

Journal of **Historical Studies** (JHS)

**JUSTICE AND ITS ADMINISTRATION IN IGBOLAND
BEFORE THE DAWN OF THE PRESENT MILLENNIUM**

Obiwuru
Chidera Rex



CARI
Journals

JUSTICE AND ITS ADMINISTRATION IN IGBOLAND BEFORE THE DAWN OF THE PRESENT MILLENNIUM

¹Obiwuru Chidera Rex

Pan-African Institute, Rivers State, Nigeria: Department of Politics and International Relations

Esep Le Berger University, Republic

Corresponding Author Email: Kapitoo1000@gmail.com

Abstract

Justice, one of the requisites for a healthy society, is not novel in Igbo land. Its presence in Igbo land prior to the 2000s is undeniable. Put differently, there has been administration of justice virtually in all facets of life in Igbo society even before the white man's "Santa Marias" and conveyances landed on the shores and borders of Eastern Nigeria. Igbo maxims such as *onye ruo, o rie* (idlers should know no pay/no work, no pay); *egbe bere, ugo bere*; *nke siri ibe ya ebena nku kwaya* (let the affluent as well as the indigent live; but let any between them that opposes the other's existence be the first to be ostracized/exited); *ochu nwa okuko nwe ada; nwa okuko nwe oso* (he who tries to harm the innocent must end up harming himself); *ihe onye metara, o buru* (whatsoever one's actions are, one must face the consequences); *e mere nwata ka emere ibe ya, obi adi ya nma* (all should be treated equally for peace's sake), etc. abound. Be that as it may, this paper seeks to painstakingly look at justice from the set of Igbo binoculars; that is, how it was perceived by and its importance to the Igbo people. It also scrutinized the various institutions responsible for and aid in the administration of justice in Igbo society before now. All in all, some negative changes that have occurred in the Igbo society in the present millennium in respect to administration of justice is not left unconsidered.

Keywords: *Justice, administration, Igboland, millennium*

1.0 INTRODUCTION

There was (and there is) a profuse regard for justice in Igboland. This is because the Igbo believed that a justice-devoid society was one that called for the anger of the gods. Every Igbo man knew quite well that injustice was one of the things that exacerbated and infuriated the gods and deities they worshipped, and when these supernatural inhabitants of the metaphysical world as well as the controller of the physical world were furious towards a man (or a community), such a man (or community) was as good as corpse. Thus, Ikenga Oraegunam avers that "the Igbo have a very strong sense of justice which is littered in many an Igbo cultural ethos and pathos". To still drive home his point, Oraegunam points out that "the proverbs, idioms, folklores, folk songs and other linguistic sources are some important purveyors of this value system".¹

No doubt, the Igbo held that *Ani* (the earth goddess), *Amadioha* (the god of thunder and lightning) and *Chukwu/Chineke* (the supreme God) all practiced justice, and for one who called him/herself a worshipper of them ought to practice justice for the avoidance of their *irredeemable* and doomful wrath. For this reason therefore, Victor Dike (2002) states that the forefathers of the Igbo were all known for their righteousness, honesty, and hard work. They

¹ Ikenga K.E. Oraegunam "The Principles and Practice of Justice in Traditional Igbo Jurisprudence". Accessed in July, 2019 @ <https://pdfs.semanticscholar.org> p. 53

were all opinion leaders, impartial judges and people of impeccable character.² They all had their respective *obi(s)*, which could be seen as their court where justice was administered. The *obi* existed at the family level. It was presided by the man of the house. At kindred level, there existed the *umunna* while at the village level, the Village Assembly, the Council of Elders, the *Nze/Ozor* forum among others existed. One of the sacrosanct and consequential purposes of existence of these institutions was to administer justice, by delivering the oppressed from oppression, punishing law defaulters, and seeking fairness in all things and for all (both young and old, and male and female), thereby creating an exhilarating or elated society.

Having created the above awareness, we would be moving forward to seeing how the Igbo perceived justice and the institutions responsible for its administration in Igbo society prior to the advent of the present 2000s. But before that, we would first look at the objectives of this study, the study methodology as well as the concept of justice generally.

1.1 Objectives

No doubt, justice is one of the cardinal pillars or values of most, if not all, human societies. A just society is, thus, a sane society. Nonetheless, the aims or objectives of this study include: a) to examine the importance of justice to the Igbo people before the present 2000s; b) to unearth certain Igbo proverbs and dictums that revolve round justice; c) to consider various traditional institutions responsible for the administration of justice among the Igbo; and d) to unveil the negative changes taking place in respect to administration of justice in the same society in the present 2000s.

2.0 METHODOLOGY

The method of analysis used in the study is purely historical. The study is also based on secondary research method as data used were generated from textbooks, key Igbo novel [*Things Fall Apart* by Chinua Achebe precisely], and journal articles.

3.0 THE CONCEPT OF JUSTICE

The concept of justice, no doubt, hardly has unanimity in its definition. It has been viewed from the perspectives of equality and fairness. It has also been considered or defined, just like Professor F.N. Ndubuisi points out, as legitimacy, and something that is in agreement with set-down laws or principles.³

However, Oxford Dictionary of Law defined justice as “a moral ideal that the law seeks to uphold in the protection of rights and punishment of wrong”.⁴ According to Oxford Advanced Learner’s Dictionary, justice means “the fair treatment of people”, “the quality of being fair or reasonable”, and “the legal system used to punish people who have committed crimes”.⁵

Jeremy Bentham (1748-1832), an English philosopher, looked at justice from the angle of utilitarianism – the greatest happiness of the greatest number. In his 1789 publication titled

² Victor E. Dike, “The Osu Caste System in Igboland: Discrimination based on Descent” The International Dalit Solidarity Network @ www.dalitfreedom.org p.1

³ F. N. Ndubuisi, *Man and State* (Lagos: Foresight Press, 2010), p. 32.

⁴ Elizabeth, A.M. and Law, J., *Oxford Dictionary of Law*, 6th edition (New York: Oxford University Press, 2006)

⁵ Hornby, A.S, *Oxford Advanced Learner’s Dictionary* (New York: Oxford University Press, 2010)

Introduction to the Principles of Morals and Legislation, Bentham argued that every good action engenders pleasure while bad ones engender pain. To him, “the only criterion to measure virtue and vice is pleasure and pain. If we derive pleasure from an action, that is a good action and if we get pain from it, it is a bad action. Good work is worth doing and bad action is to be discarded”. He was of the opinion that bad actions and their doers be punished since they do not bring about the greatest happiness to the society at large. Thus, Bentham wanted “to see justice demonstrated and happiness secured to the deserving and oppressed”.⁶ To Spinoza, in his 1951 publication titled *A Theologico-Political Treatise*, justice has to do with “habitual rendering to everyman his lawful due”.⁷ The lawful due of everyman should not be accorded to him erratically, if we should say that justice has occurred. John Rawls (1981) summarized justice in one word which is “fairness”.⁸

Justice is concerned with the principle of impartiality [in one’s actions and inactions]. It requires that every wrong-doer be punished in proportion to his wrong. For instance, a “bag snatcher” should not be killed, for death is far heavier punishment than his crime. However, he should not be set free on whatever ground – be it “tribalism”, “favouritism”, “nepotism” or “bribery”, without having served a proportional punishment to his crime, for every crime legally deserves a punishment no matter how little the crime might be.

The Igbo Conception of Justice

Justice, like we’ve stated earlier, was very peculiar to the Igbo. They believed in *ikpenkwumoto* – which refers to “truthfulness in making judicial decisions”.⁹ This means that they detested perversion of justice. But in the event that a man or institutions saddled with the responsibility of administering justice pervert it, they resorted to *Ani*, to *Chukwu*, to *Amadioha* and the likes who were the originators and custodians of justice. The reality of this could be seen in Igbo names and axioms such as *chinweagha* (i.e. battle or vengeance belongs to the god), *sọ chi n’ agbaogụ* (only god specializes in the enterprise of vengeance), *chikwuolumonum* (prove me right, god).

Further, they knew that justice was sacrosanct in the society they lived in because of the existence of different institutions like *umunna*, *umuada*, age grade, *ezemmu*, and so forth. However, they weren’t unaware that man by nature was evil and thus could call black white for handout. For this reason, they usually said that *Chukwu abughị mmadu* (i.e. God is not a man) and thus cannot be bribed, or collect handout to call black white.

The Igbo viewed justice from the law of karma. They held firmly that no one could escape justice, no matter his person. The thing that could happen was the delay of justice but not its denial. Thus, they came up with the proverbs: *ubochi ogy abughị ubochi ike* (i.e. the day of war is not the day of judgment). In respect to this proverb, Igon and Ogudu (2018) note that whoever that sows the wind may not immediately reap the storm, but he will definitely when it’s due

⁶ Quoted in Vidya D. Mahajan, *Political Theory: Principles of Political Science*, 5th revised edition, (New Delhi: S. Chand & Company PVT. Ltd, 2013), p. 596.

⁷ Quoted in Oraegbunam, p. 56.

⁸ *Ibid.*, p. 56.

⁹ *Ibid.*, p. 56.

time.⁹ In the same vein, the Igbo advocated: *nwa mmadu emegbuna nwa mmuo, nwa mmuo emegbuna nwa mmadu*; meaning, the spirit should deal kindly with human and vice versa. The great and the powerful at all times should uphold ingenuity in dealing with the small and the weak to avoid incurring the anger of the supreme beings. In like manner, the small and the weak should take not the ingenuity or kindness of the great and the powerful for buffoonery or foolishness.

To the Igbo also, justice denoted *ihe onye metara, o buru*, and *isi kotera ebu ka o n'agba*. This means that evil befalls (and should continually befall) its perpetrator(s) alone. In other words, repercussion had no business with the upright. It was the orchestrators of crimes that paid the price.

All in all justice was embedded in *Omenala*, tradition. It was difficult to see a man or a woman who knew *omenala* and practiced it as it ought to be practiced that was against justice, or better put, that handled issues unjustly. For example, it was part of the *omenala* for a young man (or any man) to pay a woman's dowry before taking her in as a wife. But any man who violates this tradition by taking another man's daughter in as a wife without having paid her dowry first was deemed as being unjust. Thus, Ikengga Oraegbunam notes that justice could be seen as any action that conforms to the *omenala*, which on its own constitutes the "grandnorm". He writes:

Justice, thus, becomes conformity with the requirements of the customs and tradition (of the Igbo). A man who kept the injunctions of *omenala* which contains the duties of a citizen in all ramifications is regarded as a just man... any judgment that is not consistent with the *omenala* is not constitutional and as such null and void. Such judgment cannot be binding on any party.¹⁰

Institutions involved in the Administration of Justice in Igbo Society before the 2000s

One thing is to talk about justice and yet another to administer it. The administration of justice in Igboland before the present millennium was the responsibility of certain salient

Igbo traditional institutions. It is true that there was nonexistence of "formal" court of law in Igboland and in Nigeria to some extent, particularly before the invasion of Africa by the Europeans for their imperialist and later colonial missions. But despite this, aggrieved persons were not starved of justice, as they could approach the *umunna*, the *umuada*, their respective age grades, the council of elders, the *otu omu*, the *Ezemmuo* and the deities, and the *mmanwu* for justice.

Having stated this, let's look at the roles of these institutions in respect to administration of justice in Igboland before now.

Umunna

Every *umunna* is made up of all persons born into a family and also those born into a number of interrelated, extended families who were of same lineage or ancestry. It can be best described as kindred. Membership into it was non-negotiable so long as one's birth into one of the families

⁹ Joseph Igono, Ugochukwu O. Ogudu, Translation of Selected Igbo Proverbs and Idomatic Expressions: Implications for Curbing Economic Recession. *International Journal of Applied Linguistics and Translation*. Vol. 4, No. 1, 2018, p. 5.

¹⁰ Oraegbunam, p. 58.

that made up the *umunna* was not questionable. However, only male adults were usually allowed into its important meetings or gatherings. It was in the meetings of the *umunna* that decisions were taken and rules made after which every man went home to intimate their wives, children and slaves of the outcomes of the meetings.¹¹

The role of the *umunna* in administration of justice was that it entertained issues and matters that might have been unsuccessfully tried to be resolved at household level. Any matter brought before the *umunna* was considered to have passed the power of the head of the family from which the “litigant” was coming from. This was because if it hadn’t, it would have been resolved by the head of the family in his *obi* (the court in every man’s compound which he presided over). In this case, the members of the *umunna* would collectively look into the matter and ensure that justice was administered for happiness and progress purpose.

Umuada

The *umuada* was an association of women who were by birth members of a particular kindred or town. Aside from the *umuada* there was yet another women association called the *otu inyeme di*; it comprised of all women married to the men of a particular kindred or town. The only difference between the two associations, according to Don Ohadike, was that while every married woman, in theory, belonged to the two groups, unmarried ones belonged only to the *umuada*.¹²

Cases brought before either the *umuada* or before the *otu inyeme di* were the ones that had to do with women and their roles in their respective families. Also, they dealt with issues and matters regarding women’s relationship with each other. Any woman that had any discord with another could bring such before the *umuada* for adjudication.

Age Grade

In Igbo parlance, age grade was called *ogbo* or *otu*. The age grade constituted of men (or women) who were of or about the same age. Each age grade was name after a significant occurrence that took place or that was taking place at the time of its members’ birth. Hence we had the age grades such as *ogbo aya Biafra*, the Biafran War age grade (people born between the period of 1967 and 1970), the *ogbo aya Hitler*, the Second World War age grade (people born between 1939 and 1945), and the *ogbo ifelunza*, the Influenza age grade (persons born between 1918 and 1921).¹⁴

The primary functions of the age grades depending on the ages of their members were these: ‘to fetch water’, ‘to clean footpaths’, ‘to sweep the streets and town squares’, and ‘to run errands’ (i.e. by age grades with children of age 15 and below); ‘to fight and defend their villages in times of war’ (i.e. by age grades with persons of age 16 to 40); and ultimately, to administer justice, by awarding punishments to defaulters of the traditions and communal laws (i.e. age grades with persons of age 40 and above). To Don Ohadike, age grades whose members were of age 40 and above were responsible for judicial matter, just like we have stated

¹¹ See Bonachristus Umeogu, Igbo African Legal and Justice System: A Philosophical Analysis. *Open Journal of Philosophy*. Vol. 2, No. 2, 2012, p. 117.

¹² Don C. Ohadike, Igbo Culture and History. Accessed in June 2019 @ www.iupui.edu

¹⁴ Ohadike, p. xxv.

above. They decided when a town should go to war and how offenders should be punished.¹³ To Okafor (1992:9) age grades guarded public morality¹⁶, and ensured that *ihe onye metara, o buru* (that everyone faced the consequences of his actions).

Otu¹⁴ Omu

The *Omu* society, in English, was an association of women who were full of grandeur. They had enormous powers, both economical and political, in Igboland. This was because initiation into the group required profuse amount of cowries and provision of different edible and inedible items. According to Ohadike, the enormous powers this group wielded enabled them to administer justice, by punishing quarrelsome women and every other person who committed certain taboos like incest and adultery. Every man, no matter his societal influence, feared them and acted uprightly to avoid incurring the anger of the association.¹⁵

Ezemmuo and the Deities

The *ezemmuo*, the chief priest (who was *okala mmadu*, *okala mmuo* – half human, half spirit) and the deities or the gods were one of the paramount entities responsible for the administration of justice in Igboland before now. The words of the *ezemmuo* were regarded as the words of the gods. Cases usually brought before the gods through the *ezemmuo* were complicated ones which required oath taking or intervention of the gods. Whatever judgment the *ezemmuo* passed was considered as the gods' verdict on a case. The *ezemmuo* hardly perverted justice, for the fear of being struck dead by the gods he served who were ultra- haters of injustice.

Mmanwu or Mmuo

Central institution also saddled with the responsibility of dishing out justice among the Igbo was the *mmanwu*, the guild of masquerades. *Mmanwu* was a masked ancestor whose judicial function was to appear, when invited, and settles disputes. A renowned *mmanwu* in Igbo society was the *egwugwu*. In chapter ten of Chinua Achebe's *Things Fall Apart*, *egwugwu* was seen, having been invited, giving a listening ear to the case of *Uzowulu* who complained of how his wife's three brothers beat him and took their sister and the children without returning her bride-price. After listening to the case, the clan's ancestral spirit passed a judgment on the case.¹⁶

It is no lie that *mmanwu* was an individual behind a dreadful mask, however, none dared reveal his identity even if he knew the voice of the person behind the mask. None also dared to rebut, refute or discard the judgment of the *mmanwu* or *mmuo*, since they were regarded as spirits of the people's ancestors, and none could claim to be wittier and more sound-minded than the spirit.

The Village Assembly

Issues of public concern were dealt with by the village assembly. The village assembly had as its members, male adults in the village. It was also ready to entertain issues and matter that

¹³ *Ibid.*, p. xxvi.

¹⁴ Cited in Umeogu, p. 118.

¹⁵ Ohadike, p. xxviii.

¹⁶ See Chinua Achebe, *Things Fall Apart* (London: Heinemann, 1958)

concerned the entire village particularly. Some cases were brought to the assembly rather than to the king, because of the highly anarchical and acephalous society the Igbo had. The judgment passed on any case or matter by the assembly in the Igbo pre-colonial society mattered a lot because it was the collective will of the people. In *Things Fall Apart* again, the matter of the murder of Ogbuefi Udo's wife by the people of Mbaino was brought before the village assembly for justice. Thus Achebe writes:

“Those sons of wild animals’ have dared to murder a daughter of Umuofia’. The crowd, now full of anger and thirst for justice, had to deliberate on the best means to realize justice. At the end of their deliberation, an ultimatum was immediately dispatched to Mbaino asking them to choose war or offer a young man and a virgin as compensation”¹⁷

The most interesting thing about the story was that justice for Ogbuefi Udo in particular and Umuofia in general was gotten or brought about by the village assembly after Okonkwo was sent, went and returned with a fifteen year-old boy – Ikemefuna and a virgin from Mbaino as a compensation for the murder.

Key Crimes and Punishments in Igboland

Crimes in Igboland before now were grouped into *nso*, abomination and *mmehie*, sin. The magnitude of punishment for *nso* and that of *mmehie* were far from being the same. From village to village, punishments for *nso* varied, but were gravely upon or for those that committed it. Crimes considered as *nso* ranged from spilling the blood of a townsman or townswoman, yam (a key Igbo crop) theft, incest, unmasking a spirit, setting ablaze a communal deity/shrine, suicide, etc.

Murder generally was prohibited in Igboland. In some towns the punishment awarded to a murderer, in order to obtain justice for the murdered, was death. But according to Ohadike, there were some cases of murder that death was not awarded as punishment. An example of such was if a woman killed her co-wife. She would not be killed or hanged, in certain towns, because both of them belonged to the same man.¹⁸ Thus killing her too would do nothing but add more pain to the man who was married to or husbanded the two of them. However, another weighty punishment would be awarded to such a woman in order to appease the spirit of the murdered one.

Killing in Igboland was only permitted in war times. However, after every war ablutions and purification rites were conducted for everyone that killed, since spilling even an enemy's blood was a “transgression against the earth goddess, *Ani*”.

For suicide, a crime against self and *Ani*, it attracted ignominious punishment. Anyone who committed suicide was neither touched nor buried by his kinsmen. He was also not buried with his fathers. For Okonkwo who tried such in *Things Fall Apart*, his kinsmen requested strangers

¹⁷ Cited in Ikenga K. E. Oraegbunam, Crime and Punishment in Igbo Customary Law: The Challenge of Nigerian Criminal Jurisprudence. *African Journals Online (AJOL)* Vol. 7, 2010, p. 18-19.

¹⁸ Ohadike, p. xxxvii.

to bring him down from where he hung himself and cast him into the evil forest, for he had committed the *greatest nso*.

For other abominations like incest, yam theft, etc., and *mmehia* (which included telling lies, deceit, stealing, disobedience, fighting, lateness to meetings, etc.) they attracted ‘ostracism, banishment, restitutions, fine, flogging (by the age grade), compensation, forfeiture, seizure of valuable property, caricature, excommunication and so forth.

The essence of the above was justice, and “justice” as it concerned the Igbo, was, according to Okafor (2006), “to do right based on the totality of the applicable information with a view to advancing the relevant society and ensuring the well being of the members as a *collective group*”, and “fairness to parties with a view to a stronger society”.¹⁹ The above punishments, which were geared towards justice, were also seen by Ikenga Oraregbunam as a means through which “deterrent, rehabilitatory, reparatory, reformatory, expiatory, educative and incapacitative objectives”²⁰ were achieved in the then Igbo society.

Changes in Administration of Justice in Igboland in the 2000s

Before the dawning of the year 2000, changes had already begun in almost every facet of life in Igboland. For example, upon gaining Nigeria as its formal colony, Britain, through Lord Frederick Lugard, invented indirect rule in the country. No doubt, the indirect rule was a failure in Igboland, but the British never failed to create and impose on the Igbo the “warrant chiefs”. In his *The Indigenous Political Systems of the Igbo* published in 1973, Afigbo noted that the Warrant Chief System was a complete attempt by the British authority to rule the natives through their traditional political organizations.²¹

At the initial stage, the British-appointed warrant chiefs began to gradually take over the administration of justice in Igboland. They presided over some matters that normally would have been handled by one indigenous institution or the other. Later on, the English justice systems began to take over the Igbo traditional executive, legislative and of course judicial systems. In fact, Oraegunam worded that the emergence of colonialism resulted in the abolition and abandonment of traditional justice systems of the Igbo. He observed that “most of the values of traditional systems received a knock on the head and in some cases outright abolition by a set-up that failed to undertake a disinterested cultural study of traditional practices including the legal and judicial systems... this colonial antipathy to traditional patterns spelt doom for the development of the justice system”²²

Very interestingly, those partly responsible for the administration of justice in Igboland (the warrant chiefs) engaged in hyper-perversion of justice. They did so without any jot of fear because the religion with which the white man came cleared their eyes and made them understand that *Ani*, *Amadioha* and every other deity they had revered had fabricated/false powers or were impotent.

¹⁹ Nonso Okafor, *Relevance of African Traditional Jurisprudence on Control, Justice, and Law: A Critique of the Igbo Experience. African Journal of Criminology & Justice Studies: AJCJS*. Vol. 2, No. 1, 2006, pp. 41-42.

²⁰ Oraegbunam, “The Principles and Practice of Justice...”, p. 63.

²¹ Cited in Raji A. Tope, “The Colonial Interlude and the Igbo Judicial System: Changes and Continuity” *History – Africa*, 2017.

²² Oraegbunam, “Crime and Punishment in Igbo Customary Law...”, p. 22-23.

In the present 2000s, evil has continued to soar daily in Igboland due to the very little or no regard people have for our traditional justice systems. Today, cases of murder, stealing, incest, adultery, etc. are being handled in courts, courts with lawyers and judges (not all) that are 24/7 days hungry for bribe after which they would pervert justice. The traditional institutions also are presently incapacitated by the Nigerian Constitution as they can no longer determine which case deserves this punishment or that. This for example is seen in Section 30(12) of the 1999 Constitution which states:

Subject as otherwise provided by this constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law; and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, or any subsidiary legislation or instrument under the provisions of a law.²³

Hardly can we see the Igbo coming back home to settle issues and their difference through the traditional institutions who originally should have handled them. Even land cases (traditional in nature) are now being handled in the court. For this reason therefore, there has been unparalleled evil and atrocities in almost every nook and cranny of Igboland since, in the words of Oraegbunam, our village assembly, town unions, masquerade societies, *umunna*, age grade and others by which traditional criminal justice is dispensed are now being regarded as “Kangaroo court” in the eye of Nigerian criminal justice system which views them as unconstitutional, illegal, and lack jurisdiction.²⁴

4.0 CONCLUSION

With the above explication and analysis, a deaf could be able to hear, a dumb speak and even the blind see that law or traditions or *omenala*, and administration of justice had never been nonexistent in Igboland. The functions performed by institutions such as age grade, *ezemmuo* and the deity, the village assembly and so on go forth to make rebuttal of the presence of *omenala* and justice in Igbo society before now an impossible enterprise. However in the present millennium, it is completely disheartening that these institutions, so long as administration of justice is concerned, have relatively gone into extinction, hence, the reason for the augmentation of crime in Igboland.

²³ Ibid., pp. 22-23.

²⁴ Oraegbunam, “Crime and Punishment in Igbo Customary Law...”, p. 23.