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Doing Justice Without the State: The Afikpo (Ehugbo) Nigeria Model

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BOOK REVIEW

**DOING JUSTICE WITHOUT THE STATE: THE AFIKPO
(EHUGBO) NIGERIA MODEL**

By O. Oko Elechi. New York: Routledge, 2006.

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The book *Doing Justice without the State: The Afikpo (Ehugbo) Nigeria Model*, vividly explains an essentially home-grown methodology of justice devoid of the rancour and violence of the western model despite the latter's imposition. Elechi successfully shows that the widespread perception of African justice system as "oppressive and simplistic...(and) not capable of respecting the rights of women, suspects and other litigants" (6) is a misconceived notion. Emanating from a uniquely democratic community combining both aggregative and deliberative (Young,

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2000, p. 18) characteristics and generating social inclusion from birth to death, Afikpo's model of justice is reparative in orientation, victim centred (221), mediative and adjudicative (182). The system is a lesson in representation and how victims ought to be treated. "Human right, therefore, is not a Western concept" (73-74) as Elechi asserted.

Elechi's elucidation of "indigenous institutions of conflict resolution in Afikpo" comprises an intricate network of age-grade groupings, matrilineal groupings, patrilineage (Umunna or Umudi) groupings, family groupings, elders' ad-hoc tribunals, "Ogo" cult, oath shrines, diviners, and traditional courts, which together form a highly functional system of justice. As Elechi indicates, there are measures, (albeit unwritten) for dealing with misdemeanours and crime. By working with the supposition that "offenders harm more than the individual victim" (204), a ground work for healing the

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entire community is inherent in the Afikpo model of justice and guards against recidivism.

The only unimpressive area in the Afikpo model of justice is the handling of cases of sexual abuse of women, which is not taken as seriously as it should (171) because of the highly patriarchic structure of Afikpo as well most African societies (192). To the credit of the system, however, sexual assault victims are never alone as they are wont to under today's so-called modern criminal justice system.

Why do justice without the state? Elechi's book clearly demonstrates that the state in Nigeria nay Africa "is not just weak but essentially vacuous. The state is self-evidently weak in terms of the Weberian ideal-type" (Chabal & Daloz, 1999, p. 1) Nigeria is both exceptional and typical of the African experience (Mazrui, 2004, p. 5). Elechi points out that "even though the belief in

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witchcraft is very strong in Nigeria, state courts do not recognize the crime of witchcraft” (186). This is a clear indication of the failure of the Nigerian state as well as other neo-colonial pseudo-states to resolve the legal confusion bequeathed to them by the colonialists. Just as indigenous laws went through the “repugnancy test” during colonialism, there is an urgent need for received laws to go through a purgation test to ascertain their appropriateness for the African social milieu.

The abysmal corruption in the Nigerian state's criminal justice system receives Elechi's attention and further bolsters the need to continue to do justice without the state. Elechi focuses on the police “because of its central position in social control” (80). However, the entire “criminal justice system in Nigeria is in a state of paralysis, effectively unable to dispense justice in a fair and speedy manner. Every aspect of the system — from law

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enforcement to the judiciary, through the prisons — is characterized by a combination of inefficiency, corruption and lack of resources” (Human Rights Watch, [HRW], 2005) There are thus strong reasons to go back to whence we came with respect to justice as the Afikpo people continue to do.

Elechi’s discussion of the criminal justice system in Nigeria lends credence to why the Afikpo as well as other forms of “communitarian” (220) justice models will continue to remain relevant for generations yet unborn in Nigeria despite the religious zealotry identified by one of Elechi’s respondents and the economic woes and western education pushing young men and women away from the area.

Most crimes in Nigeria are arguably connected with the frustration emanating from decades of socio-economic crunch and the quest to survive in a perpetually depressed economy. Even a

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number of murders for rituals take place in order to make quick fetish money. As such, crimes like serial killings for the fun of it and other sadomasochistic crimes associated with Western societies are rarely found in African societies. Perhaps indigenous restorative justice model may be successfully reintroduced when majority of the people no longer worry about food, clothing and shelter. Until then, Oko Elechi and the people of Afikpo will continue to remind us of our self-defeat and a lost paradise.

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