

Reading Proverbs 13:23 in Texts and Contexts of Poverty in Africa: A Theoretical Framework

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ABSTRACT

The Masoretic text of Prov 13:23 (רב־אֶכֶל נֶר רְאִשִׁים וַיֵּשׁ נִסְפָּה , מִשְׁפָּט כָּלֵא) highlights the absence of mishpat (מִשְׁפָּט) as the cause of the poverty of the poor. This article reads Prov 13:23 in conversation with the contemporary conceptualisation of economic poverty. The concept of mishpat (מִשְׁפָּט) is theorised and hermeneutically applied to the issue of poverty in Africa. The key questions under investigation are: What is mishpat in the text and its context? How should mishpat be read in the African context? How does the biblical understanding of the poor and mishpat inform responses to Africa’s poverty? In this study, the assumptions are that poverty in Africa is the result of both socio-economic and political injustices of the West and Africans themselves. Africans are agents of their own poverty. The study employs a hermeneutical and multidisciplinary approach, drawing examples from the social sciences.

KEYWORDS: Proverbs 13:23, Africa, Poverty, Poor

A INTRODUCTION

The word “poverty” is derived from the Latin word, *paupertas*.¹ The English exported the vocabulary and its essence to the rest of the world, particularly Africa. As in the Hebrew Bible, in many African languages, the word for poverty or poor carries deeper meanings than mere material lacks. For example, *ubumpofu*, the term for poverty among the Zulu also means a person who is sterile or lazy. *Otoṣi*, the word for poverty among the Yoruba of Nigeria also refers to a miserable person and is often used as a derogatory term to insult others.² Among some other African tribes such as the Baganda, poverty is a monstrous lion that eats people. It kills and utterly destroys; but the post-

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¹ The term pauper denotes “a person without any means of support, especially a destitute person,” who depends on others for survival. See “English Dictionary,” [cited 13 May 2021]. Online: <https://www.dictionary.com/browse/pauper>.

² See David T. Adamo, “The Poor in the Book of Psalms and in Yoruba Tradition,” *OTE* 27/3 (2014): 797–815.

independence African poverty is phenomenal. It is resilient, reinforced, invigorated, mischievous and genocidal. Indeed, in Yoruba terms, Africa is miserable and inevitably insulted but it is both a misnomer and an irony to refer to Africa as sterile: We are poor yet rich—the fields produce plenty but we earn little from it—why? Oh poverty! You are a hyena—eating people alive. You are a black hole in the heart of Africa, a misery, famine, disease, illiteracy, a starvation; destroyer of the environment, families and homes; originator of wars, xenophobia, hate and corruption; enemy of humanity, you hate seeing men, women and youths happy, you hate smiling babies; enemy of peace, justice and development you are. Will you ever die?

Proverbs 13:23 (רַב־אֶכֶל נִיר רְאִשִׁים וַיֵּשׁ נִסְפָּה בְּלֹא מִשְׁפָּט) highlights the absence of *mishpat* (מִשְׁפָּט) as the cause of poverty of the poor. *Mishpat* as used in the Hebrew Bible conveys deeper ideas. There is a potential risk of diluting its classic semantics if we conceptualise it in English as “justice.” In the context of poverty in contemporary Africa, the article contextualises, embroiders and theorises *mishpat* in terms of poverty alleviation strategies. It names *mishpat* as a theoretical framework within which poverty in Africa can be conceptualised, explained and addressed. In this case, *mishpat* is theorised as an ethic, principle, ideology and philosophy that can guide strategies for combatting poverty in Africa. Emphatically, *mishpat*, which is often ignored, should be an essential aspect and underlying principle in all poverty alleviation strategies. This position evokes questions such as: what is *mishpat* in the text and its context? How should *mishpat* be read in the African context? Who are the poor in the text and its context? How should the biblical understanding of the poor and *mishpat* inform responses to Africa’s poverty? In this study, the assumptions made are: (i) African poverty is the result of both socio-economic and political factors orchestrated by the West. The West has not practiced *mishpat* for Africa; (ii) Africans are agents of their own poverty. They do not practice *mishpat*. Ethically, it is immoral to imagine that poverty in Africa can come to an end without an ethic that compels the international and local players to conduct a soul search.

As in the Proverbs text, this article highlights the absence of *mishpat* as the reason for African poverty. However, it does not aim at explaining the causes of poverty in the Bible. As a matter of fact, elsewhere in Proverbs, poverty is caused by human vices such as laziness (6:10–11; 10:4; 20:13; 24:33–34), lack of self-discipline (13:18), idleness (14:23; 28:19), hastiness (21:5), excesses (21:17; 23:20–21), etcetera, which in the grain of this discussion are equally attributes of the absence of *mishpat*. Biblical references to poverty and its causes

have received commendable scholarly focus.³ Notably, Kaminsky has in a special way treated the problem of taxation and loans in the Bible.⁴

B PROVERBS 13:23: TEXT AND CONTEXT

Proverbs 13:23 falls within the Solomonic wisdom literature collection of the Book of Proverbs (10:1–22:16). The key themes of this verse, “The field of the poor may yield much food, but without *mishpat* it is swept away” (NIV), are the field (the sphere of the poor), the produce of the poor (food) and *mishpat* (absence of it and the consequences). Accordingly, *mishpat* is the underlying principle by which the poor gets the worth of his/her labour. The Hebrew word translated as the poor, רַאֲשִׁים, from the root רוּשׁ, squarely fits the description of Sub-Saharan Africa (and her people): an absolute poor who begs (Pro 18:23), is ruled over and harassed by the rich (Prov 22:7) and is despised (Prov 14:20, 19:4, 7). The root also designates a domain, which is contrasted with הוֹן (wealth) in Prov 10:15,⁵ akin to dualistic description of the world as “the developed” versus “the least developed or poor countries” or “the rich” versus “the poor.”

C מִשְׁפָּט (MISHPAT)

The Hebrew *mishpat* from the root *špt* is translated in different ways depending on the context but it conveys mainly three senses:

1) In a legal sense, the concept denotes the law, ordinances and standard given by a deity or king, which the people have to follow or fulfil in reverence to the deity (מִשְׁפָּט אֱלֹהֵי הָאָרֶץ; cf. 2 Kgs 17:26) or the king (מִשְׁפָּט הַמֶּלֶךְ; cf. 1 Sam 8:9). In Zeph 2:3, the people of the land are applauded for keeping Yahweh’s *mishpat* (see also Isa 58:2). Furthermore, *mishpat* is used in a legal context, especially in contests that call for arbitration. The decision or judgment made was expected to merit the case, be impartial and result from careful examination of the matters presented. The decision made by the arbitrator or

³ Phillip A. Barnard, “The Causes of Poverty: Is a Biblical Understanding Reflected in the Experiences of Today’s Poor?,” *Missiology* 44/ 4 (2016): 448–465; Frederick Kakwata, “A Theology of Sin Related to Poverty,” *Skrifling* (2016): 1–10; John E. Mcfadyen, “Poverty in the Old Testament,” *The Expository Times* 37/4 (1926): 184–189. <https://doi.org/10.1177/001452462603700407>; Richard J. Coggin, “The Old Testament and the Poor,” *The Expository Times* 99/1 (1987): 11–14. <https://doi.org/10.1177/001452468709900105>; Eben Scheffler, “Poverty Eradication and the Bible in Context: A Serious Challenge,” *Studia Hist. Ecc.* (2013): 129–153.

⁴ Joel E. Kaminsky, “The Might of My Own Hand Has Gotten Me This Wealth”: Reflections on Wealth and Poverty in the Hebrew Bible and Today,” *Interpretation* 73/1 (2019): 7–17.

⁵ הוֹן is the strength of the rich (עֲשִׂיר) just as poverty (רִישָׁם), literary their poverty) is the destruction of the רַגְלִים.

judge is called *mishpat*. Such a judgment is always qualified with the adjective **צַדִּיק** (righteous) (Deut 1:16, 16:18, Ps 9:5, Prov 31:9; Isa 1:21; 58:2; Jer 11:20, etc.). Relatedly, *mishpat* also occurs when the cause of the disruption or injustice between *two parties* is removed by the person in authority, functioning as a “judge.” The judge would declare innocent or guilty, deliver and protect the victims from the culprits (Deut 25:1) especially in passages that deal with the poor, the insignificant, and the oppressed (Isa 1:17, 23; 11:4; Pss 10:18; 72:4; Prov 29:14).⁶ A judge in the context of ancient Near East needed to exercise high degree of wisdom—commonly associated with divine favour and deep insights in dealing with cases.⁷ *Mishpat* also denotes a legal right or entitlement. In Jer 32:8, the prophet is to purchase the land from his relative because he had the legal right to; in Deut 18, priests of the tabernacle are entitled to a percentage of the people’s income as their “*mishpat*.” In other cases, *mishpat* denotes a legal court (Job 9:32), while in others, *mishpat* suffixed with the adjective **צַדִּיק** denotes (social) justice (Isa 1:21). Moshe Weinfeld has identified **מִשְׁפָּט וְצִדְקָה** as a *hiendiadys*—denoting a human moral quality that God expects from the appointed king.⁸

In sum, the concept of *mishpat* and its cognates relate to the law of the land—as divinely given or promulgated by a certain founding king. Kings’ laws were believed to be divinely inspired and were meant to protect all citizens. The custodians of these laws were the judges, who were expected to be upright as god-chosen kings or leaders over the people. One of Hammurabi’s prologues reads:

..... at that time Anum and Enlil named me to promote the welfare of the people, me Hammurabi, the devout, god-fearing prince, to cause justice to prevail in the land, to destroy the wicked and the evil, that the strong might not oppress the weak... When Marduk commissioned me to guide the people aright, to direct the land, I established law and justice in the language of the land, thereby promoting the welfare of the people.⁹

The king claims to be god-fearing, god-chosen, progenitor of justice, protector of the weak from oppression and promoter of human welfare. In a

⁶ Ernst Jenni and Claus Westermann, *Theological Lexicon of the Old Testament* (Philadelphia: Hendrickson, 1997), 1393–1394.

⁷ Raymond Westbrook, “Introduction: The Character of the Ancient Near Eastern Law,” in *A History of Ancient Near Eastern Law* (ed. Raymond Westbrook, Leiden: Brill, 2003), 22.

⁸ Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes Press, 1995), 181. See also Westbrook, “Introduction,” 26.

⁹ John H. Walton, *Ancient Israelite Literature in Its Cultural Context: A Survey of Parallels between Biblical and Ancient Near Eastern Texts* (Grand Rapids: Zondervan, 1994), 52.

related development, Hammurabi called his laws words of justice: "In the days to come, for all time, let the king who appears in the land observe the words of justice which I wrote on my stela; let him not alter the law of the land which I have enacted, the ordinances of the land which I prescribed."¹⁰ Suffice to state that though kings made law codes, they are not the originators but rather custodians or guardians of law and justice. Justice and laws are built and enshrined in what Walton calls a cosmic system¹¹ and, I would say, ideal human-value consciousness.

2) In the second sense, the root *špt* occurs in the context of politics and leadership. The term *šopt*, though translated in many English versions as a judge, has the meaning of a person in authority as a ruler or leader. When Moses attempted to support the two Hebrews in Exod 2:14, he was asked "who appointed you prince and leader over us (שָׂר וְשֹׁפֵט עָלֵינוּ)?" Deborah, in Judg 4:4, שֹׁפֵטָה אֶת־יִשְׂרָאֵל (leads Israel).

Judges, commonly called שֹׁפְטִים, were concerned with the political and military activities of Israel after the death of Joshua. This is well attested in the activities of Deborah, Gideon, Samuel among others as Judges in Israel. According to the Ras Shamra tablet, the Phoenician judge in the city of Carthage competed with Rome for Supremacy of the Mediterranean world of the third century BC. The ruler is hailed thus: "Our king is triumphant *baal*...our judge above whom there is no one!"¹²

3) In the third sense, *mishpat* is used in contexts of *modus vivendi*. This denotes cultural norms expressed in form of customs, habits, beliefs and behaviours. Every group of people had its own customs, which were referred to as *mishpat*. In 1 Kgs 18:28, the prophets of Baal prayed in accordance to מִשְׁפָּטָם (their custom), while the exiles worshipped their own gods כְּמִשְׁפַּט הַגּוֹיִם אֲשֶׁר־ (as per the custom of the nations from which they were carried). At an individual level, *mishpat* denotes the way of life or habits of an individual, which are however qualified on the basis of other heroic dispositions of that individual or qualified within the general ideological framework of the actors (cf. 2 Sam 27:11). In Judg 13:12, Manoah asked the angel about מִשְׁפַּט־הַנְּעָר (way of life of the young man), that is, of the promised baby boy.

Thus, *mishpat* in this sense denotes the way or mode of life customary to a group of people. This custom is shaped by lived life experiences, ideological

¹⁰ Walton, "Ancient Israelite Literature," 84.

¹¹ Ibid., 87–88.

¹² Cain Seymour, et al. "Judges: Importance and Role," *Biblical Literature: Britannica*, n.p. [cited 20 May 2021]. Online: <https://www.britannica.com/topic/biblical-literature/The-role-of-Samuel>.

and theological idiosyncrasies, which become the culture of the people. It is important to note that the legal and customary dimensions of *mishpat* are not divorced from each other. The legal dispositions and expectations, rights, laws, ordinances, etcetera are either an integral part of or formed from the customs of a group of people and vice versa. *Mishpat* therefore alludes to “correct or appropriate” behaviours or good practices (Exod 26:30; 1 Kgs 18:28; Isa 28:25f.), as per the customs. It becomes an ethic, the standard for moral judgment. Behaviours or manners that contravene the customs are called מִרְמָה (*mirmâ*) “deceit.” In fact, *mirma* is antithetical to *mishpat* (Hos 12:7–8, Prov 12:5, Ps 43:1). It is corruption of the set standard (Jer 9:5) and a form of hypocrisy (Jer 9:7). *Mirma* initially appears in Gen 27:35 when Jacob took Esau’s birth-right fraudulently. In relation to trade, *mirma* describes dishonesty and deceitfulness—the act of cheating buyers with false scales or adulterated commodities (Amos 8:5; Hos 12:7). Some English translations including ESV and RSV read *mirma* as oppression. For instance, Jer 9:6 is rendered as, “heaping oppression upon oppression, and deceit upon deceit,” based on the LXX’s καὶ οὐ διέλιπον τοῦ ἐπιστρέψαι τόκος ἐπὶ τόκῳ καὶ δόλος ἐπὶ δόλῳ. Notably, τόκος ἐπὶ τόκῳ literary means usury upon usury. Τόκος is commonly used in contexts of lending money (Matt 25:27) at an exorbitant interest. In this verse, τόκος ἐπὶ τόκῳ carries the sense of exploitation. The clause that follows δόλος ἐπὶ δόλῳ produces interesting etymologies. The root δόλος is commonly translated as deceit, guile and craft. In the context of this verse, δόλος probably means insidious cunning means of exploiting the debtors, which denotes *mirma* and the absence of *mishpat*. In Ezek 18:8, the prophet employs the word *mishpat* in the context of money lending and charging of exorbitant interests.

In contextual terms, the three senses of *mishpat*, which almost operate as tripartite arms of government (the legislature, judiciary and executive),¹³ constitute a theoretical framework within which African poverty should be assessed and dealt with. Though each of these senses serves a peculiar function, their functions are integral and divine. They form a gestalt, which can only be conceptualised in ethical and ideological terms as a system and spirituality that value and promote human dignity.

D THE POOR AND POVERTY IN THE BIBLE AND ANCIENT NEAR EAST CONTEXT (ANE)

Although the focus of this paper is on economic poverty, we do acknowledge the similarity between the contemporary and biblical (and ancient Near Eastern) social scientists on how economic poverty constructs disadvantaged social

¹³ The legislature, for instance, has the primary role of making laws, repeals and amends. The judiciary interprets and implements the law. It adjudicates over legal matters through legal courts. The executive, on the other hand, deals with leadership and governance—formulating and implementing policies and general administration of the law.

groups, especially the poor. The OT and its conceptualisation of the poor stretched beyond lack of material things to include socially disadvantaged people such as the elderly, women, children, foreigners, the sick, the physically handicapped, orphans, the widowed, slaves and prisoners. It also refers to those who suffer from social (and political) oppression and the powerless. This category is powerless in determining their own destiny and meeting their own needs and would therefore depend on the social and political leaders for protection and guidance. In the OT, different words are used to refer to poverty and the poor.¹⁴ There is some difficulty in trying to ascribe strict meanings to the terms. It is rather the context that provides the clue or the meaning a given term carries.

The protection of the poor and the weak in ancient Near East and the Bible was the duty of the gods, rulers (kings) and everyone else.¹⁵ It was engrained in ancient spirituality that protection and service to the poor were a godly act. Thus, in Mesopotamia, Mari and Egypt, a monarch would make a pact with the reigning god to protect the poor¹⁶ or would boast of protecting the poor.¹⁷ Gods were known to be progenitors of kindness to the poor. They were the rulers and judges adjudicating the cause of the poor. Kings were expected to carry out this divine mandate. In 2 Samuel, David listens to the complaint of the woman of Tekoa, while Solomon asks for “לֵב שֹׁמֵעַ לְשִׁפּוֹט אֶת-עַמּוֹיָךְ” (a listening heart in order to lead your people 1 Kgs 3:9). In one of the Psalms of Asaph (Ps 82:2–3), the writer admonished rulers for defending the unjust and showing partiality to the wicked and then urges them to “defend the cause of the weak and fatherless; maintain the rights of the poor and oppressed.” Protection of the poor was also conceived as a common way of life of the ordinary people. They had to protect the rights of the poor in order to receive favour from God (Prov 28:27) or else receive legal or divine punishment (cf. Prov 17:5).

Further, the most established means of fighting poverty in the ancient Near East and biblical Israel was debt cancellation. Debt acquisition came in the form of agricultural products to hungry citizens or soft loans given by the wealthy to the poor. The debts were to be paid with interests, which were often high. Debtors who failed to pay their debts sold themselves or family members

¹⁴ See J.D. Pleins, “Poverty in the Social World of the Wise,” *JSOT* 32 (1987): 61–78.

¹⁵ F. C. Fensham, “Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature,” *Journal of Near Eastern Studies* 21/ 2 (1962): 129, 130, 138; S.J. Norbert Lohfink, “Poverty in the Laws of the Ancient Near East and of the Bible,” *Theological Studies* 52 (1991): 34.

¹⁶ Mark D. Arnold, “The Ethics of Amos in Light of Its Ancient Near Eastern Context.” (MSU Graduate Thesis, Missouri State University, 2012), 45–47.

¹⁷ Harriet K. Havice, “The Concerns for the Widow and Fatherless in the Ancient Near East: A Case Study in the Old Testament Ethics” (PhD Thesis, Yale University, Yale), 1978: 29–32.

to the creditors as slaves until debts were fully paid or lost property like land under economic duress. This inevitably created a socio-economic inequality between the poor and the wealthy.¹⁸ The intervention of the ruler was proclamation of debt cancellation decree in order to "restore equity and economic viability in the land."¹⁹ This is well illustrated in the works of various scholars.²⁰ Importantly, the practice of Jubilee in the Hebrew Bible involves debt cancellation, freeing of debt servants and restoring lands to farmers who had lost them to creditors.²¹

E AFRICAN POVERTY: HISTORICAL AND CONTEMPORARY REALITIES

The focus of this article is African poverty. The question: "Why is Africa very poor despite many resources in her endowment?" is central in scholarly and journalistic discussions and analyses,²² so also are proposals, resolutions, policies and action plans (enshrined in local, national and international documents) to liberate the continent out of poverty. Local politicians (and warlords) in various states have made poverty alleviation slogans part of their political activism and campaign rhetoric. The rhetoric has fuelled conflicts²³ and created sharp political contests for positions of power, electrifying utopian optimism in the electorates that desire change in their socio-economic conditions. After political elections, many politicians who promise to bring

¹⁸ Robert Wafawanaka, "Is the Biblical Perspective on Poverty that "There Shall be no Poor among You" or "You Will Always Have the Poor with You"?" *Review and Expositor* 111/2 (2014): 110–111.

¹⁹ Wafawanaka, "Is the Biblical Perspective, 111.

²⁰ Michael Hudson and Mar Van de Mierop, eds., *Debt and Economic Renewal in the Ancient Near East* (Bethesda: CDL Press, 2002); Michael Hudson, *The Lost Tradition of Biblical Debt Cancellations* (New York: Henry George School of Social Science, 1993); David Graeber, *Debt: The First 5000 Years* (Brooklyn: Melville House, 2011); James B. Pritchard, ed., *Ancient Near Eastern Texts Relating to the Old Testament* (3rd ed.; Princeton: Princeton University Press, 1969).

²¹ Wafawanaka, "Is the Biblical Perspective on Poverty," 111.

²² See Frank Kabuya, "Fundamental Causes of Poverty in Sub-Saharan Africa," *Journal of Humanities and Social Sciences* (2015); Peter A. Nyong'o, Aseghedech Ghirmazion and Davinder Lambae, eds., *NEPAD: A New Path?* (Nairobi: Heinrich Boll Foundation, 2002); Engelbert Mveng, "Impoverishment and Liberation: A Theological Approach for Africa and the Third World," in *Paths of African Theology* (ed. R. Gibellin; Maryknoll: Orbis Books, 1994), 154–165; John S. Pobee, *Who Are the Poor? The Beatitudes as a Call to Community* (Geneva: WCC, 1987); Alex Addae-Korankye, "Causes of Poverty in Africa: A Review of Literature," *American Journal of Social Science* 3/7 (2014): 147–154.

²³ DFID, "The Politics of Poverty: Elites, Citizens and States: Findings from Ten years of DFID-funded Research on Governance and Fragile States 2001–2010," UKaid [cited 2 July 2021]. Online: <http://www.research4development.info/politicsofpoverty.asp>.

change fail to create any significant impact on poverty alleviation.²⁴ Poverty has remained persistent to the effect that more questions are asked as to why African poverty is so resilient.

African poverty is not just a local economic problem; it is global and social, a very serious matter of international concern. Rich countries have reacted to African poverty in majorly two ways: firstly, tighten migration rules to curb African migrants who seek for opportunities abroad and secondly, constitute talks, discussions and resolutions on African poverty through their foreign policy frameworks. Under umbrella bodies such as the UN, many bizarre resolutions including Structural Adjustment Programs (SAPs), Poverty Reduction Strategies (PRS), Fair Trade and Free Trade policies, African Growth and Opportunity Act (AGOA) are made. These measures are simply idealised to be good for the African poor. Sadly, the extent to which these ideals are progressive leaves much to be desired. In some circles of study, these strategies have worsened Africa's poverty.²⁵ The conditions associated with those measures lack the prime ethic of removing issues that make Africa poor such as addressing historical injustices. They frustrate local African initiatives and growth.²⁶

Thomas Sowell has written a comprehensive book on factors that are responsible for the world poverty. These range from the limitations associated with geographical locations as well as socio-cultural, political and historical factors.²⁷ Read in the context of Africa's poverty, Sowell's works show that poverty is the result of complex factors which call for a comprehensive assessment and engagement. In the grain of this article, this assessment and engagement (if indeed Africa's poverty is a serious matter of concern to both

²⁴ For instance, the 2002 elections which brought Mwai Kibaki to power in Kenya against the KANU candidate was won on the promises of eradicating poverty and uplifting Kenyans' household incomes. However, according to Bertelsmann Transformation Index report of 2006, by almost the end of the first term in office as president, Mwai Kibaki and his NARC government officials did not made any significant contribution to economic growth and development. The Kenyan economy was characterised by social unrest, strikes and crime as the imperatives promised during the campaigns were not delivered [cited 2 July 2021]. Online: https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2006_KEN.pdf.

²⁵ Lechion P. Kimilike, "An African Perspective of Poverty Proverbs in the Book of Proverbs: An Analysis for Transnational Possibilities" (PhD Thesis, UNISA, 2006), 68.

²⁶ Examples of such war-against-poverty initiatives include Lagos Plan of Action by Organization of African Unity (1988–2000) and New Partnership for Africa's Development (NEPAD) of African Union. See Kimilike, "An African Perspective of Poverty, 69; see also Kabuya, "Fundamental Causes of Poverty"; Nyong'o, Ghirmazion and Lamba, *NEPAD: A New Path?*; Mveng, "Impoverishment and Liberation"; Pobee, *Who Are the Poor?*; Addae-Korankye, "Causes of Poverty in Africa";

²⁷ Thomas Sowell, *Wealth, Poverty and Politics* (rev. and enl. ed.; New York: Basic Books, 2016).

local and international players) should be re-evaluated, customised and approached within a pro-humanistic theoretical paradigm, which biblical *mishpat* advocates. *Mishpat*, in this case, is an activism, a philosophy, an ideology, an ethic and an empathetic spirituality.

Poverty alleviation on the continent is the focus of deliberations at every African Union (AU) summit. Many African governments have sought for poverty alleviation strategies through local and international partnerships. International Trade is one of the approaches African governments rely on in the fight against poverty. Thus, the creation of regional or sub-regional blocs namely East African Community (EAC), Economic Community of West African States (ECOWAS), Southern African Development Community (SADC), Community for Central African States (ECCAS), Common Market for East and Southern Africa (COMESA) is aimed at integrating Africa’s economic space to improve the international trade competitiveness in order to increase foreign exchange and per capita incomes. The aims of these blocs have not yielded significant impact on poverty levels in Africa.

Trade is covered in the Millennium Development Goals (MDG) under the custodianship of World Trade Organization (WTO). In its November 2001 conference in Doha, WTO addressed trade obstacles that have hindered exports of developing country and called for measures that would enhance real market opportunities in developing countries.²⁸ This led to the eventual formation of the Aid for Trade in Hong Kong in December 2005 with the stated aim of: “...providing financial and technical assistance to developing countries,” building and strengthening supply capacity, building trade-related infrastructure and removing trade-related bottlenecks for developing countries.²⁹

These observations from the Hong Kong summit are close to the root of Africa’s poverty and are a sign that the international community understands very well the causes of African poverty and diminutive performance in international trade. Proverbially, they seem to concur that the farm of the African poor can produce plenty, but absence of *mishpat* results in waste. At the time of writing this article, there is no significant indicator that the key players in WTO, an arm of the UN, have made any significant efforts in bolstering African trade. With the exception of China which has funded some infrastructural development in some parts of Sub-Saharan Africa, the invisibility of efforts by First World countries such as the United States and European states is clear.

Noteworthy, contemporary trade strategies—Fair Trade and Free Trade have proved inefficient in the realisation of poverty alleviation goals. Fair trade,

²⁸ “Doha Development Agenda,” [cited 16 May 2021]. Online: http://www.wto.org/english/thewto_e/coher_e/mdg_e/dda_e.htm.

²⁹ “Aid for Trade,” [cited 16 May 2021]. Online: http://www.wto.org/english/tratop_e/devel_e/a4t_e/aid4trade_e.htm.

for instance, which was imposed on the rest of the world without a comprehensive and participatory poverty and social impact analysis (PSIA), has not created a significant impact. Only a small fraction of the premium is sent to the producers in developing countries as the highest percentage of the premium is pocketed by the retailers, who are largely based in developed countries.³⁰ Fair trade favours semi-developed regions of South America and Asia at the expense of others especially East Africa.³¹ Fair trade's claims of bringing better working conditions to poor producers is also unachievable on a large scale because it discourages full time employees on the farm and no employment at the processing level. The world's poor are the unemployed masses in the agricultural spaces of developing countries but are not land owners or farmers. Fair trade also lacks robust monitoring of the supply chain to check out unsatisfactory practice like corruption and abuse.³² Thus, Fair trade ends up not being fair at all but is sheer robbery of the poor. Rothbard fittingly remarks that whenever someone starts talking about fair trade, "it is time to keep a sharp eye on your wallet, for it is about to be picked."³³

There is growing concern that Fair trade does not make room for diversification, as it encourages only peasantry agriculture and "keeps farming families working the land: it refuses to consider that they might wish the next generation to do better than the last."³⁴ Moreover, it does not work with farmers to improve efficiency and quality of the products in order to improve their incomes.³⁵ Developing countries end up producing poor quality goods which do

³⁰ Marc Sidwell, *Unfair Trade* (London: Adam Smith Institute, 2007), 11. Cf. also, Philip Booth, "Fair Trade Is Neither Fair nor Good for Trade," n.p. [cited 2 June 2021]. Online: <https://www.telegraph.co.uk/news/politics/8353361/Fair-trade-is-neither-fair-nor-good-for-trade.html>; Matthew Martin, "Africa's External Constraints: What the Developed Countries Should Do," in *Africa in the World Economy: National, Regional and International Challenges* (ed. Jan Joost Teunissen and Age Akkerman; Hague: FONDAD, 2005), 209–210.

³¹ For example, Mexico which leads the world with 51 Fair-trade certified producer organisations produces 25% of Fair-trade coffee, while India has only 49%. Other countries like South Africa have 38%, Colombia 34% and Ruanda 10%. By 2008, there was no fair-trade certified producer in many Sub-Saharan countries like Burundi And 80% of the population works in agriculture in Ethiopia, with an average income of \$700 a year. In Mexico, 18% work in the fields and the average salary is \$9000. See Sidwell, *Unfair Trade*, 10–11.

³² Booth, "Fair Trade Is Neither Fair."

³³ Murray N. Rothbard, "Protectionism and the Destruction of Prosperity," in *The Free Market Reader: Essays in the Economics of Liberty* (ed. Llewellyn H. Rockwell; Burlingame: Ludwig Von Mises Institute, 1988), 153.

³⁴ Sidwell, *Unfair Trade*, 14.

³⁵ Using the case of Brazil, David Smith observes that Illycafe, an Italian private company was by 2007 paying Brazilian farmers 360 Brazilian real (equivalent to USD 140) for a bag of Arabica coffee compared to 240 Brazilian real (equivalent to USD 99) paid by other companies. Illycafe is not a fair-trade certified company and aims at

not compete for higher prices. In effect, some companies like *Intelligentsia Coffee* in USA ended partnership with Fair trade and set up private certification processes in order to end what they call 'solidly mediocre' coffee.³⁶ Whereas other companies such as Technoserve are working in East Africa to improve the competitive quality of African farmer's produce, Fair trade promotes poor quality products on the Western markets, perpetuating African poverty.

Free trade, also called trade liberalisation, is a market approach in which governments do not discriminate against imports and exports through trade tariffs or quotas. Its chief architects are IMF and World Bank, as sponsors of the so-called Washington Consensus in the 1980s. Free trade operates on the law of comparative advantage which refers to a country's ability to produce particular goods or services at a lower marginal and opportunity cost over another. In free trade, prices are regulated by equilibrium of supply and demand. Besides absence of substantial demand for African goods, the supply side is very marginal. In the words of Ha-Joon Chang, free trade is the Bad Samaritan's policy, as it sarcastically presumes that African economies are on the same supply level as the developed economies. Instead of sharing the formulas used for its own development, the West advises developing countries to use a completely different manual, customised to exploit Africa and perpetuate African poverty. This is attested in a plethora of scholarly and journalistic writings.³⁷ At the local levels, the free trade system is not actually free. Governments are involved and greedily rob traders through taxations. The African problem is made worse by its lack of political federation, leaving trade to suffer border and interstate restrictions, unlike federated states like the USA.³⁸

These international strategies on trade are premised on the foundation laid by slave trade and colonialism, which, among other evils, caused technological

sourcing the best Arabica coffee in the market but fair trade in its certification of the growers and their price policy does not consider the quality of the coffee produced. See David Smith, "Is Fairtrade Fair Enough?" n.p. [cited 10 June 2021]. Online: <https://www.theguardian.com/lifeandstyle/wordofmouth/2007/may/26/isfairtradefairenough#comment-1981199>.

³⁶ Smith, "Is Fairtrade Fair Enough?"

³⁷ Faustin Kamuzora, "Nyerere's Vision of Economic Development," in *Africa's Liberation: The Legacy of Nyerere* (ed. Chambi Chachage and Annar Cassam; Kampala: Fountain Publishers, 2010), 101–102; Ellen Hillbom, "Structural Adjustment Programs and Their Repercussions," n.p. [cited 3 May 2021]. Online: https://www.coursera.org/lecture/african-development--from-the-past-to-the-present/structural-adjustment-programs-and-their-repercussions-JrdA9?utm_source=mobile&utm_medium=page_share&utm_content=vlp&utm_campaign=top_button.

³⁸ See Rothbard, *Protectionism and the Destruction*, 150–152.

arrests that dwarfed and killed Africa’s industrial and economic base.³⁹ It is common knowledge among Africans that the continent’s poverty and unequal trade exchange with the West stem from colonialism which de-industrialised and groomed Africa as a source of raw materials—mainly producers of agricultural goods without adding any value. In the prevailing market systems where Fair trade and Free trade operate, Africa cannot compete favourably. The farm yields, which do not match the costs of industrial imports, inputs and implements, would simply subject the poor to exploitation through contemporary trade strategies⁴⁰ and worst levels of poverty.

During his visit to Africa, President Barack Obama⁴¹ was asked by a youth from East Africa:

Mr. President, as young Ugandan leaders, we are looking to the world for equal business partners and commitments, and not necessarily aid. We are not looking for donors. Mr. President, the policy you have just described seems to emphasize help coming in from the U.S. and emphasizing offering jobs and employment within the countries that they come into. As young leaders, Mr. President, we want to do the businesses at home and be the ones to own our own markets. So how do you, plan on assisting us in reaffirming the U.S. policy to achieve this vision?

Mr. Obama responded:

... Now, there’s no doubt that U.S. businesses also want to sell into Africa, because as President of the United States, I want to create some jobs in Africa as well. But my attitude is that the more successful African entrepreneurs are, then the more they’re going to be purchasing and interested in purchasing U.S. goods...when the economy in the United States is doing strong, then we’re going to buy more from Africa, and everybody’s standards of living can rise.⁴²

³⁹ Walter Rodney, *How Europe Underdeveloped Africa* (rev. ed.; London: Bogle-L’Ouverture Publications, 1988), 152.

⁴⁰ See Ha-Joo Chang, *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism*, (New York: Bloomsbury Press, 2007), 58.

⁴¹ President Barack Obama visited selective African States which included Senegal, South African and Tanzania. While in South Africa, Obama participated in a town hall meeting with the young African leaders’ initiative at the University of Johannesburg Soweto. Participants outside South Africa interacted with him by live television broadcast. Obama preached the importance of American investments in Africa through job creation for local Africans.

⁴² Ritah Nabulye, “Obama Speaks to Ugandan Young Leaders on Trade,” n.p. [cited 12 August 2021]. Online: <https://chimpreports.com/11061-obama-speaks-to-ugandan-young-leaders-on-trade/>.

Clearly, Obama’s response was calculating, political, evasive and empty and it did not hide his American attitude of maintaining supremacy and domination in the world trade. The African quest for equal business partnership calls for technological advancement that is the missing link to Africa’s industrial revolution. By prioritising America’s interests over Africa’s, Obama simply affirmed the insidious nature of western capitalism that is obviously exploitative. The youth in this conversation expected pro-humanistic policies that would empower Africans with technological skills and capital to reach the level of equality with other world economic players. This optimism was premised on the hopes that Obama, with his African ancestry, understood well the African plight.

No doubt, poverty is prevalent in Africa due to local factors. Kofi Annan,⁴³ former UN Secretary, attributed persistent poverty in Africa to the continent’s politicians. As other observers,⁴⁴ Annan argues that lack of political will and corruption on the part of African leaders who misappropriate and embezzle resources is the root cause of Africa’s poverty.⁴⁵ Annan’s view reflects also the popular views of African people that political leadership in many African countries is used as an opportunity to milk the poor. Corruption permeates the political and civil service strata in various forms—swindling of public resources, bribery, tribalism and nepotism. There is almost no country in Sub-Saharan African that has not had cases of corruption scandals.⁴⁶ Several examples involve prominent politicians such as Jacob Zuma in South Africa⁴⁷ and key top cabinet

⁴³ In the forward to the 2010 African Progress Report, Annan asks: “Why does progress on achievement of the Millennium Development Goals (MDGs) remain so low, so uneven? Why do the absolute and relative numbers of people living in poverty remain so high? Why do so many people face food and nutrition, joblessness and minimal access to basic services such as energy, clean water, healthcare and education? Why are so many women marginalized and disenfranchised? And why is inequality increasing?” His views were quoted and analysed in the Guardian article by Eliza Anyangwe referenced below.

⁴⁴ See Grace Lubale, “Poverty in Uganda: Causes and Strategies for Reduction with Great Emphasis on Ethics and Ecological Justice,” *Sociology and Anthropology* 7/1 (2019): 11. DOI: 10.13189/sa.2019.070102.

⁴⁵ Eliza Anyangwe, “Who Is to Blame for Poverty in Africa?,” n.p. [cited 6 May 2021]. Online: https://www.theguardian.com/katine/katine-chronicles-blog/2010/jun/04/africa-progress-report-leadership?CMP=twg_gu.

⁴⁶ African countries dominate the list compiled by Transparency International Corruption Perception Index.

⁴⁷ Greg Myre, “Africa: South Africa’s Zuma Leaves Office as He Entered—Accused of Corruption,” n.p. [cited 14 August 2021]. Online: <https://www.npr.org/sections/parallels/2018/02/14/584631829/s-africas-zuma-leaves-office-as-he-entered-accused-of-corruption>.

ministers.⁴⁸Timamy has written eloquently on the phenomenon of African leadership and corruption with shocking revelations.⁴⁹

The stench of corruption is not only found among politicians, it is much more pronounced in the judiciary where the courts of law and the police fail to deliver justice to the poor. Right from the local courts to the high courts, officials who preside over cases tend to be blindfolded by heavy bribes in form of money and other material gains. The poor people are not only victims of misjudgement but have incurred other losses of property often seized by the rich. Without any prejudice to any court rulings, in Uganda, there are reports that victims of land grabbing (mainly widows and orphans) have lost cases because they cannot afford bribes to local council courts, police and legal courts.⁵⁰ Various Transparency International corruption reports reveal that police forces in the subcontinent are notoriously corrupt with Nigeria, DR Congo, Kenya and Uganda in the lead.⁵¹ The impact of corruption on development and poverty alleviation is adverse and has received fair scholarly analyses.⁵²

Besides corruption, other local factors which perpetuate poverty on the continent and cannot be exhausted in this paper, for example, African people's

⁴⁸ Uganda, Abraham Byandala, Minister of Works and Transport was accused of swindling several billions of shillings meant for Mukono Katosi Road; cf. Godfrey Ssali, "Byandala Has a Case to Answer in Mukono-Katosi Road Saga," n.p. [cited 22 May 2021]. Online: <https://www.independent.co.ug/byandala-case-answer-mukono-katosi-road-saga/>. Officials from the Office of the Prime Minister also swindled aid funds meant for post-war Northern Uganda Development Agenda. See Yasiin Mugerwa, "Leaked OPM Reports Pins Government Officials," n.p. [cited 22 May 2021]. Online: <http://www.monitor.co.ug/News/National/Leaked-OPM-report-pins-government-officials/-/688334/1878560/-/bvh8wf/-/index.html>. In Kenya, Henry Rotich, Minister of Finance was accused of corruption; Duncan Miriri, "Kenyan Finance Ministers Arrested on Graft Charges," n.p. [cited 22 May 2021]. Online: <https://www.reuters.com/article/us-kenya-corruption-idUSKCN1UH0Q7>.

⁴⁹ M.H. Khalil Timamy, "African Leaders and Corruption," *Review of African Political Economy* 104/5 (2015): 383–393.

⁵⁰ International Justice Mission, *Property Grabbing from Ugandan Widows and the Justice System* (2014): 80–81.

⁵¹ Yomi Kazeem, "Nigeria, DR Congo, Kenya and Uganda Have the World's Worst Police Forces," n.p. [cited 23 May 2021]. Online: <https://qz.com/africa/1127083/nigeria-kenya-uganda-dr-congo-and-pakistan-police-are-the-worlds-worst/>.

⁵² Olatunde J. Otusanya, "Corruption as an Obstacle to Development in Developing Countries: A Review of Literature," *Journal of Money Laundering Control* 14/4 (2011): 387–422; Eugen Dimant and Gulielmo Tosato, "Causes and Effects of Corruption: What Has the Past Decade's Empirical Research Taught Us? A Survey," *Journal of Economic Survey* 32/2 (2017):13; DfID, *Why Corruption Matters: Understanding Causes, Effects and How to Address Them: Evidence Paper on Corruption*, January 2015 (London: DFID. 2015) 36–54.

high propensity to reproduce. The fertility rates in Sub-Saharan Africa are arguably higher than other contexts. Mariam Nabatanzi, a Ugandan woman who is the biological mother of 44 children,⁵³ is not just an isolated incident, there are many other unnamed stories of mothers producing many children including twins and quadruplets almost at every birth in the region as well as men siring as many children as possible with many wives and concubines. Child production in many Sub-Saharan African families is an ideological and a religio-cultural phenomenon associated with blessings and fame. However, the negative impact of high populations on economic development is well known.⁵⁴ In the case of Mariam Nabatanzi, it is hard to imagine the stress the family goes through in getting the basic necessities of life as food, clothing, shelter and medication. To think of according such children quality education by the family would be on the extreme. High populations create a dependence syndrome where the majority poor would parasitically depend on the few economically emerging relatives. This retards capital investments. The problem is fuelled by the African extended family ties. Among other factors, this article still asks: How should *mishpat* be understood in the context of Africa’s high propensity to reproduce and high population?

F MISHPAT IN CONTEXT OF AFRICAN POVERTY: DISCUSSION, ANALYSIS AND CONCLUSIONS

To recapitulate, *mishpat* in legal terms relates to the law of the land. It occurs when the cause of the disruption or injustice between two parties is adjudicated and removed by the “judge.” The judge would condemn (1 Sam 3:13; Isa 66:16) and declare innocent or guilty and protect victims (Deut 25:1). In his judgment, the judge would exercise justice and impartiality (Lev 19:15). *Mishpat* therefore safeguarded basic human rights—especially for the poor, powerless, insignificant and the oppressed (Isa 1:17, 23; 11:4; Pss 10:18; 72:4; Prov 29:14). *Mishpat* is also an entitlement as well as a consciousness to be good, judicious and fair to other humans.

In political terms, *mishpat* stands for good leadership—leadership that is accountable to the rule of law and fear for God. It denotes leadership that

⁵³ Elias Biryabarema, “Ugandan Mum of Multiple Quadruplets Struggles to Provide for 38 Kids,” n.p. [cited 22 June 2021]. Online: <https://www.reuters.com/news/picture/uganda-mom-of-multiple-quadruplets-strug-idUSRTX6T5I6>.

⁵⁴ M. Wolfson, “Population and Poverty in Sub-Saharan Africa.” *Habitat Int.* 1985: 9(3–4): 201–8; Stanley E. Nwani and E. Osuji, “Poverty in Sub-Saharan African: The Dynamics of Population, Energy Consumption and Misery Index,” *International Journal of Management, Economics and Social Sciences* 9/4 (2020): 247–270; Kate Kelland, “Africa’s Rapid Population Growth Puts Poverty Progress at Risk, Says Gates,” n.p. [cited 22 June 2021]. Online: <https://www.reuters.com/article/us-health-global-gates-idUSKCN1LY0GU>.

promotes social-justice and human welfare, leadership which is selfless and promotes the wellbeing of the citizens. It recognises that political roles and positions are a responsibility bestowed by God to lead people on God's behalf.

Mishpat is also the custom and the way or mode of life. This custom regulates human behaviours. It is the culture of the people. This way of life results from an interplay of many factors. It is an integral part of the legal aspects of *mishpat*. The legal dispositions and expectations, rights, laws, ordinances, etcetera are either integral to or formed from the customs of a group of people and vice versa. *Mishpat* therefore brings allusion to "correct or appropriate" situation or behaviour (Exod 26:30; 1 Kgs 18:28; Isa 28:25f.) as per the customs. Any behaviour or manner that contravened the customs is מִרְמָה (*mirmâ*), which means "deceit," dishonesty, corruption, oppression, exploitation and deviation. *Mirma* is antithetical to *mishpat* in some biblical texts (Hos 12:7–8; Prov 12:5; Pss 43:1).

In essence, *mishpat* is a system, a consciousness, a spirituality that is based on the inherent value for life that upholds good values and combats evil. In the grain of this article, *mishpat* demands for facts that underlie African poverty. As Konow has noted:

...fairness judgments are sensitive to the information provided in a scenario. When information is incomplete, historical, market or stable prices can influence the assumptions people make about factors relevant to justice principles... One response to sparse information is simply to assume away any differences across persons relating to justice. This *ceteris paribus* assumption seems most appropriate when the available information provides no basis for such differences.

In African poverty, we find historical injustices inflicted by the slave raiders and colonialists that disrupted Africa's industrial economic revolution. We continue to see soaring poverty levels despite international and national socio-economic "strategic plans," policies and agenda. There are unfavourable balances of trade, unemployment, famine, disease, ignorance, environmental degradation, high dependence levels and high mortality rates. We see desperate African migrants drowning in waters and others are arrested as they attempt to "flee" poverty on the continent. This picture suggests that the poverty eradication measures in Africa are void unless there is a theoretical grounding. Relating Prov 13:23 to African poverty brings to the fore a realisation that *mishpat* is the underlying principle without which the poor will remain poor despite the numerous poverty eradication efforts. I argue that the concept of *mishpat* should be embraced at all levels by those assessing and intervening in African poverty and the African poor themselves.

I posit in this essay that the poverty eradication strategies are void of the principle of *mishpat*. *Mishpat* calls for a comprehensive response and action in

addressing the historical injustices that underlie Africa's poverty. International strategies that do not consider the historical impact of slave trade and colonialism on the African people will always result in generalised policies and strategies that are not grounded. These facts are well articulated in a plethora of scholarly literature. Inikori decries the devastation caused by depopulation of the continent⁵⁵ and Amin explains that Africa's economic systems were undermined and distorted due to slave trade and colonialism.⁵⁶ Wabyanga, among other things, underpins Europe's deliberate refusal to yield to technological transfer of skills and augments the need for affirmative action in dealing with the damages caused by the Trans-Atlantic slave trade and colonialism on the African vineyard.⁵⁷ Both European and American politicians are acquainted with these facts.

The international community presumes that the best strategy for dealing with African poverty is through trade and that trade strategies such as Fair trade and free trade would work for Africa. Unfortunately, these trade strategies continue to retain Africa in the abyss of poverty because majority of African countries are an unequal party in the trade relations with developed countries. The causes of this inequality, it should be emphasised, are historically linked to slave trade and colonialism. As Wabyanga has affirmed, slave trade robbed Africa of her human vineyard: the "ironsmiths, manufacturers of iron tools which were used in agriculture, food industries, beauty industries and wars. They were the manufacturers of African clothes from backcloth and leather materials as well as manufacturers of pharmaceutical products to deal with tropical diseases. They were the brains behind Africa's industrialisation. Africa's ability to reproduce itself industrially, economically, socially and culturally was impaired."⁵⁸ Consequently, in terms of international trade, the African continent boasts of no industrial heritage or backbone. Its industrial entitlement (*mishpat*) was snatched away. The historical injustices of slavery and colonialism have been decried as the worst forms of oppression against Africa and the black race. In 1834, Mrs. Maria W. Stewart wailed and mourned for Africa due to America's "foul and indelible stain" on her. She reminded America that "it is our gold that clothes you in the fine linen and purple, and causes you to fare sumptuously every day; and it is the blood of our fathers, and the tears of our brethren that have enriched

⁵⁵ Joseph E. Inikori, *The Chaining of a Continent: Export Demand for Captives and the History of Africa South of the Sahara, 1450–1870* (Mona, Jamaica: Institute of Social and Economic Research University of the West Indies, 1992), 2–3.

⁵⁶ Samir Amin, "Underdevelopment and Dependence in Black Africa: Origins and Contemporary Forms," *The Journal of Modern African Studies* 10/4 (1973): 511, 520, 254.

⁵⁷ Kuloba Robert Wabyanga, "Song of Songs 1:5–7: The Africana Reader," *JTSA* 150 (2015): 142.

⁵⁸ Wabyanga, "Song of Songs," 144–145.

your soils."⁵⁹ It is estimated that slavery has robbed Africa of her human resources for more than 400 years.⁶⁰

Dr. John Sentamu, the retired Bishop of York, in reference to Britain said: "A nation of this quality should have the sense of saying we are very sorry and we have to put the record straight."⁶¹ Hence, David Pott declared: "We do believe in reparations... If we just said sorry, I don't think that would be enough."⁶² In 2007, on the anniversary of the British Act that abolished the slave trade, Tony Blair, the then Prime Minister of Great Britain, said slave trade was among history's most "shameful enterprises" and apologised on behalf of Britain saying: "We are sorry."⁶³ Although there is no formal⁶⁴ presidential apology from any American president, President Bill Clinton in 1998, while in Uganda, acknowledged that Americans were wrong to benefit from slavery.⁶⁵ Nevertheless, there is great evidence that many Americans of various backgrounds struggle with the historical reality and subconscious awareness and guilt that the destiny of African Americans and of Africans was shaped for worse due to America's dealings in slave trade.⁶⁶

The above sentiments are reflections on the impact of slavery in transforming human destinies—the rich on one side and the poor or marginalised on the other. This reality characterises the socio-economic identities and relationships between the West and Africa. These views serve to illustrate two points: firstly, that the West is not oblivious of the damages of slavery and secondly, that though the damage caused by slave trade was colossal, no corresponding remedy has been made in the affected regions. These are the regions which the West hypocritically want to trade with on equal terms under their fair and free trade strategies. Africa, it can be said, has never received the *mishpat* it deserves. Verbal statements in form of remorse or apology made by the beneficiaries of slave trade can be applauded but they are insufficient for addressing the socio-economic damage that Africans still suffer.

⁵⁹ Quoted in Dwight N. Hopkins, "Enslaved Black Women: A Theology of Justice and Reparations," in *Beyond Slavery: Overcoming Its Religious and Sexual Legacies* (ed. Bernadette J. Brooten and Jacqueline L. Hazelton; New York: Palgrave Macmillan, 2010), 287.

⁶⁰ In Wabyanga, "Song of Songs," 146.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ A similar move close was made by Steve Cohen, member of the US House of Representatives who made a formal apology in the US Capitol building in 2008 to African Americans.

⁶⁵ Angelique M. Davis, "Apologies, Reparations and the Continuing Legacy of the European Slave Trade in the United States," *Journal of Black Studies* 45/4 (2014): 272.

⁶⁶ Davis, 272.

At the inception of SAPs in the 1980s, the World Bank and IMF imposed damning conditions on developing countries, which included privatisation, trade liberalisation, foreign investment and so forth. The architects of SAPs convinced the world that the programmes were a leap to poverty reduction especially in developing countries but to many Africans, these programmes have instead created misery, poverty and social-economic distress.⁶⁷ In Uganda, SAPs caused the removal of parastatals and cooperative societies, which have remained nostalgic in the minds of many people for their development-oriented agenda. In fact, SAPs have made Africa's poverty worse through exploitation by foreign investors. It killed Africa's industrialisation moves, which started in the 1960s after independence.⁶⁸ To say the least, SAPs have been criticised for promoting the capitalist neo-colonial exploitative motifs against Africa.⁶⁹ African governments are hoodwinked to kill state-control of economic mechanisms and pacify investment environment for private foreign investors, who have financial advantage over local private investors. Foreign investors have often repatriated profits to their countries and exploited local employees through poor and dehumanising working conditions. In short, the principle of *mishpat*, which condemns exploitation of the poor is replaced with *mirma* upon *mirma*. The exploited and abused workers in the foreign private sectors are victims of denied entitlement (*mishpat*).

The IMF and World Bank's SAPs policies either were deliberately not formulated to deliver Africa from poverty or the architects ignored the actual roots of African poverty. SAPs have unleashed exploitation and oppression through selfish economic conditions that continue to disorient Africa and undermine its struggle against poverty.⁷⁰ The IMF and World Bank had no comprehensive negotiations with the African stakeholders in order to develop a more grounded realistic and pro-people policy. Their policies are void of African experiences. They have not been customised for possible indigenisation for and by Africans. Unfortunately, African countries found it hard to resist these policies due to the international economic cobweb that has entwined them. Tanzania tried to resist through a socialist ideology of Ujamaa but failed. Indeed,

⁶⁷ Ndongo S. Sylla. "Descent into Hell," n.p. [cited 24 June 2021]. Online: <https://www.twn.my/twnf/2018/4706.htm>.

⁶⁸ Sylla, "Descent into Hell"; Farhad Noorbakhsh and Alberto Paloni, "Structural Adjustment Programs and Industry in Sub-Saharan Africa: Restructuring or De-Industrialization?" *The Journal of Developing Areas* 33 (1999): 550.

⁶⁹ Fraser Logan, "Did Structural Adjustment Programmes Assist African Development?" n.p, [cited 24 June 2021]. Online: <https://www.e-ir.info/2015/01/13/did-structural-adjustment-programmes-assist-african-development/>.

⁷⁰ Thandika Mkandawire and Charles C. Soludo, *Our Continent Our Future: African Perspectives on Structural Adjustment* (Asmara, African World Press. 1998), xi.

some scholars hold—with a degree of certainty—that the SAPs are the major cause of poverty in Africa.⁷¹

As already mentioned, Africans are responsible for their own poverty. To add to Kofi Annan's observation that African leaders are guilty of corruption, African countries have always ranked high in every Transparency International report. Although no African country including South Africa is still under colonial rule, the aspirations of the founding fathers of African unity such as Kwame Nkrumah and Julius Nyerere are not being upheld. Instead, African politicians maintain colonial boundaries and constructs for selfish political power reasons. At a macro level, lack of political unity makes trade impossible due to border controls. Maintaining colonial boundaries just buttresses tribalism, nepotism and civil conflicts. It is not surprising to have famine in one country while across the border there is surplus. Ironically, politicians are aware of this challenge, which informs their formation of regional blocs and economic spaces. *Mishpat* implies that for there to be meaningful economic federation, there has to be political will to forge political unity on the part of African leaders. *Mishpat* calls for unity through deliberate deconstruction of colonial boundaries and curricular innovations that instil a sense of common African identity; a nationalism that is based on brotherhood and sisterhood; the principles of *ubuntu* and *ujamaa* and the shared black African consciousness in the global socio-economic and political spaces. The xenophobic uprisings reported in South Africa raise fundamental questions related to *mishpat*: What happened to African customs of hospitality and inclusiveness? Where is *ubuntu*? Where is black brotherhood? Where is African solidarity? By asking these questions, *mishpat* is used to idealise the past and revive mummified fragments of African past socialism. It is not aimed at replacing a global economic system with an uncomplicated, celebratory and uncritical African system. Instead, it demands for mutual respect, work ethic and responsible living.

Politicians and civil servants who divert public funds for their selfish gains betray *mishpat*. Many tycoons use their power and influence to unlawfully evict the poor from their lands, while the judicial systems that should adjudicate and protect the poor are infested with corruption—the police demand for bribes—codenamed *tea*, *lunch*, *fuel*, *your brother*, and so forth—from the vulnerable poor. Judicial organs instead become perpetrators of *mirma*. It is not uncommon to hear countless cases of arbitrary arrests, detentions without trial and countless cases of men and women who have stayed on remand unjustly for years. The judicial system, as demanded by *mishpat*, condones instead of condemns.

⁷¹ Anup Shah, "Structural Adjustment: A Major Cause of Poverty," n.p. [cited 3 June 2021]. Online: <https://www.globalissues.org/article/3/structural-adjustment-a-major-cause-of-poverty>.

Furthermore, African peoples have to drop bad habits that perpetuate poverty. These include elitist attitudes that promote white-collar jobs over manual work. In the wake of soaring figures of unemployment and famine, *mishpat* calls for an attitude of transformation that embraces all forms of labour—working the land through agriculture as well as processing and production—that produce food and wealth. *Mishpat* instructs that the finest gold came from the soil and the best meal is the yield of the farm. The tendency of African people to produce many children portrays irresponsibility and exerts pressure on the already shrinking natural resources and bad economies. *Mishpat* calls for a change of certain customs and embrace of science and family planning. Large families per household had many advantages including security and wealth in the traditional socio-cultural setting. In today's economic environment, one does not need many sons to be secure or many daughters in order to become rich through their dowries. Large families affect incomes, cause high dependency ratios and impair savings and investment activities of an individual who maintains a large household of sons, daughters, nephews, nieces, aunts, uncles and in-laws, etcetera. In such family settings, girl children are often subjected to early marriages and denied education; while the male children are expected to contribute to family welfare despite the poor education they received. It is not surprising that such youths end up in urban places where some engage in crime. *Mishpat*, in that context, calls for a renewed way of thinking. As they are loosely connected to ideology, cultural traits and religious beliefs that perpetuate poverty should be dropped. The reality of poverty is enough to drive this revolution. *Mishpat* further calls for good behavioural traits and personal philosophies. Africans need to adopt capital investment habits and skills as well as the ethic of wealth creation and discourage traditional African attitudes of consumerism.

It has to be acknowledged that an exhaustive exposition of the concept of *mishpat* in relation to poverty in Africa cannot be achieved in this article. Poverty in Africa is caused by foreign and local factors and it is a social construct, which can be deconstructed. *Mishpat* stands as an ethic, a principle that appreciates and promotes noble human qualities and rights and that interrogates all dehumanising factors with a view to restoring human dignity and prosperity. This essay considers that economic poverty is the result of injustice, which manifests as deprivation, oppression, selfishness, irresponsibility and ungodliness. It is the result of evil—a perverted human thinking that is egoistic, narrow and void of the principles of *ubuntu*.

It has been acknowledged that "poverty is a result of international power structures, poor leadership, oppression and discrimination. Poverty needs a socio-political solution, not a technical one."⁷² Nations that wish to maintain

⁷² Fantu Cheru, "Wanted: Fresh Ideas for Combating Poverty," *Africa Renewal* 24/4 (2010): 7–8.

power over other nations and often define themselves in terms of wealth and riches compared to the poor other, unfortunately, become anxious whenever the poor other come up with strategies to improve their conditions. Wealth then ceases to be a means of promoting human welfare and becomes a means of exercising power and international domination. It is not surprising that rich European countries and the US, who are the major custodians of IMF and World Bank would come up with policies that continue to impoverish and disempower the poor—policies which are coated with moral terms such as Fair trade, free trade and poverty reduction strategies, among others. *Mishpat* interrogates the fairness of fair trade by asking: to whom is fair trade fair? It also problematises free trade by calling for policies and realistic strategies that trace, address and mitigate historical injustices and problems of income poverty and that change the living conditions of the poor. *Mishpat* instructs that the information about Sub-Saharan Africa needs to be considered carefully to avoid generalisations when policies are being made by international bodies.

G CONCLUSION

As an ethic, *mishpat* is a moral principle to which all are obligated to adhere to by virtue of being humans. It denotes the natural laws engrained in the ideal human consciousness—laws that regulate ideal human behaviours, dispositions and inclinations towards other human beings. It is a value system that inherently and consciously does good to all humanity as both a natural and a divine responsibility. *Mishpat* stabilises the ideal PH in which humans flourish and work. *Mishpat* is contrasted with *mirma*, which is associated with discrimination, oppression and exploitation—situations that create disequilibrium in society.

In practice and theory, *mishpat* involves logical elimination of situations that are disruptive; the various obstacles that affect poverty alleviation measures in Africa. These obstacles are both historical and contemporary as well as international and local. *Mishpat* involves condemning of unfair situations and delivering the oppressed from oppression. It does not condone actions and behaviours which dehumanise other people. It defines a custom, a belief, a spirituality and a right attitude and behaviours in human society and in all matters of policy and strategies that concern humanity. It instructs that the West should be armed with not only with facts but also the right attitudes in dealing with all matters of poverty eradication. *Mishpat* would call for a fair hearing and critical judgment of poverty in relation to its background: prevalence of historical factors, selfishness of African political elites, unrealistic poverty alleviation strategies, exploitative tendencies of western capitalistic networks—factors which are known to have enriched Europe and America. It demands that Europe and America should walk the talk.

Mishpat as an ethic calls Africans to work. It is a reminder that rights go hand-in-hand with responsibilities and all work is work as long as it promotes transformation and brings wealth. It calls African politicians and civil servants

to order—to a change of attitude away from embezzling public funds and oppressing and exploiting the poor through *mirma*. *Mishpat* appeals to and brings to judgment the selfish, heartless and careless rich who are never concerned about the plight of the suffering masses. It calls the judicial systems that favour the corrupt against the poor to change. *Mishpat* further calls for responsible living among African people, urging them to reject vices that worsen poverty such as laziness (Prov 6:10–11; 10:4; 20:13; 24:33–34), lack of self-discipline (13:18), idleness (14:23; 28:19), haste (21:5) and excesses (21:17; 23:20–21). Africans should embrace a culture that creates wealth, builds capital and economic investments and discourages the ubiquitous consumerism and building large families. *Mishpat* calls for a paradigm shift in African perceptions of wealth creation—that wealth in the contemporary monetised economy is not in the many children one produces but the few that a given family can support and educate.

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