastern environment (Roberts, 2002). Within the sphere of

economic justice in ANE, for instance, Grosby (2020) argues that it was the responsibility of the king in the ANE culture to establish standardized weights and measures for commercial exchanges and transactions. Accordingly, this standardization also contributed to the stability of a pattern of relations in a social sphere beyond that of the family and village. Thus, the existence of a body of laws that served to guarantee justice in economic dealings in Near Eastern societies and the king's periodic declaration of debt forgiveness in the name of justice suggests a public sphere beyond the micro level of a family and village. This is also the clear case of the OT laws on weights and measures, which laws all demonstrate a cultural abhorrence of cheating or defrauding one's neighbor.

Weinfeld's (1995) particular attention to the Mesopotamian idiom *kittum u misarum*, meaning "truth and equity," presents a parallel to the Hebrew common expression *misspat sedaqa*, meaning "justice and righteousness." According to Weinfeld (1995), *kittum u misarum* was culturally connected to the assigned duty of the king, whose responsibility it was to carry out social acts of justice, especially in favor of the poor in the society. This view is evidenced by Weinfeld when he notes that *kittum u misarum* as a common idiom in Mesopotamia would have encompassed: (i) the nature of justice granted to the king by the gods, (ii) a social responsibility closely linked with mercy and kindness, and (iii) communal actions or conducts which could fit the idea of social justice in modern sense (Weinfeld 1995). The cultural value of the king in the ANE environment was seen in his ability to ensure justice. Bills (2020) is able to show that in Mesopotamia as well as in Egypt, it was customarily the task of the king to make sure the mechanisms of justice functioned according to the divine prerogatives. Consequently, the king was a mediator between the gods and humankind, a link between the divine and the earthly spheres. Because the activities of justice incorporated many different spheres, including religious, political, economic, administrative, legislative, and environmental, among others, the office of the king implied implementing the justice sanctioned by the deities to maintain or restore a just and harmonious society in line with the cosmic order. Accordingly, the duty of the king included the responsibility to fight against the institution of evil and the maintenance of the course of the weak in society. Also, within the cosmic order of the Near Eastern and ancient world, the king was the link between the divine order, social justice, and even agricultural fertility. It was part of the king's duty to ensure the perpetuation of the fertility and prosperity of the land through a vigorous pursuit of justice and order in the land (Bills, 2020). The ideological and cultural foreground of justice in ANE is its divine concern which coalescence in the king being the champion of justice. The king must model justice as the regent of the divine, and it is from the king that society learns justice.

Justice in Edo and Its Underlying Cultural Values

Many African cultures and traditions maintain the view that justice is a non-negotiable demand on mankind from the Supreme Being. It flows from the cultural idea that justice is an undeniable attribute of the Supreme Being (God); and that God is the great judge to whom the whole of humanity stand accountable (Idowu 1973; Ubrurhe 2001). The Edo People of Nigeria have a rich culture and tradition that is well attested in historical documentation of Africans' pre-colonial, colonial, and even postcolonial eras. The Benins boast of a robustly developed monarchical system of government in which the Oba is revered as the vice-regent of God on earth. He commands such supreme authority that the people are in no doubt that he is the true symbol and model of the ideal human in the eyes of the Deities. *Oba'ebu-eku*, meaning "the Oba does not do injustice," is one of the popular panegyric paeans for the Oba among the Benins. The word derived from the more common term used to designate justice in Benin, which is *aibueku*, loosely meaning "you do no injustice." Justice among the Edo people of Nigeria ranks very high on the scale of morality. For them, it is pivotal in the harmonious coexistence of people. Idumwonyi and Ikhidero (2013) write that the desire for protection, fairness, and mutual respect from fellow humans in social relations is often expressed through rules and norms of behavior, which are universal features in human society as shown in Edo culture. In traditional Edo society, the issue of justice was the joint responsibility of the deities, ancestors and the human members of the society. *Osanobua*, the Supreme Being who orders existence is the same from whom the notion of justice was passed on to the human societies. Those who are saddled with the responsibility of ensuring justice in society do so in the understanding that they only interpret the one eternal rule of justice ordained by *Osanobua* to whom they stand accountable. Albeit, they also understand that contexts could influence the modification of the rules (Idumwonyi and Ikhidero, 2013). Thus, the Oba is seen as the model of justice in the universe for the fact that the Oba of Benin is believed to be the ordained regent of *Osanobua* on earth, who acts as a representative of the divine to restore and promote social harmony. Smart's (1998) general remarks on kingship especially in traditional African societies also resonate with the functions of the Oba of Benin and the perception of the throne among the people that, in societies that are united under the rule of a king, as the case of Benin people, the king will himself have priestly functions in representing the divine order in the world over which he rules: so the maintenance of political order is not separate from the processes of making the land and the people fruitful. Among the Benins, it is commonly held that societal flourishing is anchored on a cordial relationship of the people with the world beyond and that the Oba leads in advancing courses that could attract the blessings of the ancestors and divinities

on the generality of the people. The palace of the Oba of Benin is among other things, a symbol of justice (Idumwonyi and Ikhidero 2013).

The Oba is an intermediary between the spirit world and human society (Imoagene, 1993, p.22-23). This is critical to the issue of justice among the Benins. It is the foundation of the ethical and moral systems that shaped the lives and conduct of the Edo people. Mbiti's illumination of the general conception of the intermediaries and God in African understanding captures the basic perception of the Edo people. According to Mbiti (1991), Africans feel themselves to be very small in the sight of God, and in approaching him, they sometimes rely on helpers even though they can also approach him directly. This flows from the social custom of approaching people of high status through someone else. These helpers, according to him, could be called intermediaries. Some are human beings, while others are spirit beings. The humans include priests, kings, medicine men, seers, oracles, divine makers, and ritual elders. These are often the ones who perform acts of worship, whether formal or informal and attend to the needs of their community. People approach them for solutions to their problems and needs, and they then must approach God through prayers, sacrifice, offerings, and the interpretation of visions or dreams (Mbiti, 1991). Thus, as exemplified by the Oba, the Benins see bad and unfair conduct as an existential imbalance capable of impeding the smooth relationship of humans with the divine. Injustice is, therefore, a breach of societal order and spiritual harmony that could incur the wrath of God, the divinities, malevolent spirits, and the ancestors (Idumwonyi and Ikhidero, 2013).

Edo people are aware that the punishment for injustice and unfair conduct among humans is severe and could be quite encompassing. The whole community or land could suffer as a result. There is a pantheon of divinities in the Benin ontology, including *Olokun*, (god of the sea, wealth, and prosperity), *Ogun* (god of iron), *Ogiuwu* (the god of death), *Esu* (the god of destruction and evil), *Obiemwen* (partly god of fertility along with *Olokun*), *Osun* (god of medicines) *Oronmila*, *Sango* (god of thunder), *Eziza* (god of whirlwind) *Ogunamen*, *Ovia*, among other. They could manifest the wrath or blessings of the Supreme Being. The Benins believe they could inflict punishments ranging from the outbreak of diseases and sicknesses, to sudden deaths, the barrenness of the wombs and land, droughts, and other natural mishaps on the people as a result of injustice. Consequently, traditional Benin society sees acts of injustice and unfairness as a direct invitation to the wrath of divinities. To forestall any mishap, individuals were to conduct themselves in the most communally acceptable manner (Welton, 1969). This is expressed in the abhorrence of such vices as perjury, stealing, lying, adultery, murder, oppression, and bribery, among others in the Edo culture. Like the ANE environments demonstrate semblances in the perception of justice, Edo culture also shares many aspects of what can

be conveniently called African culture. In this sense, Africa is the mega space that shaped the micro-world of the Edo people, like all other peoples on the continent. In the first instance, justice itself is an attribute of God and many divinities in African traditional religion and culture. In traditional Africa, there was an implicit understanding that any departure from acceptable behavior was punishable. Thus, there was no need for any formal legal code against antisocial behavior. A thriving and flourishing community was not only a function of the hard work of the people in the community but also a reward from the deities for the just conduct of the people.

Among the Yoruba people of Nigeria, with whom Edo people share culture; one of the assignments of the divinities is to ensure fair justice on earth (Idowu, 1996). For the Yorubas as well as many other African people, God is good and expresses his goodness to man in multifaceted kindness, but the same God demands strict justice and rectitude from the people. The position of God as judge over mankind involves dispensing of justice in reward, punishment, and retribution here and now and in the hereafter. His divinities demand justice, fair play, and rectitude from humans and act in defense of the same (Idowu, 1996). Edo culture sees justice as fundamental and essential to a just and fair society. The idea that justice is an attribute of God reinforces the importance of upholding justice and fairness in all aspects of life and serves as a reminder of the moral and ethical principles that should guide human behavior. Thus, God is the foundation of justice and has also given humans the inherent ability to do justice. So, every act of injustice and unfairness is a conscious and deliberate act of man.

Contemplating Justice within the Framework of Relative Universalism

Traditionally, cultural relativism moves along the theoretical frame that suggests that beliefs, virtues, customs, morality, concepts, ethical, and general social standards exist in relation to particular originating culture, making them none-cultural exclusives and, by extension, not absolute (Dahre, 2017; Carnegie Council 2023). This, therefore, portends that cultures have no absolute or universal standard of measure. It is within individual cultural contexts that appropriate meaning must be sought and understanding attained in critical issues of beliefs, norms, values, customs, and concepts, among others in every culture. Cultural prejudice is born at the moment one culture is seen to be superior in orientation to others, often anchored on the evaluation of other cultures from the lenses of a particular culture presumed to be more advanced or civilized (“Cultural relativism,” n.d.). Consequent to the need to pay attention to existential realities in every culture in the determination of what is acceptable and unacceptable, two problems are often confronted. The first is how to navigate the strong bond to one’s own culture in reacting to or evaluating other cultures. The second concerns making sense of other unfamiliar cultures.

In all, it seems appropriate to state that the grand rule in cultural relativism is simply that positions, judgments, and conclusions, derive from one's experience, and experience itself is shaped and interpreted by each individual and collectively based on culture (Miller, 2007).

Generally, justice functions within a wider religious and cultural worldview and has shown to be culturally relative as a principle and in practice in different contexts. Like in other cases, one of the problems of explaining the idea of justice within the theoretical conception of cultural relativism is whether one can condemn some abhorrent aspects of people's cultures as unjust without giving them certain considerations and qualifications within the ramifications of their originating cultures. Indeed, extreme cultural relativism leaves too much ground to exonerate cultures from the indictments of injustices as now universally conceived. The injustice of slavery, colonialism, the caste system, and oppressive widowhood rites, among others, would go unquestioned if the extreme ideas of cultural relativism were deployed in their scrutiny (Blumenson, 2011). However, when the aggregate of cultural relativism and universalism is taken on the issue of justice, it would show that the idea of justice is universal in orientation but distils to different meanings and practices in various cultures. Relative universalism of justice shines in showing the diversity of cultures and the possibility of cultural dialogue in terms of shared principles and practices. For instance, justice comes within the moral virtues of many cultures of the world, and virtually every culture preserved some forms of understanding of justice that could still be universally relevant in a modern context.

Justice in the two contexts in this paper presents as a moral obligation on the society. Thus, the understanding of justice from these contexts sheds light on its inclusive and universal nature. However, the cultures of both contexts also present some uniqueness. For instance, the Ancient Near Eastern culture tolerated slavery but had legal provisions that regulated the practice. While it was not an injustice to have slaves in the ANE environment, certain practices concerning slavery could constitute injustice. Although there were no established legal codes that moderated the traditional justice system of the Edo people, relics of their understanding of justice were preserved in songs, proverbs, stories, legends, names, and words, among others. For instance, one proverb with an appeal to the universal principle of justice is, *uhun na gie uko e gb'uko*, "messengers (servants) should not die for delivering the message they are sent." It was an injustice to harm another man's servant for delivering their master's message no matter the content.

Comparative Look at Justice in ANE and Edo Culture

This study builds upon the premise that both ANE and traditional Edo cultures have shared commonalities in their ideas of justice. They also have demonstrable uniqueness in their appreciation of the concept of justice. Justice is a core theme and a major ethical concern of both societies. In principle, both ANE and Edo cultures see justice as involving fairness not only in the determination of rights and the assignment of punishments but fairness in the sense of general human conduct in relating with others in human societies and as the key to continuous well-being of human communities and a healthy relationship with the divine. Comparatively, both cultures preserved the idea of justice in terms of divine concern and divine participation. The roles of the deities in establishing justice among humans were emphasized in both cultures. In Edo culture particularly, the Supreme Being embodied justice. It is from him the knowledge of justice stems. The ethical divinities insistent on justice and their punishment of injustice are as ordered by the Supreme Being. Both cultures also retain the idea that the kings, being the foremost representatives of the deities among men, must exemplify justice through their actions and conduct. Justice was important in the maintenance of order and stability in ancient societies. Therefore, kings, being the central authority and intermediaries between the divine and human realms, played key roles in upholding and institutionalizing justice in both societies. They resolved disputes, enforced laws, and ensured fairness in social interactions as a matter of norm. In Edo culture, chiefs were to conduct themselves as the Oba. They were the representatives of the Oba to the people. *Aiy'ivie rhue mwin oya*, “you do no injustice with the bead,” was a maxim that constantly put the chiefs in remembrance of their role to lead by example in fairness.

The ANE culture reveals that justice was a major aspect of the daily life practices of the people, based on extant legal codes such as that of Hammurabi. The standardization of the justice system, especially in the creation of legal codes in ANE, obviously suggests a more uniform idea of justice in public sphere. In contrast, justice was seen as a divine responsibility to mankind among the traditional Edo people. In the ANE, whoever sought sanctuary in a sacred place was safe from punishment, even if he or she had deliberately murdered someone. The biblical law against murder in Exodus 21:12-14 seems to be a step away from this practice. The legislation removes that protection in the case of wilful murder; which implies that the sanctity of human life is greater than the sanctity of a place (Constable, 2014). In Edo culture, wilful murder (*Izigha*) was not just an injustice to the life taken but an abomination to the whole community. Perpetrators were often banished from the community and made to wander in the forest. Generally, in ANE, Rylaarsdam (1980) notes, the principle of justice in many cases is the *lex talionis*, “an eye for an eye” – a principle that underlies the Code of Hammurabi. The *lex talionis* was a derivative

moral principle of justice that forbade excessive vengeance among the people and limited them so that they should only exact equal payment for offenses committed against them and no more (Constable, 2014). In Edo culture, the concepts of justice proactively cautioned against heinous crimes in proverbs, maxims, songs, and stories, among others, leading to almost a crime-free society. However, in both societies, justice was expected to be a lived reality in everyday conduct.

Conclusion

Some ideas and principles of justice in both ANE and traditional Edo societies remain valid in the contemporary imagination of a just and ideal society. The conception of justice as fairness in both ancient societies calls for a recalibration of modern-day orientation of justice. Justice, being intrinsically interwoven with morality, demands that all, irrespective of class or status, have access to justice in society. Within the theoretical framework of relative universalism, there is a viable and adequate ground to re-imagine justice from a moral and ethical standpoint, especially as conceived in some ANE and traditional Edo principles of justice. There is also the chance for cultural dialogue in rethinking effective justice system in contemporary times. The paper, therefore, concludes that the journey towards a more inclusive justice system in any society in contemporary times must pay attention to the evolving tapestry of universal and cultural principles that shaped the ideas of justice in various societies.

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