

African Journal of Contextual Theology

SIST, Attakwu – Enugu

P.O. Box 9696, Enugu, Nigeria

ajctsist2@gmail.com

Subscriptions

The *African Journal of Contextual Theology* – AJCT – (ISSN 2141-3037) is published annually. The subscription price is the following:

Nigeria: N500 per issue

Foreign: US\$20.00 per issue (including postage)

Payment may be made in cash or by cheque, payable to:

Spiritan International School of Theology, Attakwu

Enugu, Nigeria

The issues are available from Spiritan International School of Theology (cf. address above).

Permissions

For information on how to request permissions to reproduce articles / information from this journal, please visit www.sistenugu.com / SIST Journal.

All editorial correspondence should be sent to:

The editor-in-chief

African Journal of Contextual Theology

Spiritan International School of Theology, Attakwu

P.O. Box 9696 Enugu, Nigeria

e-mail: ajctsist2@gmail.com; editorajct@yahoo.com

Advertising

Enquiries about advertising and requests for review of Books should be sent to:

The Editor – Advertising

Spiritan International School of Theology, Attakwu

P.O. Box 9696 Enugu, Nigeria

e-mail: ajctsist2@gmail.com

Journal Logo: the logo of the Journal is the map of Africa and the SIST logo, with the symbolic depiction of the Holy Spirit and the book. The Holy Spirit inspires our studies (the book) and the context (Africa) in which we do theology.

©

All rights reserved; no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form, or by any means without prior written permission of Spiritan International School of Theology, Attakwu – Enugu, Nigeria.

Typeset, by SIST Publications.

Printed and bound by

Real Images

6 Bishop Ayogu Street,

Uwani – Enugu

08038814020, 08170874378

Email: realimages_gloria@yahoo.com

AFRICAN JUSTICE SYSTEM, A PANACEA TO MANIFEST CORRUPTION IN NIGERIA: THE IGBO EXPERIENCE

Christiantus AGWARAONYE C.S.Sp.

INTRODUCTION

Corruption is a cankerworm that has eaten deep into the fabric of contemporary African societies. Like a cancer, its growth has been quite exponential and seemingly unstoppable. This has greatly stunted the socio-economic growth of African nations. To experience the reality of corruption in all its shades and nuances, one has only to come and live in the African society for a few days. In Nigeria, for example, merely driving through the streets of the country brings one face to face with the manifest corruption unashamedly practiced and enjoyed by the citizens and officers of law alike – police taking bribes on the road and even giving 'change' to commercial drivers who pay the illicit collection, civil servants requesting for incentives before they can do the jobs they are paid to do, procedures manipulated to gain undue advantage, less qualified personnel hired over better skilled and qualified persons etc. The list is endless.

Manifest corruption is evident in many African societies. The problem, obviously, is not the absence of laws and policies that guide conduct for public office holders and workers, for there is a plethora of laws, policies and guidelines stipulating different types of corrupt acts and the punishment consequent on each. Every government had launched one form of anti-corruption crusade or another, but anyone following the trend

of anti-corruption fight notices that corruption keeps growing and getting more sophisticated than ever. Why is it so? Is corruption stronger than the collective will of the Nigerian people? Is our legal system too weak to provide the needed framework to fight corruption? Has the judiciary become a toothless bulldog to interpret and administer judicious justice to stem the tide of corruption? Why has the enforcement and implementation of these laws and guidelines failed? How can the narrative be changed to see an end to the seemingly endless reign of corruption in the African society? History, they say is filled with lessons that can provide efficient and informed guide for decisions about the future. This work looks back into the governance and justice systems practiced in pre-colonial Igboland to understand how some traditional Igbo societies tackled the problems of corruption and maintained a communitarian society driven by patriotism and cohesiveness. It thus proposes the restorative, corrective and deterrence-based Igbo justice system, as a possible framework that could be adopted and properly modified to solve the contemporary problem of corruption in the African society.

THE PROBLEM OF DEFINITION

Corruption is a global evil that threatens the socio-political and economic development of any society. It is almost as old as man. The history of corruption is as old as the world, because ancient civilizations have traces of widespread “illegality and corruption”¹. Corruption is a phenomenon that cannot be easily defined given its multifarious nature and the polyvalence of closely related but quite distinct and distinguishable meanings attached to the word. Its range of

¹ V.E Dike, “Corruption in Nigeria: a new paradigm for effective control in African Economic Analysis”. 2005. Retrieved online on 24th April 2019 from <http://www.africaneconomicanalysis.org>.

meaning span from the simplistic, basic and general understanding of it as 'rottening', 'damaging', 'deviation' to more complex contextualized and specific understanding of it as 'public sector and political corruption'. Part of the difficulty of defining corruption lies in the fact that what some may consider as 'a friendly turn' is for others 'misbehaviour'; what in one place may be interpreted as friendliness could be quite unacceptable elsewhere. The Igbo cultural practice of *adighi agba aka afu eze* (no one goes to a king empty-handed i.e. you must go with a gift) could easily blur the lines between what is 'friendly turn' and what is 'misbehaviour'. Nuances such as this, make the definition of corruption problematic. The difficulties notwithstanding, many authors have offered varied functional definitions for the term.

Generally, most agree that corruption is the abuse of entrusted power, usually for private gain. This is the most widespread understanding of corruption and it is the definition adopted by Transparency International. Specifically, corruption or corrupt behaviour involves the 'violation of established rules for personal gains and profit'.² This implies bending the norm, professional ethic, lowering or up scaling the standard for personal gain as against the common good. Kolstad, Fritz and O'Neil (2008) gave a very simple definition of corruption. For them, *corruption is the misuse of public power for private gain*.³ Rajakumar (2016) defined it as "...the misuse of

² Amartya Sen, *Development as Freedom*, (New York: Anchor Books. 1999), 275.

³ Ivar Kolstad, Verena Fritz and Tam O'Neil, *Corruption, Anti-corruption Efforts and Aid: Do Donors Have the Right Approach? In Good Governance, Aid Modalities and Poverty Reduction: Linkages to the Millennium Development Goals and Implications* for Irish Aid Research Project of the Advisory Board for Irish Aid. ., (2008). vi Retrieved from <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2267.pdf> on 31st August, 2019.

entrusted power (by heritage, education, marriage, election, appointment or whatever else) for private gain"⁴. The later definition is broader as it encompasses the wider scope of corruption as witnessed in many societies today. However, a more comprehensive and detailed definition of the term was developed by Prof. Dr. Petrus van Duyne who said that

Corruption is an improbity or decay in the decision-making process in which a decision-maker consents to deviate or demands deviation from the criterion which should rule his or her decision-making, in exchange for a reward or for the promise or expectation of a reward, while these motives influencing his or her decision-making cannot be part of the justification of the decision.⁵

Duyne's definition of corruption paves way for a deeper analysis of what the indices and characteristics of corruption could be. Understood as improbity in the decision-making process, one will readily agree with Atangba who wrote that "...corrupt behaviour involves the 'violation of established rules for personal gains and profit'⁶. Such improbity in the decision-making process could manifest in various forms: bending the norm, violating professional ethic, lowering standard to accommodate persons who ordinarily would not qualify, up scaling the standard to disenfranchise some persons etc. These are usually done for personal gain as against the common good which ought to come first.

⁴ M Rajakumar, *Pedagogy of Economics*. (Ashok Yakkaldevi: Laxmi Book Publications 2016), 145

⁵ Petrus van Duyne, "Will 'Caligula' go transparent? Corruption in acts and attitudes", in *Forum on Crime and Society*, vol. 1, No. 2 Tilburg University, Netherlands (2001), 75

⁶ John Atangba, *The Jinx of African Leaders*. (Bloomington Indiana: UK Author House, 2014), 93

From the foregoing, it can be rightly said that corruption includes every act that is selfish, individualistic, myopic and self-centered when placed side-by-side the interests and goals of a given society or group. Selfishness, individualism, myopia and self-centeredness are defining characteristics of the concept, corruption. As such, it does not really matter if the corrupt act is perpetrated by an individual in the office or a group of policemen on the road, a section of a state or a tribe in the nation. Corruption therefore encompasses all actions that promote individual or sectional interest over group interest. Such actions are evil so long as they work against the common good. This explains why Gire defines corruption as a betrayal of trust resulting directly or indirectly from the subordination of public goals to those of individuals. Thus, a person who engages in nepotism has committed an act of corruption by putting his family's interest over those of the larger society⁷.

Taking a cursory look at the definitions of corruption stated above, a functional definition of corruption can be offered here: that corruption is an individualistic, selfish action that negates the common good by bending the legal norm and thwarting justice for personal gain of the individual or his cronies. It is an action that undermines the very foundation of the social contract, where individuals and groups of individuals surrender their collective will for the common good. To this extent, corruption becomes a threat to the foundational principle establishing the society and becomes some sort of attempts trying to take man back to "the state of nature" of Thomas Hobbe's.

⁷ J. T Gire, "A Psychological Analysis of Corruption in Nigeria," In *Journal of Sustainable Development in Africa* Volume 2, Issue 1, 1999. pp. 1-15.

THE CONCEPT OF CORRUPTION IN TRADITIONAL IGBO WORLDVIEW

In the Igbo lexicon, there is no single word that could directly translate the English term 'corruption', for the Igbo words often used in translating corruption fail to capture the concept in all its nuances and complexities as seen in the preceding section. Various writers have used various words to translate corruption. Popular amongst them include: *mmebi*, *aghugho*, *mpu*, *aruru ala* etc. An analysis of these Igbo words and phraseology (for corruption) will shed light into the Igbo conception of the phenomenon of corruption and help us understand corruption from the purview of the traditional Igbo society.

The term "*Mmebi*" in Igbo is used to express the fact that something has gone from good to bad. Admittedly, this can qualify as a good translation of corruption, but then, a proficient user of the Igbo language will agree that *mmebi* as used in Igbo phraseology is used generally to describe an unfortunate and undesirable state of being in which things are not as they ought to be in a person, a thing or the society. *Mmebi* therefore translates the generalized notion or understanding of corruption as 'decay'. *Mmebi* is used as an all-embracing term to express issues and concerns of things going from good to bad; its use is not limited to societal and political corruption as this paper would like to specifically explore.

The expression which more fittingly captures the concept of corruption is '*mpu na aghugho*'. '*Mpu*' is the Igbo word for crime while '*aghugho*' is for 'deceit' or 'deception'. The Igbo language uses the two terms (*mpu* and *aghugho*) jointly to describe the reality of corruption; especially the state of

manifest corruption in a given society. These words point to the essential nature of corruption. *Mpu* points to the fact that every act of corruption is a crime; a prosecutable offence according to the penal laws of the society. *Aghugho* highlights some salient points that would easily be missed – that in every instance of corruption there is deception, a betrayal of trust and an alienation of some section in the society. These points will be elaborated as the core characteristic of every instance of corruption in two key statement headings:

- *Every instance of corruption involves deception and a betrayal of trust*
- *Every instance of corruption alienates and exploits*

Deception and Trust:

Corruption involves deception and betrayal of trust. Gire defines corruption as "...a betrayal of trust resulting directly or indirectly from the subordination of public goals to those of individuals"⁸. The Igbo calls corruption '*mpu na aghugho*' to underscore the fact that in every instance of corruption, deceit is necessarily involved, and that this deceit involves a betrayal of trust. People trust those in positions of power to make decisions on their behalf, and that is why they give them their mandate in the social contract.⁹ When the trusted person allows improbity into the decision-making process for personal interests, corruption reigns – the people are deceived and their trust betrayed. In the Igbo parlance, when decision is made or a judgment passed and the people challenge its

⁸ Gire, "A Psychological Analysis of Corruption in Nigeria," 3.

⁹ Jean-Jacques Rousseau: "The Social Contract" in Eric Stumpf *Philosophy: History and Problems. Third Edition*. (New York: McGraw-HillBook Co, 1983).

probity, or sense some unfairness thereof, they would say: *aghugho di ya* (it is a corrupt process or more literally, there is deceit in it). Thus, we can label as corrupt, any person entrusted with a responsibility, who pretends to be carrying out the responsibility as given, but in fact fails to do what he or she is trusted to do. Corruption as deception and betrayal of trust destroys people's trust in a system. The system having failed the people time and time again, they grow weary of depending on the system. The Nigeria society has come to such a stage. The average Nigerian, for example, has no faith in the Nigerian Police Force. Years of corruption in the activities of the Nigerian Police have eroded the trust Nigerians have for them.

Alienation:

In the Igbo ethical consideration, one can make a simple generalization that whatever makes for unity or communion is considered morally good and whatever threatens unity or communion is morally evil. The Igbos have a commune-centric communitarian ethics. *Igwebuike* is an Igbo expression meaning there is unity is strength. One thing which promotes unity is the pursuit of the common good. When one (in Gire's word) *subordinates public goals to those of the individual*, corruption becomes real. The subordination of public goals for personal or private goal is the dearth of growth and progress in any country. It does not matter if this is perpetrated by an individual or group of individuals in a society – it is corrupt so long as it prioritizes individualistic and sectarian interest over the overall common good. This includes all cases of nepotism, favoritism, ethnicism, and tribalism. This individualistic or sectarian interest over the common good has the effect that it wittingly or unwittingly creates a sense of alienation for those whose interest are not thus represented or taken on board.

THE CAUSE OF CORRUPTION

An African proverb holds that *we need not look where we fell but what caused our fall*. Any investigation of a phenomenon that fails to inquire as to the cause of that phenomenon, would be a failed exercise because identifying the cause of a problem is the first step towards solving it. What then is the cause of corruption? Every human problem finds its foundation in the human person. Same is true about corruption. Fundamentally, the human person has the tendencies of greed, selfishness and ego assertion. These tendencies when not checked become the source of corruption and equally serve to perpetrate it. Other causes of corruption would be examined below as promoting factors as they are all hinged on the basic human tendencies enumerated which are the fundamental cause of corruption.

Some Factors that Promote Corruption:

Here in Nigeria, some factors can be identified as the reason for widespread corruption as we experience it today. Some of these include but not limited to the following:

- i. Globalization and urban culture
- ii. Poor Leadership
- iii. Relaxed Morality
- iv. Materialism and Quest for Speedy Success
- v. Poverty

Globalization and urban culture.

Globalization and urbanization bring people of various cultural background and belief systems together, mix and melt down their culture and belief systems and enthrone a new system that may not be as cohesive and coercive as the one

they left behind from their respective pristine communities. This meltdown of people of varied cultural backgrounds into one entity with little identifiable identity carries with it many economic advantages and some sort of political advancement. But sadly, moral cultural values suffer a lot especially with reference to African value system. Advancement in Information Technology, particularly Cable Television and Internet facilities (which is a product of globalization) have in no small way helped in the dissemination of information both good and bad. Its negative impact on the society especially young minds, however, has been most devastating. To this end, Charles Omekwu makes bold to say that:

The more dangerous dimensions of the digital revolution include pornography, money laundering, cultism, international terrorism and child abuse, which all constitute a threat to African cultural heritage. It is extremely difficult for African countries with strong Islamic and Christian cultures to tolerate the level of pornographic activities that go on the Internet. In traditional African culture, nudity is still not a virtue. In many African universities and urban centers, nudity has become the order of the day and Africa's rich and elegant dress style are becoming outdated¹⁰.

Even though urbanization is not the same as globalization, both are engendered by economic factors and both cause the same social change but in different scales. Urbanization can be said to be subsumed in globalization or described as globalization at the local level. This is the foundation, the cradle of unmitigated corruption.

¹⁰ Charles Omekwu, *African culture and libraries: the information technology challenge*. (The Electronic Library, 2006), 242.

Poor Leadership:

Where ever widespread corruption exists, the leadership is inextricably implicated. Poor leadership is the major cause of corruption in Nigeria. This is why Achebe took a swipe at the leadership of this nation as the prime cause of corruption in Nigeria. He was unequivocal in saying that the problem with Nigeria

is simply and squarely a failure of leadership. There is nothing basically wrong with the Nigerian character. There is nothing wrong with the Nigerian land, climate, water, air, or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to their responsibility, to the challenge of personal example, which is the hallmark of true leadership¹¹.

This is to say that political leaders lack the moral courage to address the issue of corruption because of their selfish interest. Successive governments in Nigeria seem to have failed to realize and accept this. An Igbo adage goes that "when the water is polluted upstream, downstream cannot be good." Dishonest and selfish leaders cannot effectively deliver a corruption free society to the people. The Nigerian leadership (past and present) show unbelievable creativity in devising new ways of aiding and abetting corruption in the nation. They are quite ingenious in writing policies and laws that will defend, sustain and propagate their selfish and sectarian interests. Law enforcement agencies and all such related bodies are equally implicated. Iyanda et al surmised this when they posited that

The lack of political will or commitment to fight corruption by the political leadership is yet another factor responsible for corruption in Nigeria. The

¹¹ Chinua Achebe, *The Trouble with Nigeria*. Oxford: (Heinemann Educational Publishers 1984), 1.

lukewarm attitude of those saddled with the responsibility of enforcing the law and bringing probity has rather aided corruption. The organs of government, namely: legislature, executive and judiciary as well as the police and other security agents sometimes treat cases of corruption with laissez-faire and lackadaisical attitude, especially if the culprits are highly placed and Influential. All the investigations in both public and private as well as the ones by both the National and State Houses of Assemblies in most cases fizzle out.¹²

The Nigerian government is very much aware of the ills in the society but does nothing to remedy them because personal interests are helped by the corruption thereof.

Relaxed Morality:

The pervasive nature of corruption in Nigeria is largely attributed to declining moral standards and the slackening of moral norms in the society. Nwokereke in Ugwu opined "that corruption is due to the degeneration and shaky foundations of our moral upbringing".¹³ Over the years, our society slowly descended into a form of morality that condones and even encourage moral laxity. This is evidenced in many of the ills of our society which previously were not acceptable to the people but now seem to be accepted and even promoted. The case of examination malpractice is a clear example. What was condemned and denounced years back, is now accepted as 'normal' and at some instances encouraged. Extortion and

¹² Kamoru Iyanda; Orogbemi Elias ;Jeje Eunice: "History of Corruption and National Development: The Case of Nigeria" in *Historical Research Letter* www.iiste.org, ISSN 2224-3178 (Paper) ISSN 2225- 0964 Vol.35, 2016 retrieved 19th. May 2019 P3

¹³ Nwokereke Eze, "The causes of Corruption in Nigeria and the Way Forward" *Corruption in Nigeria: Critical Perspectives*.(Nsukka, Chuka Educational Publishers, 2002), 6

petty bribery are two examples of corruption that have increased exponentially because of relaxed morality. Public workers demand gratification from persons whom they ought to serve; police extort money from commuters etc. These were previously heavily frowned at but have now gained some acceptance. Moral laxity in Nigeria has not just normalized criminality, but it goes further to even glamourize it.

Materialism and Quest for Speedy Success:

Closely related to slackening morality is the insatiable quest for material things, the undue attraction to shortcuts and fast routes to affluence and success, and the approbation of ill-gotten wealth by the general public. These factors fuel corruption. Any keen observer of the happenings in Nigeria will acquiesce that materialist and consumerist considerations inform the choices and decisions of many Nigerians today. No thanks to the religious leaders who preach and promote prosperity as indicative of God's favour, without emphasizing the necessity and indispensability of discipline, hard work and dedication for actual and lasting success. Titles and awards are given usually to the wealthy regardless of the source of their wealth. The recent arrest of some Nigerians by the United States FBI for their involvement in worldwide cyber-crime syndicate is a very good example. One of the arrested suspects, Obinwanne Okeke (aka Invictus Obi) had once been featured in Forbes magazine, praised as one of Forbes 100 Most Influential Young Africans 2018. It is important to note that he, alongside three others, was nominated for the most prestigious award for African businessmen/entrepreneurs, the All African Business Leaders Award for Young Business Leader (West Africa)¹⁴. When news broke of his involvement

¹⁴ Tunde Ososanya, FBI Arrests Forbes Under 30 Nigerian Obinwanne Okeke for \$12m Fraud, Nigerians React. *MSN News*. Retrieved from <https://www.msn.com/en-xl/africa/nigeria/fbi-arrests-forbes->

in Cybercrime, critical questions began to emerge. Should not the editors at Forbes have done some background work before featuring him? Should they have asked how a young lad under 30 acquired the vast business empire including Oil and Gas, when he clearly did not come to it by inheritance? And that is just one case out of many. Forbes' case is criticized because of its internationality. Here in Nigeria, government and organizations publicly honour and applaud known criminals and corrupt persons. Egbejule (2019) gives multiple examples:

Buruji Kashamu, PDP senator and former governorship candidate in the southwestern state of Ogun, is a principal character on which the TV show *Orange is The New Black*, is based. He escaped from a US prison where he had been convicted for drug-related charges.

Amaka Anajemba, who with her husband forfeited \$242-million in what was perhaps the most brazen fraud outside Nigerian politics, is currently chairperson of the Enugu State Waste Management Agency (ESWAMA). Anajemba had been sentenced to three years in prison by a Lagos court.

Atiku Bagudu, an associate of the late dictator Sani Abacha, was elected governor of the northwestern state of Kebbi in 2015. The year before, the US government froze more than \$458 million embezzled by the late general and laundered by Bagudu and others.¹⁵

under-30-nigerian-abinwanna-okeke-for-dollar12m-fraud-nigerians-react/ar-AAFVMc6 on 2nd September, 2019.

¹⁵ Eromo Egbejule, Nigerian Officials on FBI Fraud List, in *The African Report*. (Online article retrieved from <https://www.theafricareport.com/16637/nigerian-officials-on-fbi-fraud-list/> on 2nd September, 2019)

The list is endless. The society idolizes wealthy people and this has the consequence of encouraging people to strive even by crook and foul means to attain this wealthy status. They do not mind therefore, prioritizing personal interest over the common good.

Poverty:

The last factor promoting corruption which we will consider is poverty. Poverty cripples and incapacitates a people. The fight against corruption will never be successful so long as the poverty level in a society is high. Many Nigerians are barely surviving, not sure where the next meal would come from. Desperation push many into a life of crime. It is important to note that nothing could possibly justify a life of crime, but then those on the fringes, the peripheral of the society feel compelled to embrace corrupt practices for survival. Poverty also means one's loyalty can be bought when he is caught in a desperate situation. When workers stay for months and months without their pay, they could start using the time for their work to pursue personal interests; personal interests that would put food on the table. In pursuing self-interest over group-interest, pretending to work for the government whilst actually working for himself, we see already that corruption has crept in. The Buhari led administration began with a promise to end corruption or at least bring it to a minimal level. This seems to have become a tall dream. Corruption level has not seen any significant improvement according to ratings from the Worldwide Anti-Corruption watch dog, Transparency International. According to Sahara Reporters:

Nigeria's latest placement indicates that the country has not made progress in its fight against graft, despite claims by the Muhammadu Buhari Presidency that it is making a headway. In the 2016 rankings, Nigeria scored 28. In 2015, it scored 26. The year before that,

it scored 25. In 2014, the country scored 27 and 25 in 2013.¹⁶

The poverty level in Nigeria increased following some economic policies of the Federal Government. This is conversely affecting the nation especially at the grass root. Hunger is so heightened in Nigeria that it is almost palpable when you walk down the streets of Nigerian cities. A poverty-stricken and hungry man has neither the strength nor the dignity required to fight corruption.

The factors examined above as promoting corruption explain the preponderance of these instances of corruption in our society today. However, there is a danger that needs be pointed. The danger is that corruption is self-propagating and contagious. A corrupt system breeds corrupt individuals who go back to further corrupt the system and thus an endless cycle of corruption begetting more corruption ensues. This is the situation in Africa generally and especially in Nigeria today.

JUSTICE SYSTEM IN TRADITIONAL IGBO SOCIETIES

Every society has a legal framework or reference from which actions can be judged as right or wrong; punishable or commendable. Before the advent of the colonial era, African societies had established legal and penal codes from which its justice system operated. Most of these societies operated on oral tradition as they were pre-literate societies. The pre-colonial Igbo traditional societies were not different. The traditional Igbo justice system made no distinction between the sacred sphere and the mundane or secular sphere of life. African worldview is understandably unitary – the spiritual

¹⁶ Sahara Report <http://saharareporters.com/2018/02/21/transparency-international-ranks-nigeria-148th-worlds-least-corrupt-country>

interpenetrates the physical; they are intertwined and inseparable. Mbiti captured it thus "Africans are notoriously religious and each has its own religious system with a set of beliefs and practices. Religion permeates into all the departments of life so fully that it is not easy or possible always to isolate it"¹⁷. It is therefore difficult or impossible to separate the African from his religious belief system. Modern day compartmentalization of life is a Western ideology that was markedly absent in the African worldview. The consequence of this unitary worldview is that societal laws are not distinct from religious laws. What the religion of the Igbo forbids, the society forbids and what the society approves, the religion approves too. This unitary worldview kept the society cleansed and the gods acted as secret police that sanctioned offenders of secret but weighty taboos. The individual in the community drew life from the unity of the community with the pantheons and also community bonding. In this vein Kalu explains that "in the effort to survive, the Igbo wove covenants, enduring covenants with the spiritual forces of their universe. The operations of these powers explain much of the religion and culture of the people".¹⁸

The society's legal codes were oral – preserved orally and taught orally. Each member of the society knows these code as they are taught from a young age to observe and obey these legal codes. Forbidden criminal actions commonly known to every Igbo person include adultery, breach of covenant, burglary, disrespect/unkindness to parents, lying, murder, rape, incest, seduction, speaking evil of rulers, swearing falsely, theft and sodomy. There are many others, but these are

¹⁷ John Mbiti, *African Religions and Philosophy* (London: Heineman, 1969), 1.

¹⁸ Kalu Ogbu, *The Embattled Gods, Christianization of Igbo land (1841-1991)* (Lagos: Minaj Pub. 1996), 30.

the common ones. Anyone who indulges in them will be required to cleanse the land and serve the requisite penalty for they are regarded as '*alu*' (abomination).

The Ultimate Good in Igbo Ethics

Traditional Igbo societies upheld a communo-centric ethics – a communitarian ethics in which 'communion' is the ultimate good. In communo-centric communitarian ethics, to the question 'what is right action?' the answer would be: 'any action that promotes communion.' The communo-centric ethic informs the *Igwebuike* ideology (unity is strength) of the Igbo culture. The traditional Igbo person is taught that communion is the ultimate good. Anything that would sever links or cause the loss of communion with one's kith and kin, his forebears and the Supreme Being (Chukwu) must be avoided at all cost. This is why the Igbo measure moral rectitude by one's adherence to the teachings and traditions of their forefathers or ancestors. Adherence to the teachings of the ancestors is an assured path towards greater communion. One thing that surely threatens that communion in society is '*alu*'.

***Alu* - A Break in Communion**

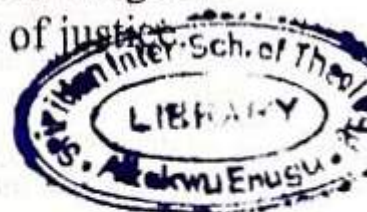
Alu is a direct contravention of the laws and customs of the ancestors of the land. As earlier noted, the penal and legal codes of the society are preserved and transmitted orally. Defaulting on these actions is direct rejection of the teachings of the ancestors, such a rejection is believed, will incur the wrath of the ancestors, breaking communion. This affects not just the individual but the entire community. To restore communion, the individual would be required to 'cleanse' the land which has been desecrated. Crimes like adultery, breach of covenant, burglary, stealing (especially yams), disrespect/unkindness to parents, lying, murder, rape, incest,

seduction, speaking evil of rulers, perjury etc... are all *alu* in varying degrees.

Structures of Social Correction and Cohesion

Behaviors which do not conform with the norms of society threaten the very existence of the society as criminal acts generally do not promote communion. Criminal acts breed distrust, suspicion and strained relationships. In the Igbo ethical consideration, they are morally wrong. When the tendencies towards these acts manifest in an individual, there are certain structures in the society that handle it before it becomes a problem. The family head, the elders, the age grade, secret societies, masquerade cults, etc. play significant roles in ensuring that individuals live according to the accepted societal and religious norms.

Igbo worldview is also very highly anthropocentric in nature; man occupies the central position in any meaningful human activity including religion. This anthropocentricity is rooted in the community, thus it is not individualistic but communitarian. Writing about African worldview generally, Metuh (1985) holds that "everything seems to get its bearing and significance from the position, meaning and end of man."¹⁹ This is also true of the Igbo for whom in spite of the deep respect and recognition of innumerable divinities, the relevance thereof is very much subject to their effect on man. Hence, the Igbo have a functional and pragmatic approach to religion and culture. It is this practical socio-religious framework that informs the traditional Igbo notion of justice.



¹⁹ Emefie Ikenga Metuh, *African Religions in Western Conceptual Scheme* (Jos: Imico Press, 1985), 109.

Igbo Concept of Justice and the Igbo Socio-Political Structure

Justice has been variously defined by different theorists and schools of thought. Social right theorists hold that justice can be understood as doing what promotes the social good. For the positivists, justice is seen as conformity to the law. For the social right theorists, justice is seen as doing what promotes the social good. But for the natural law theorists, justice is tied to the idea of natural rights where right is regarded as the ultimate basis of justice²⁰. John Rawls describes justice as “fairness”²¹. For Thomas Aquinas justice is “firm and constant will to give each one his due”²². Spinoza understands justice with the “habitual rendering to everyman his lawful due”²³. The Igbo understanding of justice accommodates both theories of justice sampled above – justice understood as promoting the social good, and justice understood as giving to each person what is his due.

To properly grasp the principles of justice in the traditional Igbo society, a cursory look at the political and leadership structure of the Igbo society is important. The pre-colonial Igbo societies, leadership was understood to be all about service and the good of the community. The societies adopted a democratic republican form of government wherein direct democracy is practiced on the kindred and clan levels with a representative assembly on the level of the village group. Uchendu²⁴ summed up the traditional Igbo leadership system

²⁰ Otto von Guericke, *The Idea of Justice* (New York: Frederick A. Praeger, 1967), 10ff.

²¹ John Rawls, *Theory of Justice* (Cambridge, Howard Press, 1981), 3

²² Aquinas, T. *Summa Theologiae*, IIa IIae, q. 58, a. 1.

²³ Baruch Spinoza, *Theologico - Political Treatise* (New York, 1951), 208

²⁴ Victor Uchendu, *The Igbo of Southern Nigeria*, (New York: Holt, Rinehart and Winston, 1965).

as an exercise in direct democracy on the village level with a representative assembly on the level of the village group. The Igbo societies were markedly egalitarian. Titles are given to deserving members of the community in recognition of their industry and hard work. The Igbos value titles, a fact well recognized by early 20th century European visitors to Igbo land. A study by Basden (1966) corroborates this fact when he states that "pride of achievement is one of the outstanding traits of the Igbos... there are obvious signs of superiority complex... expressed by men in striving for titular rank, and their arrogance when they have attained to it"²⁵. Social ascendance is open and free for any individual irrespective of age or family background but strictly on merit. The character of Okonkwo, the protagonist of Chinua Achebe's highly acclaimed novel, *Things Fall Apart*, demonstrates such social ascendance from the son of an *efulefu* (useless or worthless person) to becoming one of the respected titled men and decision makers in the society.

Igbo Justice System and Its Component Structures

Among the Igbos, power is decentralized, as the executive, legislative and judicial powers were vested in the *oha-na-eze*, the council of elders (the highest decision-making body of most Igbo societies that were not monarchical), however, every member of the Igbo society is involved and participates in the law making venture and administration of justice by the virtue of their membership in one or more of the various socio-cultural legislative and judicial agencies in the traditional Igbo society. These include the following:

²⁵ Jeoffery Basden Niger Ibos, (London: Frank Cass, 1966), 45.

- Age Grade
- Umunna
- Masquerades
- Priests/Priestesses
- Oha

Age Grade:

The age grade serves to engage each generation positively in activities that would make them grow responsible and accountable. It is formed at the village level and comprises of persons born within a stipulated period of time. The members of each age grade make laws, rules and regulations relevant to their own circles. Stubborn and erring young adults are often reported to their age grade for disciplinary action by their parents.

Umunna:

Umunna includes every person born into a family as well as those born into a number of interrelated extended families who share common ancestry. Membership in the *umunna* is automatic for the listed category of persons, but attendance to meetings and important gatherings is strictly reserved for only male adult members of the *umunna*. There, they discuss, make rules and regulations on issues such as what style or system of farming to adopt, allotment of the lands left by their ancestors, farming time, clearing of bush paths and other such related topics.

Priests and Priestesses:

The priests and priestesses of various deities and divinities serve as the conscience of the community. They decry corruption whenever it rears its ugly head. These ministers of the deities and divinities are the mouthpiece of the deities they minister to. Their words provide guidance and direction in

dilemma; they provide encouragement, correction and punishment as and when needed.

Mmanwu (Masquerade):

The mmanwu is the guild of masquerades. Membership of the guild is open only to male members of a community. The laws made by the masquerades are said to reflect the wishes of the ancestors who even though they are no longer physically present, express themselves through the masquerades²⁶. The *mmanwu* is also used as a tool of correction. Erring wives who perhaps stubbornly refuse to take corrections are sometimes reported to the *Mmanwu*, who has various means of calling the woman to order, not excluding whipping. The masquerades are the faceless police and law enforcement agency of the community.

Oha Mmadu

Oha Mmadu constitute what can be called the general assembly. It is the supreme group or the highest human legislative agency in the Igbo society. The Igbo people have always believed that power belongs to the people. They act as a legislative agency because what they sanction is what law becomes. Nothing becomes law until it is ratified by the *Oha Mmadu*; nothing binds until it is legitimized by *Oha Mmadu*.

²⁶ Bonachristus Umeogu, "Igbo African Legal and Justice System: A Philosophical Analysis" in *Open Journal of Philosophy Vol.2, No.2, 116-122* Published Online May 2012 in SciRes
(<http://www.SciRP.org/journal/ojpp>) DOI:10.4236

APPLYING THE PRINCIPLES OF IGBO TRADITIONAL JUSTICE SYSTEM

One may then ask, are there specific principles or techniques that could be picked from the Igbo justice system that would change the dynamic of fighting corruption in Nigeria and advance the war against corruption? The answer is yes! There are things we could take home. Laws are made to maintain peace and harmony, when broken, the culprits face, some form of sanction or punishment. Punishment under law is basically a technique of social control, and every society has its own means of controlling the social behavior of its citizens in order to attain its desired goals. Punishment is the authoritative imposition of something negative or unpleasant deemed wrong by an individual or group²⁷. It can also be defined as the penalty for wrongdoing. Furthermore, it can be defined as the authorized imposition of deprivations of freedom or privacy or other goods to which the person otherwise has been found guilty of some criminal violation, typically (though not invariably) involving harm to the innocent²⁸. Punishment is administered on an offender for various reasons which include but not limited to the following, rehabilitation, deterrence, restoration, education and denunciation among other reasons²⁹. These reasons listed above play prominent roles in Igbo administration of justice in their communities, the aim being to maintain socio-political and religious equilibrium.

²⁷ J Kleining, In "Peters R. S. on Punishment" in *British Journal of Educational Studies*. Vol. 20. October, 1972.

²⁸ Elliot Currie, *Confronting Crime. An American Challenge*. New York: Pantheon, 1985

²⁹ Denis Ejikeme "Igbo Jurisprudence: a Discourse on The Nature of Punishment In Traditional African Society" in *FILOSOFIA THEORETICA* Vol. 1 No. 1 Dec. 2011

A knowledge of the Igbo justice system shows there are core principles on which the administration of justice is always based. They can be identified in two categories:

- Participatory Judicial Principles
- Restorative Judicial Principles

Participatory Judicial Principles

The traditional Igbo justice system is very participatory, and decisions are reached through consensus. The judicial process is such that everyone has equal access to the justice system and equal participation thereof. As Elechi (2008) puts it: no one can arrogate to himself or herself the role of "professional" or "expert," thereby subjugating the voices of ordinary community members.³⁰ The aim is to empower and not simply to criminalize. As such all the stake holders -- victims, offenders, and the affected community -- are welcome on board to actively and meaningfully participate in the identification and definition of harm, and to have direct involvement in the search for restoration, healing, responsibility and prevention.

A lesson to take from the participatory nature of the judicial process is that it really gets everyone involved. Through the various socio-political structures, people are involved in the decision-making process of the community. The age-grade affords each generation a unique opportunity to learn how things are done. If people do not feel they are a part of a

³⁰ Oko Elechi, "The Igbo Indigenous Justice System". In *Viviane s Aleh-Hanna's Colonial Systems of Control* (JSTOR University of Ottawa Press, 2008, pp. 395-416 Online version retrieved from <https://www.jstor.org/stable/j.ctt1ckph37.26> on 02/09/2019), 398

process, their acceptance of the process and what it proposes will always be faint hearted. Involvement engages people, boosts confidence and makes people more passionate and committed. Such passion and commitment ensure that common good is prioritized over personal interest. Involvement makes the individuals see themselves truly as partakers in the common good. Thus, they work even more for “our good”. Non-involvement makes people think “this our thing is not really my thing”, such a disposition can easily give in to the lure of corruption. This is the root cause of corruption starting from the urban settlement and permeating every aspect of the Nigerian polity. This is because urban communities as we have it today alienates the African communitarian brotherhood which the Igbo communities enjoyed and some are still enjoying in the rural areas today. The Igbo man is communitarian in nature and thus taken away from his community he feels alienated and less committed to the common goal. The individual needs the community to function and feels so exposed in a dysfunctional or individualistic community.

Restorative Judicial Principles

In the Igbo traditional understanding, the goal of justice is the restoration of relationships. In line with its ethical outlook that is communitarian and communo-centric, the Igbo judicial system seeks to restore and promote communion; unity. As a restorative judicial process, it first recognizes and acknowledges that crime is a violation of people and relationships; not merely a violation of law. As noted in preceding section, every instance of corruption alienates and exploits. Understood in this way, one would then agree that accountability should be to the victims (those directly alienated or exploited) and the community. As primary

stakeholders in the process, victims, offenders, and the community jointly define the harm done and determine solutions that would be acceptable to all stakeholders. In restorative justice, the quality and effectiveness of justice are measured not by how much punishment has meted to the offender, but through the well-being of the victims and the community.

Restorative justice attempts to repair as closely as humanly possible what has been damaged by the offence. It is a three-fold restoration, namely:

- restoration to the victims (restitution is made of what was stolen from or denied the victims)
- restoration of community (crime, in this case corruption, brings betrayal of trust, causes pain and threatens the communion or unity of the community).
- restoration of the offender (re-integration into the community)

In a restorative justice system, if a person is found guilty of embezzling money meant for a project for example, he would be required to go and complete the project as restitution, not merely fining him or perhaps jailing him. Asking him to complete the project whose fund he embezzled, is a form of restoration to the people alienated from their right of having that project completed. Having the offender complete the project instead of going to jail, is also restoration for the offender. He is re-integrated faster back to the community, than it could have been if he were to serve a jail term.

EVALUATION

Many African societies had justice systems that were very effective. The colonial masters, because the justice system did not fit into the framework of what they know as justice system, jettisoned them. Over the years, Nigeria has battled

with crime and corruption, and no appreciable results have been gotten. Perhaps if an indigenous approach is employed, huge success may be recorded. So, if the all-inclusive Igbo participatory judicial and legislative system can be used, it may help to stem the tide of corruption in Nigeria. The huge success of local vigilante groups in checkmating crimes in our various local communities is a good example.

Two points which need to be taken on board in the fight against corruption are: First, to effectively fight corruption, we must have probity in leadership. In traditional Igbo system, leadership is reserved for men of proven character, as evidenced in their relationship with others in the community. Probity is necessarily demanded from anyone who wants to be a leader. Until probity is made a necessary criterion for election into offices or appointments, there will be no end in sight for corruption. Second, we need to recognize that religion informs, holds together and enforces a society's morality. Religion is undoubtedly the cement that held together the morality of the traditional Igbo societies. The advent of Christianity dislodged Igbo traditional religion from its pivotal role. The problem is that Christianity, has till date, not been planted firmly enough in the hearts of its adherents as it is not yet rooted in their culture. Christian leaders must rise to this challenge. The vacuum created by the dearth of Igbo traditional religion must be filled so morality can regain its pride of place.

Again, if the community spirit of the Igbo people can be adopted by way of community policing and neighborhood watch, it will go a long way in reducing crime and awaken a national consciousness from the grass root level. This can be done by organizing community policing from the basic unit of the society- the family, moving up to the village and

community level. Taking this to the urban area, it could start from the basic compound to street neighbors, from there to the town hall and on and on. This arrangement will get everybody involved and foster cohesion and national consciousness.

A fundamental ethical value to be adopted from traditional Igbo society is the value of 'honesty', a man's word is held in bond, especially when it pertains to affirmation or negation or are evidence in themselves. For the Igbo man, "Judgment is based on confidence³¹". And because of the place honesty occupies in African life, some elders are conferred titles based on their truthfulness and their ability to dispense justice without fear or favour, and any injustice or unfairness destroyed confidence. The ontological foundation on which the African love for truth rests is the belief that truth is life. It is therefore not surprising that right from childhood, children are taught the value of honesty in stories and proverbs. Commenting on the values of honesty and sincerity in the African culture, Ireogbu maintained that "Both were together the test of the inner and outer integrity"³². The Igbo put this ontological principle in the maxim: *Eziokwu bu ndu* (truth is life).

CONCLUSION

It has been established above that African cultural practices and moral values are knit together and driven by African Traditional Religion. This is very true as practiced by Igbo people. Therefore a collapse of African Traditional Religion will ultimately mean if not an outright collapse of African culture and moral values, it will bring about a distortion and disorientation of the Africans in the practice of their culture

³¹ Chinua Achebe, *Things Fall Apart*, (London: Heinemann 1958), 151

³² Panthaleon Ireogbu, *Ewizdomization and African philosophy*, (Owerri: International Universities Press Ltd, 1994), 27

and Metuh totally agrees with this when he said "African Traditional Religions are so bound up with the social structure that the collapse of the latter also precipitated the collapse of the religious life"³³. This implies that both are interdependent and sustain each other. With the presence of Christianity and Islam today, many adherents of African Traditional Religion have switched to Christianity particularly in Igboland. It is true as revealed by the researcher's findings that though Christianity holds much sway among the Igbo, their traditional belief system in ancestors and invocation of the deities are still very strong. This implies that leaders of Christianity and Islam especially priests and pastors must rise to the occasion and fill the vacuum created by the collapse of African Traditional Religion.

The fight against corruption can be won so long as we keep trying. All it takes for evil to triumph is that good people keep quiet. All well-meaning Nigerian citizens must not rest on their oars until the menace of corruption is brought to an end. The Nigerian system needs a lot of structural and methodological modification to reposition it to more effectively fight corruption. Our justice system needs to go back to those times when it engaged and involved the people. Involvement makes for passion and commitment, and will help renew oneself if included in the "common good". Our values and moral standards need to be re-asserted.

³³ Emefie Ikenga Metuh I. *Comparative Studies of African Traditional Religion* (IMICO Publishers Onitsha, 1987), 270.