

6-1-2006

Law and Justice in Post-British Nigeria: Conflicts and Interactions Between Native And Foreign Systems of Social Control In Igbo-Nonso Okereafoezeke

Oko O. Elechi
University of Wisconsin

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Recommended Citation

Elechi, Oko O. (2006) "Law and Justice in Post-British Nigeria: Conflicts and Interactions Between Native And Foreign Systems of Social Control In Igbo-Nonso Okereafoezeke," *African Journal of Criminology and Justice Studies*: Vol. 2: Iss. 1, Article 6.

Available at: <https://digitalscholarship.tsu.edu/ajcjs/vol2/iss1/6>

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ISSN 15543897

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:
AJCJS; Volume 2, No. 1, June 2006*

**LAW AND JUSTICE IN POST-BRITISH NIGERIA:
CONFLICTS AND INTERACTIONS BETWEEN NATIVE
AND FOREIGN SYSTEMS OF SOCIAL CONTROL IN
IGBO.** Westport, Connecticut: Greenwood Press, 2002. 236 pp.:
by **Nonso Okereafoezeke:**

Reviewd by

O. Oko Elechi, Ph.D.
Criminal Justice Department
University of Wisconsin-Parkside

This book fills a critical void in the literature on the interface between African indigenous justice systems and the colonial installed African state justice system. The author examines the phenomenon of a plural justice system in contemporary Ajalli, an Igbo town of South East Nigeria with a population of about 5000. The main thrust of the book is the examination of the promises and contradictions of the two justice systems with divergent legal traditions and goals operating in Ajalli, namely the Igbo native system of justice and the Nigerian state criminal justice system. The native justice system derives from the Igbo culture, customs, traditions and philosophy of justice according to the author. The Nigerian state criminal justice system has its origin in the common and civil law systems of Britain, Nigeria's former colonial master. There seems to be a duplication of functions and even competition between the official Nigerian government administered criminal justice system, and the Ajalli community operated traditional justice system. The author also

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

makes suggestions for reconciling the two justice systems that differ significantly both in procedure and in substance for a more effective and efficient justice management and delivery.

The author observes two major problems with Nigeria's native justice system. First, its operation within a pluralistic justice structure, hampers its growth and efficacy and secondly, the Igbo native justice system in this unhealthy judicial partnership, is the neglected justice system within this plural arrangement despite its potential to contribute to the social control efforts of the country. The author further notes that this pluralistic justice arrangement in the country has caused four main problems in the society. First, are the social, cultural, political and economic costs and myriad other problems associated with the duplication of the justice systems and the concurrent application and management of the two justice systems with divergent cultural and legal traditions and goals. Secondly, the average Nigerian lacks the opportunity to understand and appreciate the two justice systems, especially where they differ or complement one another. Third, the native justice system and the foreign justice system sometimes appear to be in competition with one another thereby undermining their social control functions in the community. Fourth, many Nigerians are alienated from the foreign justice system because it does not reflect the culture, traditions and religion of the Nigerian people.

Okereafoezeke gives insight into the operation of an African traditional government. In examining the political, social and economic administration of Ajalli town the reader gets a good sense of the Igbo brand of democracy. For example, while the traditional ruler of Ajalli, the Eze (King), wields considerable authority and influence, yet tyranny is forestalled by the active

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involvement of the people in the social and political administration of the land. Accountability in governance is further enhanced by the prevailing Igbo egalitarian and democratic culture and the consensus decision making process. The reader also gets to understand the role of women in social control in Ajalli, through the activities of the “Umuada” – a grouping of the daughters of the community. Laws regulating everyday activities such as marriage, death and burial ceremonies give insight into community life and the culture that sustains the justice system, and above all the relationship between the people and their political authorities.

As we are introduced into the realities of justice in an African community, we get to appreciate the processes of law making, application and its enforcement in contemporary African community. The socio-cultural and political institutions and organizations involved in justice making such as the family, the extended family, village groupings and the assembly of the entire Ajalli town are examined in this respect. Litigants are free to take their cases to any of these institutions for resolution. Litigants not satisfied with the ruling of these other institutions of social control can appeal their cases either to the Eze's Cabinet or the Ajalli Welfare Union (AWU). Cases bordering on the peoples culture and traditions will naturally go to the Eze's Cabinet while the Ajalli Welfare Union handles appeals of cases that do not pertain to the peoples' culture and traditions. Cases not resolved by these institutions can be appealed to the Nigerian state courts such as the Customary Court, Magistrate Court, High Court, Court of Appeal and even the Supreme Court.

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Cases that come before the courts are either criminal or civil in nature. The cases include assault, battery, street fighting and acts that violate the rules and regulations governing masquerade displays. Incest and murder are considered abominations in that they are believed to pollute the land. Civil cases that come before the native tribunals include land related disputes, defamation, false accusations, etc. Judicial decisions are enforced by the community if it is a criminal case or by the victorious litigant. The community can enforce a judicial decision as a group or through its delegates or the masquerade is empowered to enforce decisions concerning the violation of the masquerade institution. Possible sanctions in Igbo land include ostracism and denial of communal land and other social support for non-conforming members of the community. There are also some sanctions that are ritual in character and are exercised by the ancestors and the sacred world.

Peacemaking remains the major goal of justice in Ajalli town like in other Igbo communities. Peacemaking is achieved through addressing the needs of the victim, reconciliation of the feuding parties, and putting the community's interests above of that of the disputants and other individuals. In addition, according to the author, "... the native Igbo system accommodates the fair trial of the accused person; it also attempts to ensure that the community does not suffer injustice as a result of the protection of the accused" (p.194). Okereafoezeke, argues however that the co-existence of two justice systems can result in inadequate and unsatisfactory justice, hence he makes a case for the repositioning of the Nigerian native justice system for effective and efficient social control in the country. This book is highly recommended for

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anyone interested in African traditional justice and especially how the African indigenous justice institutions co-exist with the African state institutions of justice-making. Again the important concepts in pluralistic justice settings are thoroughly examined and supported with empirical details.