

**Incidents of European legal intervention and their effects on extant Igbo laws: A study of Chinua Achebe's *Things fall apart* and *Arrow of God***

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***Abstract***

*The coming of the Europeans to Igbo society introduced new and foreign/strange ways of handling issues in the society. One among the foreign/strange practices is the European legal intervention. In these Achebe's prose texts *Things Fall Apart* and *Arrow of God*, the protagonists, Okonkwo and Ezeulu who, in their communities, were in positions of power as well as the custodians of Igbo culture in their various capacities fell victim of these foreign/strange legal practices. Their victimization, in effect, destroyed the very string that held parts of the core of their socio-cultural and political heritage. The new order deeply injured the organizational/managerial socio-cultural structures of the revered principles of leadership, cultural values and norms in Igbo society; and things never remained the same again. The aim of this paper is to expose the extent of the foreign influences and the ensued cultural conflict and trauma that emanated as a result of the insensitive imposition of European legal system on Igbo society with its utter disregard to the Igbo extant laws and ideals as depicted in the two novels under study.*

**Keywords:** *Legal intervention, cultural values, cultural conflict, Igbo norms and ideals*

## **Introduction**

Pre-colonial Igbo society provided crucial contextual background of the setting of the two novels under study; *Things fall apart* and *Arrow of God*. In these novels, Chinua Achebe tries to recapture the incidents that marked the historical intrusion of Britons in the hypothetical Igbo societies of Umuofia and Umuaro, and the consequent issues emanating from the conflicting values and ideals as a result of the two different cultures in contact. The conflict is significantly embodied in the two central characters of Okonkwo in *Things fall apart* and Ezeulu in *Arrow of God*. The incidents are laced with unchecked attitude of superiority complex, ignorance of how the system was run, unwarranted and unguarded arrogance by the British controlled government and complicated by their half trained native workers. These resulted to regrettable colossal damages of dismantling and the eventual destruction of traditional Igbo values and ideals particularly as they relate to their laws. Achebe's preoccupation with recreating, documenting and preserving the impact of the encounter the Igbo had with Britain in the two novels aptly illuminates the pre-colonial and colonial Igbo socio-cultural and legal institutions. This paper establishes that Igbo people had existing laws that guided their day to day activities prior to the intervention of the colonialist as depicted in the two novels under study and how these laws were gradually destroyed and the effects such destruction had on, not only the Igbo people, but the world at large.

## **The pre-colonial Igbo life pattern and its legal system**

Before the invasion of the colonialist, Igbo people had their traditional life patterns and legal system. Their lives were basically governed by seasons and superintended by the leaders comprising the elders (*ndichie*), and men of notable achievements. The judicial matters can also be handled by other institutions such as the age grade society, the *Dibia fraternity*, societies of titled fellows, village elders and *the okonko or manwu society*” (Okafor 7). The responsibility of these prominent people and institutions was to uphold and maintain the customs, ideals and laws of the community, while the Chief Priests and Priestesses mediate between the people and their deities especially in matters which are considered beyond the capabilities of ordinary judicial handling as we can see later where *Egwugwu* (the ancestral spirit) was involved to resolve a marriage dispute in *Things Fall Apart*.

Igbo laws, though unwritten, have their peculiarities relating to the people’s ideals and legal rights and were carefully and consciously instituted to guide their day-to-day activities. Okafor (v) noted:

that the traditional Igbo republics had their own peculiar ideas of law and legal rights, for none of them existed outside the pale law. Their legal system consisted of a set of norms which slowly crystalized from their time-honoured usages and institutions and those which were consciously enacted.

Okafor goes on to state that Igbo people provided their traditional environment with cohesion and social control. They also

instituted traditional machinery for ‘enforcing’ the law, together with the legislative and judicial processes which may appear absurd, ridiculous and anachronistic unless their philosophical foundation is understood. The laws are never rigid but often logically scrutinized and probed by the leaders to test their relevance and currency. In line with this, Oraegbunam posits that “... it is not only new laws that are made to meet the demands of changing socio-economic situations, but also old laws are subject to amendment or outright abrogation and repeal if they have outlived their usefulness” (11). Consequently, the people often make communal effort to ensure that their laws are people oriented, democratic and fluid as they are targeted at regulating people’s behaviour for the benefit of all involved. An incident can be cited in *Things Fall Apart* which portrays the Igbo fluidity and non-rigidity with their customs and norms and their readiness to restructure them when they are perceived to complicate matters other than solve them. In the referred occasion, for instance, the elders recall the evolution of the present traditions from the past when Okonkwo breaks the week of peace. Ezeudu, the oldest in the village, recalls that the punishment for breaking the peace of *Ani* had become very mild in their clan. In his words:

It has not always been so, ‘he said’. My father told me that he had been told that in the past that a man who broke the peace was dragged on the ground through the village until he died. But after a while the custom was stopped because it spoilt the peace which it was meant to preserve (TAT 24),

In judging cases, the Igbo people instituted the tradition of democracy through dialogue and general consensus where everyone has a say including the suspect. An online source affirms that:

the Igbo indigenous justice system is process oriented, victim centered and humane and it applies persuasive and re-integrative principles in adjudicating justice. A major component of the Igbo indigenous justice system is that it is participatory and decisions are reached through consensus”  
(<https://www.jstor.org>)

A typical incident is a law case in *Things Fall Apart* where nine Egwugwu (the ancestral spirit), representing the nine villages of Umuofia judged a marriage dispute which gives credence to the fact that Igbo society is not “formidably monolithic” (David Carrol, 34). Two different accounts of the dispute between Uzowulu, the husband of Mgbafo and Odukwe and his brother (Mgbafo’s brothers) are presented by Uzowulu and by the wife’s brothers respectively. Mgbafo’s husband blames the interference of the wife’s family while Odukwe blames the in-law for always battering his sister. This dialectic situation is a regular occurrence within the tribe and the way the case is amicably adjudicated eventually by the communally constituted authority in their display of social/legal control is significant: After the normal ritual of going into the egwugwu house for consultation among themselves which resulted to a consensus, they emerged to render judgment. The lead masquerade, Evil forest, Ajo *ofia*, who administers justice in the

clan, observes the ritual exchanges and spoke on behalf of the rest. He talked first, to the husband, Uzowulu: “Go to your in-law with a pot of wine and beg your wife to return to you. It is not bravery when a man fights with a woman”. He turns to Odukwe, the wife’s brother, “... If your in-law brings wine to you, let your sister go with him...” (The African Trilogy ‘TAT’ 66).

In the settlement process, David Carroll observed that:

.... Opposing claims are juxtaposed, and then Evil forest uses his authority to reconcile the disputes as painlessly as possible. The peace and continuances of the tribe are the only criteria and these allow considerable freedom in dealing with internal dissention.... Far from being the embodiment of unchanging laws, the impressive ritual is at the service of the personal idiosyncrasies of the villagers (36).

Relatedly is another instance in *Arrow of God* were the case between Akueke and her husband, Ibe, whose marital disputes are resolved through dialogue between the two family members. Similarly, before Akukalia and two others embarked on the ill-fated Okperi diplomatic mission that claimed Akukalia’s life, men of Umuaro seriously deliberated on the pros and cons of the mission. Though there were divergent opinions in the process, the supporters of the mission who are more in number had their way. Igbo people rely so much on numerical strength and adopt it in both communal matters and dispute resolution which reflects in the Igbo name *Igwebụike* (There is power in number). Also, the majority had their way when Oforka told Ezeulu that Umuaro

made a collective mistake by not accepting his counsel against the trip to Okperi. Igbo belief in numerical strength is obvious in another event in *Arrow of God* when Ezeulu tried to compare the confrontation between him and Umuaro to the opposition his father encountered when he moved to stop facial marks or *ichi* in Umuaro. A reference is made to numerical strength when Obika beat up his in-law and tied him under a ripe *ukwa* tree to be crushed. He was exonerated for such life-threatening act by one of Ibe's kinsmen who says:

| Why do we pray to Ulu and to our ancestors to increase our number if not for this thing? No one eats numbers. But if we are many nobody will dare molest us, and our daughters will hold their heads up in their husbands' houses (TAT 301).

Notably, no society exists and progresses in the absence of a system of cohesion, law and social order and Igbo traditional society is no exception. Umuofia and Umuaro societies are very ordered ones starting from the family level to the highest level of authority, the Oracle/Deity, to the Supreme Being, Chukwu (God). In *Things fall apart*, Achebe clearly

paints a vivid picture of Igbo society at the end of nineteenth century.... Here is a clan full of vigour in its tradi-religious way of life, .... Through rituals the life of the community and the life of the individual are

merged unto significance and order (Carroll 30).

At the family level, power is distributed and everyone knows his/her place. For instance, the father is always the head followed by the grown-up sons, the wives, and then the children. The wives are led by the senior wife as depicted in the event when Okonkwo went to seek a favour from one of the elders of the clan, Nwakibie. Okonkwo brings some kegs of wine as a mark of respect. The youngest of the Nwakibie's sons, without prompting, started pouring and distributing the wine "beginning with the eldest man" (The African Trilogy 16) because, in Umuofia, "age is revered" ... (TAT) based on the belief that the elders, by the virtue of their age, are very close to the ancestors. This scenario explicates it better:

Nwakibie then sent for his wives "when everyone had drunk two or three horns". 'Is Anasi not in?' he asked them. They said she was coming. Anasi was the senior wife and the others could not drink before her, and so they waited (16).

At the larger society, after the Oracle, the egwugwu cult, as the ancestral spirit, occupies the apex position in the human realm followed by the elders, *ndichie*, and the ranks of achievers in the society, then the men, the umu ada (daughters married outside a clan and those yet to get married), the age grade association, the women (women married into a clan) and the children, in that order. With this order systematically installed, maintaining law and social order in the clan is almost seamless.

### **The Igbo traditional versus colonisers' legal systems**

Basically, Igbo traditional life pattern is governed by some sort of quadripartite law system. They, in essence, recognise the inter-relationship between positive law (Human made laws), natural law (laws evident in nature), divine law and moral law (equally found in Igbo traditional thinking). The laws are so interconnected that “a breach of positive law offends not only human beings, living or dead, but God (Chi-Ukwu) as well. Therefore, the trial of the case may begin in a human court (say, *Umunna*), and end up finally in a judicial forum provided by the traditional religion in the form of oath-taking” (Okafor v). These laws stand against all acts considered abominable and seen as against the Mother earth (Earth goddess) which “represents the totality of nature and to violate its law is to breach the natural law” (Oraegbunam 9). However, a distinction is often made between natural law and human made laws. The natural laws include laws against suicide, murder, abortion, homicide, inhuman treatment and the likes and their principles are believed to be ‘absolute, impartial though capricious, incorruptible and never bound by space and time (Okafor). Going against these laws attracts severe punishment and/or as dictated by the Oracles which possess supernatural powers. While citing Green, Oraegbunam points out that “legal rules are of two main classes and recognized as such. There are those which might be called ordinary human laws and those whose breach is held to be not only illegal but also an offence against a supernatural power, and particularly against ‘Ala’” (8).

In line with the extant laws on, for instance, an incident of murder, it stipulates and compels the offender to embark on

seven-year exile: Okonkwo has to flee his father's land with his family when he kills a clansman. In *Arrow of God*, Aneto is already observing the compulsory seven-year exile in Aninta after the death of his clansman who sustains severe wounds during a fight between them over a land. "It was a crime against the Earth goddess to kill a clansman" (TAT 87), not minding that in the two murder cases, they are inadvertently committed. "It was the justice of the Earth goddess" (TAT 87) and therefore must be obeyed to appease the Earth. Committing suicide is equally an abomination, "an offence against the Earth and a man who commits it will not be buried by his clansmen. His body is evil, and only strangers may touch it" (TAT 145). That is exactly how Okonkwo's body is handled when he hangs himself. Human made laws, on the other hand, are laws that are socio-politically and economically related. Some of the laws "relate to political issues especially to govern the political and diplomatic relationship between one village or town and another" (Oraegbunam 11).

Conversely, the Briton's legal system is more or less unilateral and led by the Queen whose words are absolute and who, in *Arrow of God*, Captain Winterbottom, the District Commissioner, represents. In Igbo land, only Chukwu, the supreme God and the deities possess ultimate authority, otherwise every issue is subjected to dialogue. Unlike the Igbo, the coloniser is noted for his show of hard power in cases of murder and dispute resolution. This type of power is first experienced in Abame, a neighboring community to Umuofia. Admittedly, Abame people acted wrongly in killing the missionary, Mr. Macdonald, though in defense, one would say, and more

disappointingly as Mr. Macdonald does not utter a word in defence before he was killed. One may, however, tend to reconsider and exonerate Abame's elders' resolution to kill the strange looking man because the killing is done in adherence to oracular revelation that "the strange looking-man would break their clan and spread destruction among them" (TAT 97). In order to prevent the revealed destruction, the elders, through dialogue decided to kill the white man in defence that seems a precautionary measure. In reaction to the 'irrational' killing of the white man by Abame people, Okonkwo's uncle, Uchendu, admonished; "Never kill a man who says nothing. Those men of Abame were fools. What did they know about the man? (TAT 98).

Surprisingly, the reaction of the coloniser to the above incident was to the extreme and very brutal: The show of hard power over the natives is overbearing: "They surrounded the market ... And began to shoot. Everybody was killed, except the old and the sick who were at home and a handful of men and women whose *chi* were wide awake and brought them out of the market" (TAT 98). This is a high level of brutality from a people who claim to bring civilization to the natives they described as uncivilized, backward and barbaric. The case is referred to neither any court of law nor any enquiries made to find out from the elders of Abame the reason for the killing of the missionary. Their action, through deeper violence and blood feud, does not render them the civility they claim to inject into the community. Their response to the incident could be likened to using a sledge hammer to kill a fly that perched on one's food. When a similar incident happened in *Things Fall Apart*: Udo's wife from

Umuofia was killed by their enemies. An emissary in the person of Okonkwo is chosen by the elders of Umuofia to their enemies with the option of war or giving up a young man and a virgin to atone for the murder of Udo's wife (TAT 21). Umuaro in *Arrow of God* equally sends emissary to Okperi in the persons of Akukalia and two others "to place the choice of war or peace before them" over a land dispute between the two communities (TAT 307). Both Umuofia and Umuaro never resort to show of brute power as the Britons did in the case of Abame and Mr. Macdonald even when Umuofia and Umuaro are dreaded by their enemies for their prowess in war. They chose dialogue over brutality.

Another incident of show of power by the colonisers over a land dispute between Aneto and Nnama's family is seen in *Things fall apart* when "the white man's court has decided that it should belong to Nnama's family, who had given much money to the white man's messenger and interpreters" (TAT 124). Here lays bare the nefarious activities of the white man's court messengers, the police, the stewards and interpreters who are obviously half educated and lacked requisite training to handle such important offices they hold as they try to display blatant powers like their masters. The situation equally creates opportunities for bribery, corruption, intimidation and extortion by their workers against their fellow natives. A typical example could be seen when the coloniser's messengers arrive Ezeulu's compound to arrange for his meeting with the District Commissioner. The messenger tells Ezeulu that "If you do me well, I shall arrange for you to see him tomorrow" (TAT 425). Chinua Achebe in *Arrow of God* (TAT 345) laments the

development of creation of “mushroom kings”, albeit illegally, by the British administration among the Igbo who (sic) “abominated kings!” thereby introducing and instituting illegalities that birthed corruption and confusion in the society. Under their watch, James Ikedi in *Arrow of God*, for instance, grossly abuses his office as Warrant Chief of Okperi:

Within three months of his receiving his warrant, ... He had set an illegal court and a private prison. He took any woman who caught his fancy without paying the customary bride price... Ikedi goes on to get his people to make himself an *obi* or king, so that he was now called His Highness Ikedi the first, Obi of Okperi (TAT 344-345).

The Igbo indigenous justice system views legal offence, basically, as victimisation of an individual, groups of individuals, and as communal victimisation and its social order. The communal victimisation aptly plays out in *Things fall Apart* when one of the zealous Christian converts in Mbanta killed a sacred python, the emanation of the god of water. When the rumour of the killing spread beyond the Church community, the elders of Mbanta assembled and came to the conclusion to ostracise the men, in the bid to exonerate themselves from any calamity that might befall anybody as a result, saying: “We would then not be held accountable for their abomination” (TAT 112).

The above approach is clearly different from that of the British legal system which views the state as the primary victim and only victim of crime in court cases. Unlike the British justice

system, the Igbo social justice system views victims of crime as participants in the quest for justice, “empowering them to be part of the process of justice and restoration, as opposed to categorizing them as bystanders, silent observers, or witnesses open for interrogation in the “justice’ process” (Learn.saylor.org). Consequently, during the colonization period, Igbo people lost their properties and justice is thwarted as evidenced in the two novels under study: *The Aneto* versus *Nnama’s* family land dispute is a case in hand: The coloniser, in deliberate ignorance of the extant Igbo laws and glaring attitude of superiority and arrogance decided to believe that non-existence of central authority translates to no authority at all which they believe could lead to chaos by taking the law into one’s own hand. The colonial masters’ legal system coupled with their interpreters’ corrupt practices, is unable to discover the rightful owners of the disputed lands between two families in Umuofia. In a sorrowful lamentation over the bad situation, Okonkwo asks Obierika if the white man understands their custom about land. “How can he when he does not speak our tongue,” Obierika answers (TAT 124).

The white man’s approach to settling issues drastically contradicts the traditional Igbo approach especially over land disputes where the kinsmen, elders, egwugwu cult are involved: When the dispute, among the communities defies all known human strategies, the Oracle is consulted as the spiritual authority. The white man’s law is not only strange to the natives but contradicts any of their known way of life. The utter disregard to the age of the elders and what they represent in the community is very critical in the destruction of the socio-cultural and legal

structures of Igbo society. The humiliating incidents that led to the imprisonment of Okonkwo and other six elders of Umuofia in *Things fall apart* and that of Ezeulu in *Arrow of God* are very apt. (TFA 136). Ezeulu, in particular, was deceived into imprisonment. Captain Winterbotom disregarded his status and office as the mouthpiece of the Ulu even as he explained to white man's Court Messenger and his companion that in line with the office he holds, "...Ezeulu does not leave his hut" (425). However, it is decided, and in deference to the White man who Ezeulu sees as his friend, that his son, Edogo, will represent Ezeulu, an offer the Court Messenger, disregards and like his master, arrogantly turns down.

The failure to study and understand these diverse Igbo legal structures made the colonial master to erroneously conclude that Igbo society was not 'civilized' because of their assumption of nonexistence of a centralized structure, thus they introduced, albeit forcefully and brutally, their own government. With the exception of Mr. Brown, one of the early missionaries that arrived Umuofia and who endeared himself to the elders of the clan due to his method of accommodation and treading softly on his faith, his successors are, regrettably less careful. Mr. Brown makes effort to understand the religion of the clan. In fact, he "was very firm in restraining his flock from provoking the wrath of the clan" (TAT127). Akunna, for instance, never became his convert but they struck friendship and often spend hours together as they exchange knowledge and learn more about their different faiths. Mr. Brown's approach would have had a different result had he continued. Unfortunately, he was struck down by ill health and Mr. Clark took over his office.

## Conclusion

The two Achebe's works, *Things fall apart* and *Arrow of God*, delineate Igbo traumatic experiences of colonialism and by extension, that of Nigeria as a country. Unlike the Britons, Igbo people never developed any kind of central authority; they rather practised a flexible pluralist system. They are also known for their tolerance and openness and the internal democratic structure where everyone concerned has a say. Carroll observed that in Igbo governmental structure:

the flexibility is seen not only in the absence of central authority, the rejection of absolute laws and the fluidity of village grouping. It is manifest in all areas of Igbo life. At the other end of the spectrum from organization of society is the life of self, and here too the reciprocal bargaining between competing claims is apparent (38).

The colonial authority figures' inability to study and understand the philosophical background as well as the structures of governance of the extant legal system in pre-colonial Igbo society led to so many avoidable injustices against the natives and the eventual destruction of the people's norms and ideals which, if better handled could have enriched and added to global legal asset. Their lack of foresight to understand that gaining the trust of the followership and not calculated misconceptions, misperceptions and undermining of the native laws metamorphosed into the hallmarks of the cultural clash that emanated.

The height of the British government's insensitivity to what the Igbo understood as natural law through some of their activities like the use of bare force, intimidation, and oppression meted on the native people were quite unnecessary and most unfortunate. Okonkwo and the six elders' imprisonment and the attendant incarceration in *Things fall Apart* and the humiliating imprisonment of Ezeulu in *Arrow of God* depict a stand against the global principle of natural law which promotes equity and good conscience. Noteworthy is the truism that "all humans have inherent rights conferred not by act of legislation but by God, nature or reason" (<https://en.m.wikipedia.org>). Though the British government established the customary court to take care of customary issues, they also expunged the traditional legal system which they believe are against the natural justice, equity and good conscience of British laws and rules thereby.

The established customary court by British government critically stands against the caution hinted by the Vatican 11 to Christian evangeliser when it stated that:

... caution must always be maintained in order to prevent the new mentality from disturbing the life of communities, from destroying the wisdom received from ancestors, or from placing in danger the character proper to each people (Vatican 11, *Gaudium et Spes*)

Similarly, Pope Pius XII in his Encyclical on Promoting Catholic Mission (June 2, 1951) advises that in the effort to introduce new ideas into new land, let no one destroy or extinguish whatever its people possess that is naturally good, just

or beautiful...”. (Emefiena, unpublished) The British government usurpation of power in Igbo society is analogous to the eventual loss of the Igbo traditional legal system and cultural identity and not only the Igbo society but the world at large lost a critical chunk of its heritage as a result. Igbo people had deep potentials. They had a lot to offer the world. Unfortunately, they were forcefully stifled and deeply suppressed by the legal structure put in place by the colonialist and things regrettably, never remained the same again in Igbo society.

More often than not, a malnourished child always experiences a malnourished future, a famous saying states. When people’s potentials are stifled, and crippled at the inception, the possibility of escaping unscathed may be low. The people might suffer some convulsive and unstable future as a result. Recovery, depending on the degree of damages done, might not be easily handled. Okafor made some suggestion towards adoption of legal system that is indigenous to Igbo people and by extension, to Nigeria as a nation and his clarion call on this issue is very apt: “The establishment of a new legal order in our land based on our indigenous philosophy of law but which of course is founded on a different legal philosophy as well as different cultural and historical matrices” (back cover page), other than just British law which contradicts Igbo philosophy. I suggest an admixture of the two legal systems with critical attention on the aspects that relate to the indigenous philosophy and abrogation of some aspects of foreign legal system that are detrimental to Igbo way of life. Chimamada Ngozi Adichie, in her introduction of the book *Africa the future of football*, on her Facebook audio generated reading on the performance of our national football team, Super Eagle

who the narration noted started playing football without shoes as she ended the write up with: “Imagine what we could do if we all had shoes in the beginning”. Imagine what Igbo land albeit Nigeria as a nation could have been with all her potentials intact, with her indigenous legal system all intact and without European intrusion.

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