

## **The Igbo concept of justice: Towards an understanding**

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### ***Abstract***

*African society thrives and develops rapidly in the face of justice and equity. This lays credence to why the concept of justice has a focus in the life of the African man. Hence, it is seen as one of the tools that aid in peaceful co-existence and societal development. It is germane to observe that with modernization and urbanization which has brought about a mixture in our various cultures, justice has been losing its essence and predominance in the African culture and has to be readdressed if the society must be what it is ought to be. It is in view of this fact that this work intends to spotlight and elucidate the concept of justice from the African concept (Igbo) with the intent of explaining its place in the society. In order to achieve the essence of this paper, this work will be done using a sociological approach and the theory of distributive justice. The paper finds reveals that justice has been losing its meaning in the society and has to be re-examined in order to understand its importance from the lens of the Igbo society. It also observed that justice is an indisputable virtue if our society must be peaceful and egalitarian. It therefore concluded that since our society is made up of people with different values, ideas and interest which made conflict to be imminent, the place of justice cannot be overemphasized and cannot be trashed to the base. The work therefore recommends that Africans should strive to give way to justice since it will help in the promotion of our common humanity. It also recommends*

*that for our society to see the light of development, justice is a veritable tool and should be embraced.*

**Keywords:** Igbo, concept, justice, towards, understanding

## **Introduction**

In every society, there is a conscious effort to maintain peace and preserve mutual respect of individual's goods, rights and properties through gradual inculcation of rationally derived principles, ethical norms and trends. In the main, these principles seem to be borne out of the day to day experiences arising from human encounter and interactions. Often they are formulated to instill discipline and promote mutual relationship among the individuals in the society. In other words, both the ethical norms and principles are fruits of man's daily reflections concerning what is conducive for human welfare. They are valuable instruments at the service of the society as a whole. Since man is at the centre of every community and tradition, man is an undeniable formulator of principles and norms. Hence, man uses his welfare and a sense of common good as a moral standard of Justice.

Consequently, whatever promotes the common good and individuals' welfare is considered "good" and "Just" and whatever does not is seen as evil. By implication, the distinction of what is right and wrong is by means of justice. To this extent, the concept of Justice differs to different people and culture as cultures are usually dependent upon a shared history, mythology or religion. For every culture, there are prescribed norms and values which influence their concept of Justice. Sequel to this, many scholars have come up with different views of what Justice is and all their definitions are based or influenced by the

perspective they are coming from. To the social contract tradition, Justice is derived from the mutual agreement of everyone concerned; whereas utilitarian thinkers argued that Justice is what has the best consequences. The theory of distributive Justice is concerned with what is been distributed between whom they are to be distributed and what is the appropriate proportion of distribution. This lays credence to the opinion of Stump (1971) on the stand of egalitarians who argue that Justice can only exist within the coordinates of equality. Against this background, this paper aims at discussing the Igbo Concept of Justice, bearing in mind that each concept of Justice is influenced by the culture or worldview of the people. More so, it is important to know the Igbo people. The Igbos of the major tribes in Nigeria today who occupy mainly the eastern part of Nigeria, comprising mainly Anambra, Abia, Enugu, Ebonyi and Imo states with Christianity and African Traditional Religion as the predominant religious practices.

### **Theoretical framework**

This work adopts the theory of distributive justice. Distributive justice in the opinion of Nicholas (1966) is concerned with socially just allocation of resources, often contrasted with just process which is concerned with the administration of law. He maintains that distributive justice is concentrates on outcomes. It is defined as perceived as fairness of how rewards and costs are shared by group members. Thus, when some people work more hours but receive the same pay, people feel that distributive justice has not occurred. But if rewards and cost are allocated according to the designated distributive norms of the group, distributive justice has occurred.

According to Forsyth (2006), distributive justice can be viewed in five dimensions which are (a.) equality which maintains that regardless of inputs, all group members should be given an equal share of the reward/cost. (b.) equity, this presupposes that member's outcome should be based upon their inputs. (c.) power, this means that those with more authority, status or control over the group should receive less than those in lower level positions. (d.) need, need means that those in needs should be provided with resources needed to meet those needs. These individuals should be given more resources than those who already possess them regardless of their input. (e.) responsibility, group members who have the most should share their resources with those who have less outcomes. Distributive justice considers whether the distribution of goods among the members of the society at a given time is subjectively acceptable. In an environmental context, it is the equitable distribution of a society's technological and environmental risks, impact and benefits. It will not be out of place to submit here that distributive justice theory argues that societies have a duty to individuals in need and that all individuals have a duty to help others in need, hence the proponents of this theory linked it to human right. This is so because it is the right of every individual in the society to get justice at every time once his/her actions are not against the norms and orders in the society.

### **Justice: A conceptual understanding**

Understanding of Justice as maintained already differs in every culture, as cultures are usually dependent upon a shared history, mythology or religion. Each culture's ethics create values which influence the people's notion of Justice. Although there can be found some Justice principles that are core and the same in all or

most of the cultures which are insufficient to create a unitary Justice. Hurnby (2015:807) sees Justice as the fair treatment of people. It is the act of giving to everyone his/her due. It professes fairness in treatment of people. In the opinion of Damian (2016:2) in his unpublished work, Justice is the quality of being Just, righteous, equitable or moral rightness. It is the rightfulness or lawfulness, as of a claim or title; Justness of ground or reason. It is the moral principles determining Just conduct. He is of the view that justice has to do with treating people accordingly as proffered by the generally accepted norms in fairness without prejudice or consideration. It is the act of treating people with empathy and not sympathy. Nzomiwu (1999:24) posits that Justice is the principle which orders man's relations to his neighbors and which inspires the law that guarantees the equilibrium and tranquility in the society. Pantaloon (1996:13) in making his contribution sees Justice as the granting of each person or people their respective rightful part, entitlements or shares in a given system. Justice is also seen and described as fairness (Rawls, 1981). It is the ordering of its basic structure and arrangements to ensure the rightful good of all the members and parties. Thus Justice is done when all are given the appropriate chances, places and items that should be theirs: both by nature and by the demands of social care and provision.

Justice is action in accordance with the requirements of the norms. Whether these rules are grounded in human consensus or societal norms, they are supposed to ensure that all members of society receive fair treatment. Issues of justice arise in several different spheres and play a significant role in causing, perpetuating and addressing conflict. Just institutions tend to instill a sense of stability, well-being, and satisfaction among members of the society, while perceived injustices can lead to

disaffection, rebellion or revolution. Each of the different spheres expresses the principle of justice and fairness in its own way, resulting in different types and concepts of justice: distributive, procedural, retributive and restorative. These types of justice according to Moton (2011) have important implications for socio-economic, political, civil and criminal justice at both the national and international level. It is pertinent for us to have an insight into their meanings.

a. Distributive justice or economic justice is concerned with giving all members of society a 'fair share' of the benefits and resources available. However, while everyone might agree that wealth should be distributed fairly, there is much disagreement about what counts as a 'fair share'. Some possible criteria of distribution are equity, equality and need. Hence, equity means that one's rewards should be equal to one's contributions to a society, while equality means that everyone gets the same amount, regardless of their input. Distribution on the basis of need means that people who need more will get more, while people who need less will get less. Fair allocation of resources or distributive justice is crucial to the stability of a society and the well-being of its members. When issues of distributive justice are inadequately addressed and the item to be distributed is highly valued, intractable conflicts frequently result.

b. Procedural justice is concerned with making and implementing decisions according to fair processes that ensure 'fair treatment'. Rules must be impartially followed and consistently applied in order to generate an unbiased decision. Those carrying out the procedures should be neutral and those directly affected by the decisions should have some voice or representation in the judgement-making process. If people believe procedures to be

fair, they will be more likely to accept outcomes, even ones that they do not like. Implementing fair procedures is central to many dispute resolution procedures, including negotiation, mediation, arbitration, and adjudication.

c. Retributive justice appeals to the notion of just desert. The idea that people deserve to be treated in the same way they treat others. It is a retroactive approach that justifies punishment as a response to past injustice or wrongdoing. The central idea is that the offender has gained unfair advantages through his or her behavior and that punishment will set this imbalance straight. In other words, those who do not play by the rules should be brought to justice and deserve to suffer penalties for their transgressions. The notion of deterrence also occur in here: the hope is that the punishment for committing a crime is large enough that people will not engage in illegal activities because the risk of punishment is too high. In addition to local, state and national justice systems, retributive justice also plays a central role in international legal proceedings, responding to violations of international law, human rights and war crimes. However, because there is a tendency to slip from retributive justice to an emphasis on revenge, some suggest that restorative justice processes are more effective. While a retributive justice approach conceives of transgressions as crimes against the state or nation, restorative justice focuses on violations as crimes against individuals. It is concerned with healing victims' wounds, restoring offenders to law-abiding lives, and repairing harm done to interpersonal relationships and the community. Victims take an active role in directing the exchange that takes place, as well as defining the responsibilities and obligations of offenders.

Offenders are encouraged to understand the harm they have caused their victims and take responsibility for it.

d. Restorative justice according to Jeffrey (2011) aims to strengthen the community and prevent similar harms from happening in the future. At the national level, such processes are often carried out through victim-offender mediation programs, while at the international level restorative justice is often a matter of instituting truth and reconciliation commissions.

### **The Igbo concept of justice: Towards an understanding**

In order to discover the remote sense of justice among the traditional Igbo, it is necessary to analyze the Igbo words for justice: ‘akankwumoto’ and ‘ikpenkwumoto’. While ‘akankwumoto’ denotes justice as a virtue of a particular person, ‘ikpenkwumoto’ or ‘ikpeziriezi’ refers to the expression of this virtue in practical judgment in the event of dispute. It can also be described as truthfulness in making judicial decisions. Etymologically, Nzomiwu (1999) posits that ‘akankwumoto’ is derive from three other Igbo words: ‘aka’ (hand), ‘nkwu’ (stand, remain, stay), and ‘oto’ (straight, erect, upright, not crooked, etc). Thus, the word ‘akankwumoto’ literally means keeping one’s hand straight. It denotes uprightness of conduct. In the same vein, Nzomiwu (1999) also views ‘ikpenkwumoto’ as stemming from ‘ikpe’ (judgement, case, decision, verdict), ‘nkwu’ (stand, stay, remain), and ‘oto’ (straight, erect). Literally, ‘ikpenkwumoto’ means judgment that is straight. The analysis of these two Igbo words shows that the Igbo concept of justice stresses the notion of physical straightness which according to Douglas (1962) means ‘sedaqa’ in Hebrew. This idea of straightness in relation to justice can refer to an action or person. Furthermore, it means that one’s

life is straightforward, upright, honest, predictable and impartial. It exhibits that a just action is one that is not crooked, is performed as it should be, is done in a disinterested manner or has followed a due process. But on a more profound consideration, the word 'akankwumoto' derives from the context of farming on the land which was largely the main occupation of the traditional Igbo. The traditional Igbo owned land family by family. That is to say a large piece of land instead of belonging to a private individual and sometimes to a community belonged to an extended family. It is only by way of temporary partition that each nuclear family or individual gets a specific piece of land to cultivate. According to Ekei (2007) this practice of communal ownership of land is still prevalent in the hinterland. In order to divide the land among nuclear families, since the Igbo had no official surveyors for that purpose, they normally chose young men who were of good reputation, trusted by community and known for their previous experience of keeping their hands straight while dividing the farm land. In addition to these qualities, the young men must be willing to undertake the difficulties involved in going through the equatorial scrub during the process of division in order to make sure that a straight line is maintained. Above all, they must be docile to listen to the wise counsel of the elders who intermittently advised them in these words: 'Nwa m kwuba aka gi oto' (My son keep your hand straight) or 'Emegbuna onye obula' (Do not cheat anybody). It is in this sense of straightness in dividing the farm land that 'akankwumoto' came to denote the idea of justice in traditional Igbo sensibility. It is thus by implication that 'Ikpenkwumoto' also became an explanation for a just judgment emanating from a just and straightforward man.

Sequel to this, Nzomiwu (1999:41) goes further to observe that as the history of the Igbo people progressed, the words ‘akankwumoto’ and ‘ikpenkwumoto’ gathered a metaphorical and a more comprehensive meaning. According to this development, justice becomes any action that conforms to the omenala (tradition). Justice, thus becomes conformity with the requirements of the custom and tradition. A man who keeps the injunctions of Omenala which contains the duties of a citizen in all its ramifications is regarded as a just man. In the same vein, the word ‘ikpenkwumoto’ became a judgment that conforms to the tradition (omenala). Therefore, any judgment that is not consistent with the Omenala is not constitutional and as such null and void. Such a judgment cannot be binding on any party. It somewhat violates what the English law would call the principle of ‘stare decisis’ and it is bound to be unjust (mmegbu) which condition aims at or attempts to deprive one of his life or entitlements.

Besides, the Igbo sense of justice is quite condensed in Igbo oral tradition. Illustrations from two of the sources of this tradition may be helpful. Thus, justice is expressed in Igbo proverbs and names. Example: among the Igbo people, the use of proverbs in the communication of ideas is very invaluable. A proverb for them is a figure of speech in which many lofty ideas and philosophy are concealed and congealed. For the Igbos, proverbs constitute the spice or salt of human communication (nnu e ji eri okwu). Certainly, the Igbo understanding of justice in all its ramifications is well expressed in various proverbs. Firstly, there is a group of proverbs that emphasize the Igbo social philosophy of live-and-let-live, harmony, peaceful co-existence, and consideration for the needs of others. Examples of these proverbs include ‘Egbe bere ugo bere nke si ibe ya ebela nku

kwapu ya' (let the kite perch and let the eagle perch also, whichever denies the other its perching right, let its wings break off), Obiara be onye abiagbula ya, O ga-ana mkpumkpu apuna ya (The guest should not harm the host and while going home the host should see that he goes home peacefully, or literally, 'may the peaceful visitor go home without a hunchback'), Okeleku amana uma taka akpa dibia ma dibia amana uma bu okelekwu onu (let the rat not eat furrows into the native doctor's bag but let the native doctor not curse the rat for mere flimsy reasons), Onye anwuna ma ibe ya efuna (let nobody die nor let his neighbour get lost), Onye ilo m diri ma m diri (let my enemy live and let me also live), Iwe nwanne na-ewe adighi eru n'okpukpu (the anger against a brother does not penetrate down to the bone), etc.

There is also the second group of proverbs that emphasize justice as co-responsibility within the community. Some instance can be quite illustrative: Ofu mkpulu aka luta mmanu o zue ndi ozo onu (when one finger gets soaked with palm oil, it quickly spreads to other fingers). This explains the social or corporate dimension of justice or injustice among the Igbo. Other proverbs under this group includes Aka nri kwoo aka ekpe aka ekpe akwoo aka nri (let the right hand wash the left hand and let the left hand wash the right hand, that both may be clean), Onye ji akwu toolu nchi na nchi adighi ali enu (whoever has palm nut let him drop some to grass-cutter because it does not climb). The implication is that among the Igbo, justice includes help to the needy and obligation to help the poor, the lowly and the helpless members of the society. Also among the proverbs that emphasize the value of cooperation and community life in matters of common good is the one: Anyukoo mamiri onu ogboo ufufu (much foam would be made if many people urinate into a place together). More so, some proverbs describe Igbo sense of justice as equality of

opportunity, metaphysical equality of all human beings, and justice as fairness especially within the context of a community. *Ya bara onye bara onye* (let the advantages or opportunity be equally shared) and *Isi ntutu a karo ibe ya* (no individual human being is greater than the other) are examples of such proverbs.

Furthermore, some group of proverbs stress the idea of penal and retributive justice for those who are opposed to the community goal or attempt to trample on other people's rights. Such proverbs include *Isi kote ebu ebu ogbagbue ya* (if anybody attracts the bee, the bee will sting him to death), *Ochu nwa okuku nwe ada* (he who pursues the cock or the hen is the one to fall), *Onye si anyi adina, ya bulu okuku uzo naba ura* (may he who wishes us death experience it prematurely), *Onye si ala adina mma, ya doo ya n'azu* (let him who glories in sowing seeds of discord in the community not live to see order and harmony restored), *Okpa nsi na okpa aja, aka nsi na aka aja ba ya onu* (may he taste poison who seeks to poison others or may the perpetrator of injustice and disharmony be a victim of his very action), *Okuku bere na ngige, ngige egwn okuku egwu* (whenever a cock perches on a rope tied to two ends, both the cock and the rope will be dancing), *Oji anyi amu ije ga-agho ngworo* (let him be a cripple who uses us for a walking stick), etc.

Finally, some proverbs assert the need for individual's rights in spite of the community consciousness of the Igbo. *E kechaa n'obi eke na mkpuke* (after sharing on the basis of extended family, there will be sharing on the basis of nuclear family), *Nke m bu nke m, nke anyi bu nke anyi* (my own is my own, our own is our own), *Olu onye dokwa ya ndu* (let one's occupation provide for one's old age), *Nke onye diri ya* (let each man enjoy his right), *Nriko na nkeko egbunam* (may I not die for living community life) are some instances of those proverbs that emphasize the

respect for individual rights and entitlements. Yet another form of Igbo orator that conveys the Igbo conception of justice is found in the various names the Igbo give to their children. Unlike in some Euro-American cultures where importance is not so much attached to names for which Shakespeare asks the question: "What's in a name"? Names are quite meaningful and symbolic in Igbo enclave. The Igbo man regards his name not as a mere label, but as a distinct part of his personality. For the Igbos, to know a person fully is to know his name. More still, in Igbo worldview, names reveal sentiments, aspirations and hopes. They are the most accurate and succinct records of the Igbo people's beliefs, socio-ethical concepts and culture. Names portray the virtues the Igbo admire and the vices they detest. Above all, names sum up the features of the things to which they are attached. In line with the above mindset, some Igbo names express the concept of justice. It goes without saying that among the people, justice is symbolized with the word *Ofo*. Therefore, all Igbo names that have the word *ofo* as a suffix or prefix have one thing or the other to refer to or demonstrate about justice. A good number of these names show the importance, necessity, effectiveness and superiority of the virtue of justice over other virtues. *Ofoka* (justice is greater or superior), *Ofodile* (justice does not kill), *Ofoma* (justice knows) are some examples of such Igbo names. Besides, some Igbo names express the Igbo contempt of and antipathy to certain practices or attitudes that smack of injustice.

Nzomiwu (1999) observes two Igbo names that show scorn for unjust tendencies and thus warn the Igbo community of the danger of acting in accordance with such unjust attitudes. The first name is *Aboka* which full expression is 'Aboka Ife Atunye Isi' meaning that 'revenge will kill or undo one'. In other words,

by that name, the Igbo emphasize that retaliation and vindictiveness are not part of their understanding of justice. Hence, the idea of justice as reconciliation and forgiveness are extolled. Secondly, the name 'Ikpeamaeze' which literally means 'The King is never guilty' is quite illustrative of the Igbo rejection of injustice as violation of the principle of rule of law. A part of the meaning of rule of law is that every citizen is under the law and that nobody is above it. All are subjected to the ordinary laws of the land as interpreted by the ordinary courts. Thus, by giving the name 'Ikpeamaeze', the Igbo social political order far from glorying in that state of affair expresses its disapproval for it. Also, the Igbo traditional religious sensibility is also replete with the Igbo conception of justice. Some theophoric names the Igbos take bear this out. Chukwuma (God knows), Chukwumanjo (God knows which is sinful or wicked), Chukwumaobi (God knows the secrets of the hearts), Chukwuobo (Revenge is God's), Chukwugboo (May God Settle), Chukwunagbako (God keeps record of all things), Chukwunweugwo (To reward belongs to God), Chukwunagolum (God testifies to my innocence) are some instances of such names. The Igbo therefore believe in the retributive justice of God whose actions are identified with justice and equity. He is 'Chukwujiofo' (God holds justice and equity). For the Igbos, God often dispenses this justice through the deities especially Ala (Earth Goddess), Ancestral spirits, masquerades, and man. Even as Igbo sense of justice is also conveyed via the folklores, folksongs, rituals and mythologies, let the above discussions suffice for the theoretical consideration of the justice system.

### **An application of Igbo concept of justice in the settlement of land disputes**

It is not for nothing that the Igbo concept of justice is expressed in the term ‘akankwumoto’ which is derived from the ambience of land distribution. The Igbos has their main occupation as farming and agriculture and as such has an unprecedented attachment to land. In addition to this, one’s land is almost an absolutely inalienable property. Until recently, lands were communal property which could be partitioned to individuals for settlement and farming purposes. At the event of boundary dispute or trespass, the Igbo sense of justice is brought to bear by way of traditional history and adjudicated over by the council of elders. In the olden days when the use of block fence was not yet made, boundaries were affected by the use of some resilient trees such as ‘ebenebe’ and ‘ogirishi’ which can survive the adverse effects of changing weathers. In land disputes, what is therefore just is identified with the goodness of the title and correspondence with boundary.

### **Oath-taking as a practical approach to justice among the Igbos**

It cannot be overstated that oath-taking is an acceptable practice and a common feature of customary law resolution of dispute in Africa generally and in the Igbo land in particular. In spite of western influences, oath-taking has survived as a legitimate judicial method which the Igbos believes as one of the assured ways of obtaining absolute justice. Okogeri (2006:174) observes that oath-taking is an integral part of the Igbo custom by which the guilty and the innocent with regard to a dispute are exposed in view of maintenance of social equilibrium and cohesion. Okafor (1992:72) also notes that oath-taking or swearing to a tutelary deity is usually called for in a protracted case where the intricacies of the matter makes it difficult to discern who is right

or wrong in a case. Oath-taking is a direct submission to the supernatural tribunal for settlement of disputes and whose verdict is final. Man plays little or no part. Sometimes this appeal to the supernatural is made when human efforts fail or when no confidence is reposed on the human panel. This is practiced in serious cases like murder, witchcraft and in land matters. Okafor goes further to describe the procedure as a legitimate legal action, the injured party may ask the accused to swear on tutelary deity of his (the injured) choice to prove his innocence. On the other hand, the accused may opt to swear on any powerful 'Alusi' in order to free himself from the accusation. If the plaintiff accepts the accused's offer to swear, he is bound to regard the dispute as closed and to wait for the supernatural judgment. The perjurer may die as the result or he may suffer grave misfortune or illness. The more dreadful consequence is that the perjurer's family and sometimes, the entire village may suffer from some obscure illness which may put the lineage in danger of complete extinction.

## **Conclusion**

Sequel to this research, the paper has been able to identify the concept and practices of the Igbo sense of justice. It is discovered that the Igbo have a very rich notion of justice which is embodied in Igbo reconciliatory, communal, social and religious cultures. However, this Igbo idea of justice is primordially anchored on a traditional worldview that is fast undergoing rapid transformation due to contact with western culture. The researchers therefore call for a reinvention of our Igbo justice system as it is a viable means of bringing back a peaceful society in our nation Nigeria. More so, it gives way to an egalitarian society where the conscience of

human beings are still alive and active, hence shunning every action that is liable of bringing disunity and disharmony in the society.

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