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Relevance of African Traditional Jurisprudence On Control Justice and Law: A Critique of he Igbo Experience

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**RELEVANCE OF AFRICAN TRADITIONAL
JURISPRUDENCE ON CONTROL, JUSTICE, AND LAW:
A CRITIQUE OF THE IGBO EXPERIENCE**

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Abstract

Native African ideas and models of law and justice are best suited for social control in African societies. Africans should therefore prefer the ideas and models for many reasons, including the fact that Native African systems of law and justice derive fundamentally from African societies, rather than foreign cultures. This paper uses the Igbo (Nigeria) experience to illustrate the need for African societies to advocate, promote, and expand the uses of their indigenous justice and social control philosophies and systems despite their respective colonial experiences. The governments of modern African States, as well as private individuals and groups, have important contributions to make toward these objectives. Based on this author's years of studying the Igbo systems of justice, social control, and law, this paper presents illustrative scientific evidence to demonstrate that the indigenous Igbo justice system, like many other Native African justice systems, remains potent for social control in Africa. Despite the potentials that the indigenous Igbo justice system presents, the lack of official government support for the system remains the greatest challenge facing the indigenous system. Postcolonial Nigeria's continued descent to a condition of anomie exemplifies

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the heightened need for Nigerians, indeed Africans, and their leaders to recognize their indigenous social control systems as superior and preferable to foreign systems.

Introduction

What then are the qualities that justify this claim that Native Igbo and other African thoughts on control, justice, and law are pre-eminent *vis-à-vis* other such thoughts? This assertion refers primarily to societal, group, and individual controls in African societies. The values of the African themes on control, justice, and law are extensible to, and useable in, other world societies – the values have in fact been so adopted and utilized in other world populations in the forms of principles of *restorative justice* – even if the African principles are altered to suit the peculiar local circumstances of the receiving society. Regardless, the crux of this article is that for the purposes of addressing issues of control, justice, and law in African societies, the Native beliefs and models should be accorded a paramount position over and above their foreign counterparts. This paper examines the utility of African thoughts on control, justice, and law *vis-à-vis* other such group thoughts to gauge the better approach to control, justice, and law issues in African societies. Without claiming that the Igbo (Nigeria) represent all of Africa, the Igbo experience is used here as an illustrative case study. Field observations, analysis of relevant archival sources, and existing literature are the three main procedures that guided the research efforts leading to this paper.

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The Native African (as opposed to the Westernized or “modern” African) understands and construes “control”, “justice”, and “law” themes as instruments for general societal cohesion, rather than agents for advancing individual or factional group interests. Whereas some aspects of Western ideas and interpretations of the themes agree with the Native African meanings, the Native African thoughts and their Western counterparts disagree substantially on the means for achieving control, justice, and law in society. For instance, the Native African efforts toward attaining societal control, justice, and law tend to rely more on the consent of the society’s members than the Western means do. In the course of this paper, several other points of conflict between Native African concepts of control, justice, and law and the Western interpretations will be identified and analyzed.

Postcolonial African societies continue to struggle with properly defining, interpreting, and applying “law” to ensure that it is consistent with the culture and aspirations of each society concerned. This struggle is rooted in the respective colonial interpretations of African (indigenous) laws as no-laws or, at best, laws subject to the imposed Western systems. In view of wide dissimilarities between Native African and the imposed Western ideas of control, justice, and law, it is senseless and perturbing that most of postcolonial Africa continues in the control, justice, and legal paths imposed on us by the West. As an example, the Nigerian official policy that official courts will not give effect to a Native law or custom if such native law or custom contradicts an official, written law is unacceptable for two main reasons. One, an official, written law that grew either directly or indirectly from the

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subjugating policies of the erstwhile colonialists of Nigeria (or any African country) should not be promoted over a native law, custom, or tradition that grew out of the longstanding history and practices of the relevant African people. Two, even in the instances where an official, written law is purely postcolonial in the sense that it was enacted by a postcolonial government consisting of Native Africans, such a law may be illegitimate because the government that produced it is likely to be either a civilian or military dictatorship and is thus based on the wishes of a few powerful rulers rather than the consent, contributions, and participation of the general citizenry. Such illegitimate official laws should not be supported over generally accepted indigenous laws, customs, and traditions.

With the foregoing in mind, a few other definitional issues ought to be sorted out, as follows.

“Control” in this paper includes social, cultural, religious, political, and economic control influences and restraints on the lives and activities of a person as an individual, as a member of a group or other collective, or both. However, Native African conceptions and theories of social, cultural, and religious controls through traditions, customs, justice, and law are emphasized here *vis-à-vis* the foreign controls. African concepts and initiatives regarding individual, group, organizational, and structural control, justice, and law vary considerably among the continent’s nations and societies. But, whenever possible, common themes will be highlighted in this paper.

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“Nation” refers to an ethnic group within each African State or country. Note that most of the African States or countries grew directly out of the Western colonization of the African societies or “nations”. “Nation” bears the same meaning throughout this paper. It is a way of reminding us that many of the problems found in contemporary African official (government-created or government-managed) controls, justice, and laws are indicators of the confusion, disagreements, and conflicts among the myriad of systems that are based on the numerous nations thrust on one another to create each postcolonial African country.

What Is The Nature Of The Relationship Among Control, Justice, And Law?

The three central concepts in this paper (control, justice, and law) have been arranged progressively to emphasize the traditional Igbo and other native African outlook on life regarding specifically the ideals of personal or self-control and conformity with group and societal norms of behavior as well as fairness in efforts initiated to respond to breaches and alleged breaches of a society’s norms. It seems that there is great logic in the African view of the progressive relationship among control, justice, and law, as follows.

The control or lack thereof of a person or group is to be found first and foremost in each person (*self-control*). Thus, a person may or may not conform to societal expectations based on the person’s inherent or learned dispositions and convictions. Some inherent dispositions are a part of the biological, psychological, and other

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natural traits of a person, whereas other dispositions are learned, such as by the observation of traditions, cultures, customs, and practices. However, self-control is, no doubt, the basic form of control. African societies, like many others, primarily expect persons to control themselves, except a person is for instance mentally deficient. If a person is mistaken in an action or omission or otherwise does not have control of the relevant situation, such as in the case of an accidental homicide, he or she is not necessarily divested of all liability. Instead, the liability may be lessened. If self-control is absent or insufficient, *private control* by vital others, such as parents, guardians, siblings, friends, peers, community elders, cultural and religious authority figures of community, institutions, and other societal structures, becomes elevated in importance for overall control in society.

Where self-control and other private (not official modern State government) control by vital others are incapable of ensuring conformity with societal expectations, public (not official modern State government) control by others becomes relevant. *Public control* involves group and community (not official modern State government) organs for control, such as traditional community police or vigilante services, village courts, and masquerades that enforce village, unofficial court judgments. Because public control is the first attempt to have an objective institution examine an issue and find an acceptable and progressive solution, the concept of “justice” becomes relevant because the issue is likely to involve opposing sides or parties.

To the traditional Igbo or other native African, to do “justice” is to do right based on the totality of the applicable information with a

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view to advancing the relevant society and ensuring the well being of the members *as a collective group*. The emphasis on the collective group may be inconsistent with members' rights *as individuals*. Thus, the well being of an individual, such as a party to a dispute, mostly assumes a secondary consideration to the community's well being. Individual rights, while recognized and enforced, do not generally supersede the collective rights. In fact, it is doubtful that an individual right would be elevated to the same level of importance as a collective right or interest. This necessarily means that "justice" in Native Africa encompasses more of "fairness to parties with a view to a stronger society" than "fairness within the ambits of the law".

"Law" in traditional Igbo and other African societies assumes a wide dimension and should be understood, interpreted, and applied as such, even if such a definition conflicts with the Western idea. "Law" in traditional Africa includes enforceable traditions, customs, and laws. The term covers the expressed commands of political sovereigns or superiors, such as the *Eze* in Igbo, the *Alafin* in Yoruba, and the *Tor* in Tiv (Igbo, Yoruba, and Tiv are nations in present-day Nigeria), and other kings, chiefs, and titleholders in African societies. Apart from the expressed commands, there are implied dos and don'ts contained in each society's body of traditions passed down from one generation to another as well as customs in contemporary use in each society. Thus, African "customary law" (as the West prefers to label the African indigenous laws), which is largely unwritten, is no less "law", even in the postcolonial world. Many contemporary African societies, particularly the small, rural, close-knit communities (most of

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Africa's human population lives in such communities), continue to place a lot of emphasis on traditions, customs, and other unwritten laws in their interpretations of the concept of "law".

In the pre-colonial era, African laws (traditions, customs, and laws) were hardly written. However, the laws were fairly easily ascertained and properly applied to issues as necessary mainly because of the high levels of honesty and integrity among the individuals and groups that had the duty to ascertain and apply the relevant laws. Thankfully, the advent and commonality of writing in postcolonial Africa obviates the need to continue to rely on the honesty and integrity of persons to determine and properly apply a law. Written African laws should greatly assist an effort to promote and advance African indigenous laws.

Thus, "law" (written or unwritten) in postcolonial Africa should include credible relevant traditions, customs, and commands of political sovereigns or superiors. It is necessary to emphasize that the commands of political sovereigns or superiors envisaged here are those that emanate from legitimate, tradition-based leaders that are generally supported and accepted by the locals. Thus, in the Igbo example, the common official government tendency to appoint government loyalists as traditional rulers should not qualify such an appointee as a legitimate, tradition-based leader. Otherwise, the locals would ignore commands given by such an appointee.

Philosophical And Pragmatic Components Of Native African Versus Western Thoughts On Control, Justice, And Law

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Theoretically and practically, the bases of African and Western conceptions of control, justice, and law differ in important respects. As to be expected, the African and Western world views are founded on the respective cultures, histories, religious beliefs, practices, and other life ways of Africans on the one hand, and those of Westerners, on the other hand. Generally, the life of an African – as that of a Westerner – is predicated on commonly accepted tenets of source of life, living, and coexistence with others in society. The African and Western thoughts on, and applications of, the control, justice, and law themes to advance society's conditions reflect the differing and sometimes common codes of belief.

A major feature of the Native Igbo and other African justice systems is that the mechanisms of justice are aimed primarily at peacemaking. The Native African systems are designed with the understanding that the quest for peace in a society necessarily begins with peaceful coexistence between individual members of the society. Peace between individual members and smaller groups will add up to a peaceful society. Thus, peacemaking is the main thrust of the Native African systems of control, justice, and law. Contrast the English-style justice system, which tends to emphasize the allocation of rights (individual and small group rights) between disputants. Thus, the Native African systems are designed to redress wrongs, fine-tune claims, preserve norms, and prevent the break-up of interpersonal and group relationships (Nzimiro, 1972). Based on this, an Okigwe (Igbo) elder, who witnessed the changes the British imperialists brought to the Igbo

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system states, in reference to the differences between Igbo and English justice systems, that following the advent of the British to the Igbo justice disappeared (Afigbo, 1972).

The other main elements composing the Native Igbo and other African control, justice, and law include consensus among the community members. Most aspects of control, justice, and law are rooted in the members' general consent to the control, justice, and law principles, as well as the modes and agents for effectuating the principles for the greater public good. Thus, traditions, customs, and laws are usually developed and made with the consent, and to the satisfaction, of most community members. The traditions, customs, and laws cover procedural as well as substantive facets of control, justice, and law in society. The community members' sense of involvement and worth motivate the members to accept the law making, law application (case management), and enforcement features of control, justice, and law. Consensus and general acceptance are two crucial aspects of the Native African internal and external relations. Most Native African institutions are based on democracy in which efforts are made to achieve consensus on an issue before a verdict is adopted. The consensus and general acceptance are based on Africans' faithfulness to their history, and the fact that they continue to borrow norms, rules, regulations, and laws from previous generations manifests this faithfulness.

Perhaps, it is necessary to expatiate further on the "consensus" and "general acceptance" concepts as they apply to the Native African institutions, especially on the issues of control, justice, and law. A fitting explanation of the "consensus" and "general acceptance"

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themes is that they emphasize that control, justice, and law in Native Africa are usually based on consented, harmonious management of issues. This, of course, does not mean that every community member consents to every applicable law or the judicial management of every issue. As is common in most instances where different personalities intermingle, there are sometimes opposing views, disagreements, and conflicts. Such interpersonal and group variances, if not properly and satisfactorily checked, would grow into deep-seated disputes. The genius of Native African systems of control, justice, and law is that the systems recognize the fundamentally critical need for a system to inspire the confidence of most members of the society to which it applies. Allowing the members significant roles in the system's process effectively inspires and maintains the confidence. With the consent and general acceptance by most of the members of a society, the few members that unreasonably disagree with the consented and generally accepted principles are regarded and treated as deviants. With only a few deviants, the society will likely be stable and secure because most of its members genuinely identify and agree with, and support, the consented and generally accepted principles (Okereafọezeke, 2001a; b).

Illustrations of the Native African faithfulness to their history, on the basis of which they continue to borrow norms, rules, regulations, and laws from previous generations, are common. In Igbo, for example, *ana*, *ani*, or *ala* (land) is an important factor in interpersonal and group relations. A person who is faithful to the land does not disrespect it by selling it. In Native Igbo, as in Native Yoruba (Nigeria) (see Johnson, 1921/1970, particularly p. 95), land

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is not sold. The Igbo, Yoruba, and other African nations highly respect land. Thus, a person who makes a claim and swears on land without suffering negative consequences is regarded as having told the truth. Nzimiro (1972, 122), based on a study of four Igbo communities, namely Abo, Oguta, Onitsha, and Osomari, describes and illustrates the settlement of a land case in Igbo by means of oath taking.

Further important characteristics of the Native African justice systems include the fact that case management organs are close to the citizens. Many members of the case management organs are either natives of the relevant community or they would have been residing there for a long time. The other important characteristic is that the Native justice system has credibility with the locals. The system's credibility is derived partly from the integrity of the individuals and groups that perform various functions to achieve justice. Thus, in traditional Igbo for example, different individuals, groups, and organizations (including the age grades of the young and old, the women and male groups, etc.) perform different functions toward the societal goals of control, justice, and law. Depending on the issues involved in a situation, the young or elderly community members, as the case may be, may play a more prominent role with a view to maintaining or achieving peace for the community and addressing the parties' concerns as much as possible.

Native African institutions are designed to combine popular participation with ability and experience (see Isichei, 1976, 21). For instance, the Igbo generally respect and defer to the elderly on matters of control, justice, and law, particularly in policy making

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(traditions, customs, and law making) and applications (trials and judgments) to issues. Thus, the Igbo usually rely on the elders of each community to manage grievances and conflicts and to settle disputes. Achebe's (1959) description of the preface to a trial in Umuofia (Igbo) illustrates the elders' role in judicial proceedings in Native Africa. Achebe (at p. 83) writes: "It was clear that the ceremony was for men.... The titled men and elders sat on their stools waiting for the trials to begin". Achebe continues (at pp. 86-87) by noting that the trial procedure allows each side to present its case beginning with duly saluting and acknowledging individuals to whom the salutes and acknowledgments are due. Ottenberg's (1971, 246-303) study of the Afikpo (Igbo) and Nzimiro's (1972) study of the Onitsha (Igbo) area find that community elders, along with the traditional ruler of each community, are the judges in judicial proceedings. Isichei (1976, 21-24) exemplifies the role of the elders in case management in Owerri (Igbo). Some elders may serve as advocates in the proceedings. The policy implementation (enforcement) is often the responsibility of several groups and institutions, such as the age grades of the youth and the *mmanwu* (masquerade) institution. The research findings cited here agree with the situation in many African societies.

In colonial and postcolonial Africa, official (modern State governmental) control, justice, and law have unjustifiably shifted from the Native systems to the foreign/foreign-style (Western) systems. The shift is a consequence of the imperialist structures and the neo-colonial mentality that the European colonizing forces wrought on the African continent. The duality or multiplicity of the opposed and competing systems of control, justice, and law in the

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various modern African countries demonstrates the imperialist law and justice structures the colonizing powers have bequeathed to each country. In most instances, the colonists proclaimed foreign laws superior to the relevant Native African traditions, customs, and laws. The postcolonial regimes in the African countries have sustained the imperialist structures by continuing to look outside Africa for the most suitable control, justice, and law systems for crime prevention and offender disposal, instead of focusing on strengthening and developing the applicable Native African systems for improved societal stability. Instead of first looking inward within each African society, looking at other African societies second, and looking outside Africa last for the most effective and efficient control, justice, and law systems, Africa's official governments look outside Africa first (Onyechi, 1975, 270; Okereaføezeke, 1998a).

Explaining Africa's Dependency On Foreign Law And Justice Ideas: Neo-Colonialism And Neo-Imperialism Based On The *Isi N'ezi Ama Mma* Defeatist Syndrome

The Igbo "*Isi n'ezi ama mma*" and the English "Charity begins at home" are two opposite ways of making the same point. The English expect kindness to be shown at home first, before being demonstrated to outsiders. On the other hand, the Igbo view negatively any effort that focuses primarily on foreigners or foreign ideas, while relegating the natives or native ideas to the background.² In essence, this Native African world view expects a

² This Igbo view in favor of Natives should in no way be interpreted to mean that the Igbos are hostile to foreigners. Far

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person responsible for formulating a policy or implementing a program to first look within the population for the best policy or method of implementation and to look outside the population for opportunities to enhance or strengthen the Native or Native-based policy or program. Thus, consistently with this Native African ideal, official as well as unofficial policies and programs on control, justice, and law in Africa should focus primarily on the relevant Native belief system, practices, and aspirations, before looking for complements from outside the continent. Unfortunately, official policies and programs in postcolonial African countries routinely contradict this Native African viewpoint because the official policies and programs emphasize, either expressly or impliedly, foreign systems and ideals.

Neo-colonialism and neo-imperialism constitute the lifeline of the prevailing brand of control, justice, and law impositions to which African societies are subjected. This form of neo-colonialism or neo-imperialism derives more from within each African society or country than from outside the continent. The colonial and imperialist legacies of the erstwhile colonial rulers in Africa are well documented. Specifically on the issues of control, justice, and law, the legacies have meant colonial deliberate, concerted, and

from it, the Igbo and other African hospitality toward, and accommodation of, foreigners are well known. If anything, the Igbos and Africans generally could be said to be rather too friendly to foreigners. There is a strong argument that Europeans would not have succeeded in their enslavement and colonization of Africans if not for the legendary African hospitality toward foreigners.

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ruthless policies (including laws), programs, and other strategies to impose and fortify Western styles of control, justice, and law, thereby obliterating or emasculating the pre-existing Native African control, justice, and law structures, institutions, and practices. However, it seems that the more dangerous form of neo-colonialism or neo-imperialism to the Native African thoughts and models of control, justice, and law is hatched or fortified in the minds of African political, judicial, religious, and other leaders. These leaders have simply not lived up to their positions because they have adopted a self-defeatist or *fait accompli* attitude, thereby accepting the baseless notion that Western ideas on control, justice, and law are superior to their African counterparts.

Apart from the obvious (negative) consequences for Africa of Western enslavement and colonization of African societies, postcolonial African States and their ruling classes have essentially surrendered their imagination and creativity to the Western ideals. This is contrary to the general expectations at political independence from the colonizing West. When a postcolonial African government surrenders its imagination and creativity to the Western ideals, no meaningful or positive change can be made to the colonially imposed and entrenched systems in Africa. Specifically, as a consequence of this surrender by postcolonial African leaders, no significant official effort has been made to change the illogical, baseless, imperialist systems of control, justice, and law that the now defunct Western colonists set up for African societies. The imposed foreign systems and models of control, justice, and law in Africa have for so long emasculated the Native African systems and yet no meaningful changes have been made despite the strong evidence that the Native systems are

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functional, efficient, effective, and widely accepted and used (Okereaføzeke, 1996; 2002; Onyechi, 1975; Thompson, 1996). African official governments have to begin seriously to acknowledge and utilize the richness of the Native African systems, models, and thoughts on control, justice, and law to improve the lives of Africans.

*Opportunities To Strengthen And Grow Native African Controls,
Justice, And Law*

It is safe to state that Africans widely use Native African systems and notions of control, justice, and law in the management of civil and criminal grievances, conflicts, and disputes [see the Nigerian and Sierra-Leonean examples in Okereaføzeke (2002) and Thompson (1996), respectively]. Evidences of this situation abound. A few illustrations are cited in this paper. The Native African systems either already cover or have the potential to cover all conceivable issues, whether such issues concern crimes, civil relations, or other. There is no stronger argument for Africa's official governments to champion, support, and advance the Native systems of control, justice, and law over their Western-based counterparts than that an overwhelming majority of Africans continue to live their lives according to their traditions, customs, and Native laws, and subscribe to the systems based on the Native ideals. The reality of Africa's population distribution strengthens this disposition.

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Most Africans live in rural communities and thus traditions, customs, and native laws, more than Western-style official government declarations, regulate the African lives. As an example, Thompson (1996) analyzes the impact of legal pluralism on due process and its application in Sierra Leone, which Thompson describes as “a former British territory struggling to adapt traditional African cultural values to the modernizing demands and pressures of Western values inherited from Britain” (at p. 344). The contradictions result from the legacies of Britain and the other defunct colonialists in Africa. Thompson finds that criminal law and procedure in Sierra Leone reflect their Native African and English law sources, even though in Sierra Leone the substantive criminal law (allegedly, “general law”) substantially derives from the imposed English law. Thompson makes the following statement that is as important to Sierra Leone as it is to all African countries:

Regardless of the availability of statistics, it is fair to say that local courts dispose of a significant volume of *small* criminal cases involving customary law yearly throughout the country since the vast majority of Sierra Leoneans are rural people who regard themselves, and actually live their daily lives, as subjects of customary law. It may be argued, therefore, that it is a matter of legal priority to ensure that such a substantial proportion of the country’s population be given access to due process consistent with minimum international standards of fairness in the sphere of adjudication of criminal

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cases (at p. 347).³

Having noted that Thompson's assertion applies to Sierra Leone as well as other African countries, it seems that Native, unofficial courts across Africa dispose of an extensive proportion of *big* as well as *small* criminal and civil cases that may or may not involve customary law. Regardless of the case-type, one of the primary considerations is whether or not the disputants accept the jurisdiction of a Native court instead of that of an official court. If disputants accept the jurisdiction of a Native court in a case, then that court may hear and satisfactorily determine the issue(s) involved whether the case is criminal or civil, small or big. Also, it seems reasonable to assert that the Native, unofficial courts across Africa dispose of more cases than their Western-style, official counterparts [see Okereafọezeke (2002) for the Igbo example].

In view of the evidence that the Native African systems of control, justice, and law are commonly used in African societies, it should be noted that the greatest obstacle to the advancement of the Native systems and models of control, justice, and law is the official governments' disregard for the Native systems in postcolonial African countries. The various postcolonial official governments routinely enact laws that subject the Native systems and models to their Western counterparts. Even where a government has not actively subjugated the Native systems to the Western alternatives, it is likely to have acquiesced to a colonially established system that invariably results in the continued

³ Italics added for emphasis.

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subjection of the Native systems to the colonially imposed foreign system. In either situation, the relevant foreign system becomes or remains the standard by which relevant Native traditions, customs, and laws are measured to determine whether or not they should be applied. It is nonsensical for an African society to look to a European or American tradition, custom, or law to guide the African society in deciding whether to continue to apply or reject its long-practiced tradition, custom, or law. What is needed in Africa is official commitment to the Native systems of control, justice, and law that matches the citizens' dedication.

There are thus relevant and important parts for Native African traditions, customs, laws, courts, and law enforcement structures in the overall strategies of control, justice, and law in contemporary Africa. This is so, even if, as is often the situation in postcolonial Africa, the Native systems are subjugated to the official, foreign-based systems. Regardless, instances abound across Africa of the immense roles and successes of the Native African courts in the continent's efforts at control, justice, and law. The unofficial, Native African courts, for example, routinely manage criminal as well as civil cases, many of them involving very serious issues. Arguably, more cases are managed in the Native African courts than in the foreign-based courts in the continent. By managing so many cases in the Native courts, the Native systems reduce substantially the volume of cases that would have been tried in the official courts.

Summary And Conclusion

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This paper contends, with justification, that the Native African thoughts on control, justice, and law are superior to their Western counterparts. Thus, for the purposes of social, political, cultural, religious, and other forms of *control*, *justice*, and *law* in an African society, the Native African ideas and models are superior to their Western and other non-Native counterparts. The Native African ideas and models should therefore be preferred, strengthened, advanced, and promoted for many reasons. The following six key reasons justify this contention.

One, the Native African ideas and models of control, justice, and law are predicated upon, and strongly supported by, the histories, experiences, practices, beliefs, and expectations of the African societies the members of which are subject to the control, justice, and law principles. Two, the foreign systems of control, justice, and law in Africa were imposed on Africans with little, if any, consultation with the citizens whose lives were – and continue to be – regulated by the foreign models. Thus, Africans did not consent to the adoption of the foreign, Western systems for the African societies. Three, the Native African systems of control, justice, and law are efficient and effective in African societies and communities, even in the postcolonial State. These Native systems continue to be widely used by Africans, even if the various official governments unjustifiably and illogically promote the colonially imposed, foreign systems. Four, despite their pretences to the contrary, Western colonial regimes and their agents were in Africa to serve the narrow, selfish desires of the West, and they have brutally and ruthlessly served those wishes at Africa's continued expense. Thus, when the British Lord Frederick Lugard states in a

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December 1916 “Quote of the Week” that, “I have spent the best part of my life in Africa, my aim has been the betterment of the Natives for whom I have been ready to give my life”, he is being dishonest and disrespectful to the intelligence of Africans by expecting them to accept a narcissistic colonial effort to tame them. After all, Africa was, and remains, replete with evidences of the British and other Western conquests and expansionism effected through stealing and destruction of African lives and properties. Five, the imposed foreign systems differ fundamentally from the Native African systems. For instance, the undue emphasis that the English justice system puts on formal processes contradicts the spirit of Native African justice that emphasizes *righting wrongs as circumstances necessitate* over a specific formal structure (Nzimiro, 1972). Six, the Western systems of control, justice, and law are limited in scope, in the sense that they (particularly, the English system) do not anticipate or manage all the species of issues that the Native African systems anticipate and manage (Okereaføezeke, 1996; 2002). The Native African systems foresee the need to nip an issue (even if it appears to be minor) in the bud to avoid its growing into a major issue that could destabilize interpersonal and inter-group relationships and, perhaps, a whole society. Therefore, the Native African systems are better equipped (than their Western counterparts) to serve the African societies.

In the face of the general inadequacy of the Western systems of control, justice, and law for the African societies, there remains an undeniable need to fundamentally alter the Western systems that apply to the African societies. Such alteration should refocus on the applicable Native and Native-based systems and strategies of control, justice, and law to shore up private and public security,

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law enforcement, adjudication, and reforms of persons deemed to have contravened society's laws and other regulations. Before Africa's contact with Westerners, Native African traditions, customs, and laws were the foundations of control, justice, and law in African societies. With necessary changes to reflect the dynamics of society, the Native African ideals can still guarantee efficient and effective control, justice, and law in modern African societies. But first, individuals and groups, particularly those in authority positions in each African society, have to be willing to make the necessary changes.

Individuals and groups in official (governmental) and unofficial (non-governmental) positions in postcolonial African States can be influential in any effort to refocus or reconstruct control, justice, and law mechanisms in modern African societies. However, in view of the fact that the State controls most of the wealth and enforcement powers in each African State, the State and its officials are indispensable in any effort to reenergize and grow the Native systems. Also, it is clear that the colonists used political and legal fiat to accomplish their desired subjugation of the Native African systems to various Western systems. For instance, the British colonists enacted the *Proclamation No. 6 of 1900* to consolidate their rule over Nigeria. In various forms, this colonial legislation remains a part of control, justice, and law in post-British Nigeria. Today, all states in Nigeria continue to have equivalent provisions as parts of their laws (Okereaføezeke, 2000; 2002).

It comes to this question: Do postcolonial African societies have the quality leadership with the necessary political will to make the

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changes needed to bring about the desired reversal that would grant the Native African systems the primacy of place in African affairs? Most unfortunately, for the overwhelming majority of the African societies, the answer, so far, appears to be in the negative. Political will involving well-informed and active citizens and political leaders is necessary to change colonial models or rules of control, justice, and law that the *Proclamation No. 6 of 1900* exemplifies. A well-informed, honest, and patriotic political leadership would make necessary policies and programs to unshackle the postcolonial African society from the hegemonies of the Western imperialism in Africa. Such policies and programs would include those that would repeal such obnoxious laws and their replacements with laws and other policies and programs that promote and strengthen the Native systems for control, justice, and law. If the leaders continue to ignore this important duty, conditions of anomie may overtake the postcolonial African countries to the point that the citizens may adopt a self-help attitude and take the law into their own hands. In the meantime, African leaders need constantly to be reminded that they have failed woefully on this issue of repositioning the postcolonial African State to properly utilize its indigenous control, justice, and law resources to advance society. These leaders have to desist from leading Africa on the copious control, justice, and law paths that duplicate the foreign, Western experiences and aspirations, but which have little semblance to Native African ideals and expectations.

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