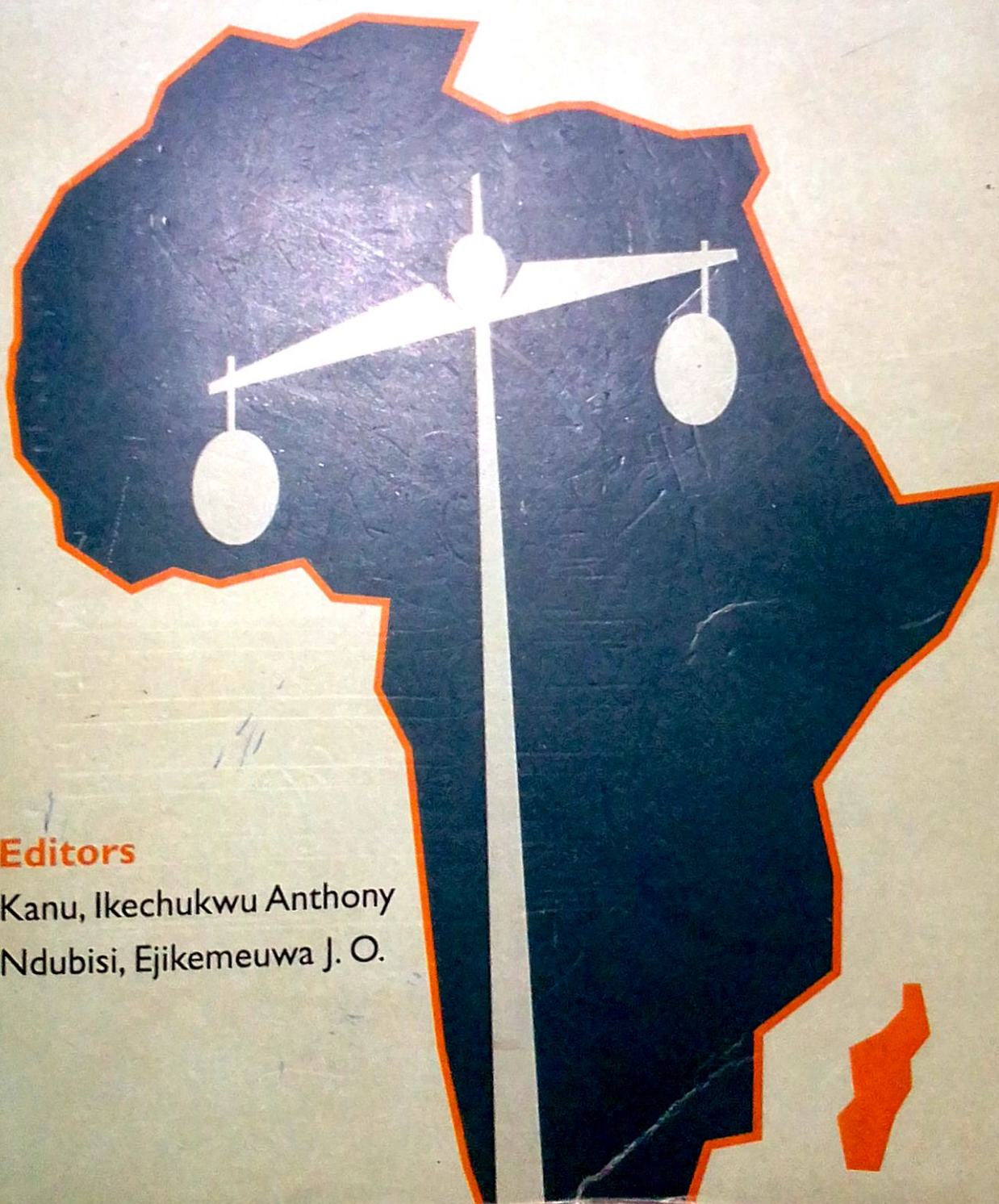


JUSTICE AND THE RULE OF LAW IN AFRICA



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Igbo Culture, its Ethical Stratum and Justice in the Face of Modern Criminality and Violence

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Introduction

The World generally is faced with so many levels and kinds of criminalities and violence. In the years back within African environment, crimes and violence are rarely heard or seen. There were very little or low level of crimes or violence when compared with what is seen in the continent today. It was perceived among the Igbo as an abomination - 'Alu' in Igbo language. This proves historically, that Africa, as a carved out of the globe had less or nothing to do with criminality and violence. The violence or criminal acts that were heard were their misconceived beliefs, which were harmful to humanity. Such beliefs Include: human sacrifice, killing of albino, unprecedented inter and intra-ethnic and communal wars. For the Igbo, it was a similar case.

In Igboland, the society was confronted with a lot crimes and violent issues unlike before. The influx of crimes and violence became observable with the coming of the Western culture and religion. Arabian culture and religion cannot be disconnected in this catastrophic experience, though Christianity and Western culture contributed greatly. Achebe (1958) summaries the effects of the advent of Christianity and Western culture when he states that the central cannot hold, that the white man has used a sharp knife and cut the things

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that held the black people together, and things started to fall apart. He continued that the centre can no longer hold, there was mere anarchy, and falcon could not hear the falconer.

Disregard to Igbo ethical values, stratum and administration or discharge of justice increase crimes and violence. Okafor (1999) identifies 'Ofo' and 'Ogu' as intermingled symbols of justice. In Igbo culture, between the 18th and 19th centuries justice was administered or discharged without fear or favour. Any partiality was believed to attract the wrath of the gods and other human teams or cults responsible for execution of offences. They are: the earth goddesses, the ancestral cult, the masquerade cult, age- grade system, the council of elders, the title-holders, other secret societies etc. Okafor (2019) has stated that Africans pledge and vow to deities for several reasons. All the deities where worships, pledges, and vows are made have their independent 'Ofo' which assists the deities in administration of justice. It is at the course of oath-taking that both 'Ofo' and 'Ogu' intermingle to discharge justice. The family, kinsmen and even peers play vital roles in enhancing the ethical and moral standards of the traditional Igbo society. Today, Christianity, Western culture advanced technical know-how that begot science and technology, globalization, civilization, urbanization, industrialization have jeopardized the existing system of livelihood, and this has adversely affected the ethical layers of Igbo culture. Some abominations have become normal actions; the monetary economic system has become the focus of all and sundry. There is serious quest for how to make money fast and easy. Moreover, justice could be bought over, or stage managed with money. Nowadays, it is commonly believed that with money all things are possible. People therefore struggle to make money first, and use the money to protect themselves against whatever criminal or violent offences they must have committed. In every nook and cranny we

commonly hear about money laundry, kidnapping, cyber crimes, Yahoo boys/girls, assassinations, man-slaughter, domestic violence robbery, thugs' actions and so. On these modern changes we can say that they are good, but many of their offspring are dangerous to human existence. In face of all these challenges, Igbo culture with its several ethical codes and order is severely affected in the area of administration of justice. It is only in extreme occasions mainly, the people's culture displays justice very effectively.

This research adopts historical and descriptive research methodology. Data were also analysed with historical and comparative styles of data analyses. Data were gotten from secondary source. It is recommended amongst other things that some traditional measures of administering justice, execution of crimes and violence will be incorporated in the state law, and local government bye-laws. It is found in this study that if these measures are applied, Igbo society will experience crime and violence reduced, if not a crime and violence free environment.

Clarification of Key Words

Culture has been defined by many scholars. But common sense will always conceive culture as a way of livelihood. In line with such conception, Nwosu and Kalu (1982) have defined culture as the totality of a people's ways of living or life. Akulue (2013:28) tows the same line when she defines culture as: "the totality of a people's ways of life". Culture has to do with every aspect of a people's ways of living. Tylor in Ikeyi (2004:148) defines culture as: "that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities acquired by man as a member of society". The interest of this chapter is on that aspect of culture that deals with the knowledge of morals, laws, and customs of a people. The Igbo people historically have moral ethics infused in their culture which form the laws, morals

and customs of the traditional Igbo society. These laws, custom, are maintained in morality and justice from time immemorial.

Ethics is gotten from the Greek word 'ethos' which means wisdom, conduct, culture or way of life (Okwueze, 2003:1). Okwueze (2003, 11) further defines ethics as: "the science that directs the acts of the will according to the principles of natural reason." Ethics has to do with directing individuals or members of a given society on the dos and don'ts. What they should or should not do. Agha (2003:1) defines it as: "a normative science, which sees man as a normal agent and considers his actions, habits, and character with a view to their rightness or wrongness". From the on-going, ethics could be viewed as a means of maintaining morality and social order in a particular society.

Justice on the other hand is defined by Summers (2001) as fairness in the way people are treated, the system by which people are judged in courts of law and criminals are punished. Justice has to do the ability to be fair and impartial. In maintenance of laws, it is only when justice is prevailing that the law becomes very effective and there will be stability.

Criminality and violence are other concepts that deserve clarification; crime according to Summers (2001) is illegal activities in general. Violence is also defined by Summers (2001) as behavior that is intended to physically hurt others. With these explanations it is clear and explicit that every culture has its ethical order. Ethics as an entity in a culture moderates or directs human actions. Human actions in some occasions can be criminal or violent. When it becomes violent and criminal, there arises the need for penalties under the execution of the law. The problem now lies on how is justice being discharged in this present Igbo society when compared with how fair judgments are passed in the years past, in line with the ethical values of the Igbo cultural exegesis against criminalities and violence.

Brief Emphasis on Some Crimes and Violence in Igboland

In discussing some social problems in Nigeria, Igbo and Anugwom (2002) identify the following as typical social problems in Nigeria: crime and criminality, armed robbery, ethnic conflict/violence, religious conflict/violence, child abuse, police brutality, illegal arrest, 419 (cheating with false pretense), fake drugs, vandalization of public utilities (NEPA and NITEL cables), NNPC at Pipe lines, ritual killings etc. Let us take some of these social problems as they constitute criminality and violence as it affects Igbo people. Odekunle (1977) in Igbo and Anugwom asserts that today, it is generally accepted that Nigeria has a serious crime problems. In fact taking Nigeria generally crimes and violence are struggling to become a culture in the lives of the populace. Taking armed robbery with Igbo of the South-East for instance, armed robbery became rampant as early as in 1970s. Igbo and Anugwom (2002: 109) throw light to it when they buttress thus:

From the general and pervasive feeling of insecurity of lives and property among the Nigerians. For example, before the arrival of the dreaded Bakassi boys at the commercial city of Onitsha in Anambra State barely two years ago... Onitsha was no go area for non residents and travelers. It was more or less, the headquarters of the criminal underworld in the East of the River Niger where such crimes as armed robbery; pick-pocketing, car theft, hired killing, cheating with false pretense and burglary flourished like big-time business. ||

Onitsha is one, if not the most developed commercial city in Igboland. Crimes and violence became too much at Onitsha before Governor Chris Ngige assumed office as the Governor of Anambra State. In his regime, he introduced the Bakassi boys as a security body peculiar to Anambra State alone. These boys killed a lot of criminals with their mysterious security technology including Prophet Eddy of Nawgu.

Before the advent of Bakassi boys, the Ochanja, Out Nkwo-Main Market at Onitsha had been set ablaze by unknown men of the

underworld. Chief Stephen Osita Osadebe, a renowned Igbo high life music artist lamented against the conflagration. At Aba, Abia State similar fire out breaks happened at Ariaria market and other places. This destroyed Billions of Naira in Banks and around the market. It also destroyed lives and structures that worth Billions. In various Local Governments in Igboland at the end of the tenure of some Local Government Chairmen, some offices in the secretariat will be set on fire. In the just concluded 2019 elections, Radio Nigeria, Nigerian Television Authority (NTA), and other news agencies covered fire outbreaks at INEC – Independent National Electoral Commissions' offices in Anambra State, and other places. In Ebonyi State we hear about steady inter-community wars. In Imo State, the Otokoto gang were tormenting people. In Enugu State, the indomitable Ngwu-egele omu robbery gang was terrorizing the State and environs amidst other notorious and dubious gangs everywhere in these States of the South East. Coal City F.M 92.9 on Wednesday 6th November, 2019 announced a rape case between teens of 14 and 15 years old in Delta State. At the University of Nigeria, Nsukka, most recently a boy at his final year studies in the Department of English Language committed suicide. Between March and September, 2019, there were kidnappings and killings in Enugu State. People or persons e-mails and hand phones are filled with messages obviously sent by those who cheat with false pretence. In about four years ago, the South Easterners were duped by an international deceit trick called MMM and the like. There are numerous crimes and violence even at family level."

We discover increase in the occurrence and existence of broken homes caused by criminal actions, either from the wife or from the husband. Around Enugu metropolis, the Post Primary School Management Board has her schools with so many warnings on cultism, drugs trafficking and abuse bad peers etc. All these are as a result of high level

of crimes and violence in the state. Between October and November 2019, a Rev. Fr. serving at Obinofia Ndi-uno was murdered, and a native of Udi Local Government Area, Rev. Fr. Paul Offuh was also killed at Awgu. Another Rev. Fr. Serving at Imeze-Owa was kidnapped. On 15th of November, 2019, Rev. Fr. Theophilus Ndulue, was kidnapped on his way to his new Parish at Amanshi-Odo, Oghe Ezeagu L.G.A of Enugu State. Within Awgu area a traditional ruler and his wife were also kidnapped.

In fact, crimes and violence of different categories are seen and heard in Igboland. Today, more than what was seen by our fore-fathers happens. The increase is so unbecoming, and seems uncontrollable. We shall look at the comparative study of justice against criminality and violence in this modern era as it affects justice in traditional Igbo culture. It could be known from the next sub-heading if the state of justice discharged affects the rate of criminality and violence in Igboland. In this sub-heading, we shall look at the custodians of Igbo ethical order, their challenges, weakness and restrictions. The aboriginals contacts with the British agents are taken to be a contributive factor, as recorded by Onwubiko (1991:122) when he points that:

What was at state was not city life in use, but the exchange of the African values for European values even when and where the former were better and more humane. This exchange in no time became a serious problem for the African. He was outside his town-tribe but not beyond the influence of his town. When he came home and wished to participate in his community's life and affairs, he was to be first re-made a member of the community, that he must be de-urbanized but not beyond the urban influence.

These crimes and violence are much more considered as outputs of African/ Igbo people's contact with the foreign bodies. Crimes and violence were very minimal until the upsurge of urbanization, civilization, industrialization, money economy, western legal system,

western education and foreign religions. This chapter suggests that these summarily are among the factors responsible for the immense increase in crimes and violence among the Igbo. We move further to see how they come in the comparative study of justice against crime and violence in the modern time and what it was in years as far back as when these contacts had not taken place or effect in the region or zone.

A Comparative Survey of Justice in this Modern Era against Crimes and Violence and in the Traditional Igbo Culture

The Igbo cultural ethics are sum total of the 'Omenani' that is culture in Igbo language. This cultural contact of both Local and Foreign Interaction has affected to a very large extent the way judgment is fairly or unfairly passed on issues relating to crimes and violence. Hutcheon in Adibe (2009:59) states that biculturalism proclaims the policy of merging multicultural values into one for Onwubiko (1993) he insists that biculturalism should be incorporated with bilingualism for it to be effective. In Nigeria generally speaking, could be said to back up her multi-culturalism with multi-linguisticism, in the sense that four languages seem to assume much importance than others. There are always emphases on the three major local languages which are: Igbo, Hausa and Yoruba. In addition to this, the Lingua Franca – English language comes in. In the legal system, the court will only ask both the complaint and the defendant (accused) the language options of Igbo, Hausa, Yoruba or English. But the lingual term which Onwubiko meant is the sensitivities in managing a foreign lingua culture to suit in a Local lingual-culture for effective cultural integration. This is because some natives would learn the foreign lingual-culture in isolation of the local and both the government and the aboriginal would not mind. Therefore, the biculturism becomes a problem. Biculturism is an identification of two cultures of the Western and all the cultures of

the local people. This introduces a serious confusion in maintaining justice against criminality and violence in Nigeria generally, and the Igbo in particular. Some matters will come to the Police or court, and the parties will be advised to settle it customarily. One side will insist on continuing with the court. Such persistence might be because the opposing party feels they have enough money for litigation, or wants the justice to be delayed, and invariably be denied.

Some will claim that they are Christians and will never be part to cultural system of tackling crimes and violence in their various communities. Ekwunife (1993) discovers that in Igbo traditional society leaders are steadily monitored and controlled not just by physical force but with more of the combination of religious training and political scheming of the entire community. With the involvement of the religion and the whole community, justice is very much obtained in the Igbo cultural system against different and varieties of crimes and violence. The ethical stratum defines individual groups of crimes and violence and their respective penalties. In monitoring and controlling the laws of the land, religion must be involved to handle whatever human can or cannot perceive or see, or understand. The community itself is part of the panel of judges. On this ground, when cheating comes in, opposition against partiality would arise. For this reason, the leaders of every community are very careful in the actions and reactions to cases. The Igbo believe that false judgment attracts treatment by the gods of the land.

In traditional Igbo culture, people report criminals who are even their relatives. Instant judgments are passed on certain violence and crimes. For example, when a man or a boy beats his parents or an elder, his age set, masquerading cult, kinsmen, execute the act, and give instant punishment. Domestic violence or crimes between couple, involves the women folks of 'Umuada' and 'Ndi Nwunyedi'. In a larger sense,

community criminality and violence involves the judgement and execution that will be decided by the elders, title holders, and other community leaders. The gods are also feared to discharging justice with thunder, plague or inflict illness on the culprits. All these agencies and forces work together in making justice prevail in the Igbo culture. Today, we hardly hear of such Igbo words as 'Alu' and 'Nso' – that is abomination and forbidden action. People commit whatever crimes or violence and go free, maybe to hurt someone or people and make money or for mere wickedness. More so, it encourages uncontrollable increase in criminality and violence. In the contemporary Igbo society people commit crimes and violence and go free. Justice is witnessed in the modern Igbo world on very rare occasions. Unfortunately, presently, one who alleges that a neighbour is showing offensive curiosity against him could find no remedy in the law (Chukwu, 2016: 96).

When there are inter-communities wars, there are measures culturally used in settling them. An example is the 'Ikomee' covenant used in settling Aguleri, Umuoba and Umuleri war (Okwueze and Kalu, 2003). After calling of the dread war off, the parties were called, without fear or favour, fair judgement was passed on disputes relating to land and otherwise. And peace had returned there till today. The government today settles such conflict that are based on land issues by confiscating that land without looking into other matters relating to the land dispute, and the communities involved keep having secret wars. Adibe (2009) advances for symbolical law of Igbo cultural values through Ohaneze Ndigbo. A forum of this Igbo origin can be useful in inculcating at least symbolic law values. The Igbo in diaspora are complained of involving themselves in divergent crimes and violence. The latest xenophobia attack in South Africa affected many Igbo people probably because they were suspect unlike what the Igbo were known for before. Money and I know you buy and pay over justice.

Cases are kept in the courts for decades. Wicked people use money and influence to push the less privileged into prison yard. People are kept at the Police custody without trial. Confirmed bandits, high way robbers are set free either by the Police or the law court because the only way to win in the court case is the ability to argue very well with superior argument or logics. All these modern trends of character have degenerated justice among the Igbo.

Recommendations

1. The cultural agencies of law enforcement should be revived, for example, age grade system, the women folk, kinship institution, etc.
2. A forum like Ohaneze Ndi Igbo should strategize to disseminate information round Igbo communities at home and outside the country on the need to fall back to Igbo law values.
3. Government should make traditional legal system to be culture effective by introducing and legalizing some of them as alternative measures of fighting crime in Nigeria.
4. The customary laws should pragmatically be strengthened in the conscience of the aboriginal.
5. Igbo customary leadership order should be upgraded with the help of the local or traditional law enforcement agencies like the Igwe in Council, the Cabinet, and the Town Union
6. Families should inculcate cultural norms, values to their offspring.

Conclusion

Igbo people were historically organized in terms of maintenance of law and order. When Christianity and even Islam came, they seem to be a hiding refugee camps for people with evil minds. Christianity and

Islam never preach or encourage crime and violence. But the natives took the advantage of the grace they provided to pervert the cultural and ethical order. Western and Azabian civilization on the other hand gave space for gradual processes of actualizing justice which in reverse, in most cases, encourage injustice. Crimes and violence therefore, keep increasing.

Currently, a lot of criminal and violent acts are seen among the Igbo. Lives and properties are lost on daily basis. The Police the law courts etc are no longer the hope of the common man. The Igbo combine physical and spiritual or religious forces in maintaining justice against crimes and violence. This strength of Igbo cultural ethics can return to its justice administration against criminality and violence if all hands are placed on desk.

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