

# **Criminology**

## **Doing Justice without the State: The Afikpo (Ehugbo) Nigeria Model**

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*Doing Justice without the State: The Afikpo (Ehugbo) Nigeria Model* (2006) is the work of Ogbonnaya Oko Elechi. He was born in Afikpo, Nigeria. He is a graduate of the Government Secondary School in Afikpo. He holds Bachelor's and Master's degrees from the University of Oslo in Norway. Additionally, he received his Philosophy Doctorate degree from Simon Fraser University in Canada. Currently, he is Professor in the Criminal Justice Department at Mississippi Valley State University. Prior to that, he was between 2007 and 2013 Associate Professor in the Justice Studies Department's Doctoral Program at Prairie View Agriculture and Mechanical University. Between 2000 and 2007, he was Assistant Professor in the Criminal Justice Department at the University of Wisconsin-Parkside. Elechi's writings on restorative justice, community policing and African indigenous justice systems have been extensively published in international journals and as book chapters and anthologies (Elechi provided biography, October 18, 2021).

### **Book Review**

Elechi in the book reviewed here provides a vivid historical framework on restorative justice. He segments the book into eight chapters and uses several research methods within the book, albeit he focuses mainly on exploratory methodology. He acknowledges that the book is derived from his doctoral dissertation as well as his experiences as an undergraduate at the University of Oslo. His interest in restorative justice came after listening to a criminology seminar by Professor Nils Christie. It made him come to the conclusion that restorative justice was very similar to that of his hometown Afikpo in Nigeria based on its traditional system for conflict resolution (Elechi, 2006).

Chapter 1 lays the groundwork of the book. First, a brief history of Nigeria is provided. Second, the objective of the study which is to examine the Afikpo indigenous system of conflict resolution is explored. Third, Elechi reviews what restorative justice is. He says that restorative justice seeks to provide a negotiation process for the victim, the offender, and the community. Restorative justice is more focused on the victims whereas the retributive justice system is focused on the offender and the state. Fourth, restorative justice is defined with a historical analysis of societies which used it as a form of conflict resolution. Fifth, acephalous societies without state systems and societies with state systems are compared. Advocates of restorative justice such as Beccaria are listed as being opposed to the European justice system of ancient times which focused on torture and capital punishment (Elechi, 2006).

Chapter 2 analyzes restorative justice's theoretical perspectives. First, Elechi cites different scholars' points of view on restorative justice. An example is Nils Christie, who is a lead researcher and advocate of restorative justice and claims that the victim, the offender, and the community are important stakeholders within a conflict. Second, various societies such as New Zealand's Maori, Native North American, as well as the African indigenous structures are shown to have incorporated restorative justice. Elechi highlights victims' rights as being highly privileged whereas the offender's punishment is secondary. Offenders are provided healing to assist them so that they do not repeat such behaviors. Third, state and social control agents view crime as a violation to the state and the victim of a crime is ignored. Fourth, the restorative justice model is an alternative to retributive and rehabilitative justice. Fifth, advocates of victims' rights support increasing rights to victims in the aftermath of a crime. Sixth, offenders under restorative justice are encouraged to acknowledge their wrongdoings as well as provide them a way for reintegration. Seventh, the community plays a crucial role in the process for restorative justice. This method gives a platform for the victim, offender, and their families and community to be partners of the process. Eighth, African philosophies of justice are clarified by focusing on religion, communal values, and spiritual communalism. The chapter concludes with the views of opponents of restorative justice who say that it cannot be beneficial in cases of violent criminal offenses and does not help towards the growth of the socioeconomic structures of society. Furthermore, other scholars suggest transformative justice as a way to look at the causes of crime (Elechi, 2006).

Chapter 3 examines African customary law. To start with, Elechi elucidates how customary law came with colonialism and the legal debate that followed. Next, he explores African customary laws and human rights. He reviews various ancient leaders such as King Hammurabi and kingdoms in Africa that focused on individual rights. Thereafter, he presents opposing views on human rights in precolonial Africa. To better illustrate that human rights were critically important in precolonial Africa, the sociopolitical organizations of the Ashanti in Ghana and of the Igbo in Nigeria are reviewed. Elechi concludes by discussing the sociohistorical component to human rights (Elechi, 2006).

Chapter 4 interrogates Nigeria's criminal justice system in postcolonial times. First, Elechi describes the flaws of the Nigerian criminal justice system because it is ineffective and corrupt. Second, a brief history of the Nigerian judicial system based on common law is provided. Third, corruption is noted as the major problem within the justice system. Various examples are presented to bring light to the corruption within the Nigerian police force which has been detrimental to victims and society. Elechi states that victims feel severely victimized by the police. Furthermore, the police officers lack legitimacy and accounts for their ineffectiveness and powerlessness are provided. Fourth, Elechi explains the postcolonial theories and the Dependency Theory to provide an understanding of why postcolonial states in Africa have failed. He goes on to give examples of how slavery, colonialism and neo-colonialism have been detrimental to Africa. The Dependency Theory is said to be the best in explaining the main cause of Africa's underdevelopment. Fifth, opponents to Dependency Theory are noted as maintaining that slavery and colonialism alone cannot be blamed for all of Africa's underdevelopment. Issues such as poverty, corruption and abuse of power by sociopolitical elites must be acknowledged as well. They posit that the sociopolitical elites have not worked hard enough to break the structures of dependency (Elechi, 2006).

Chapter 5 recounts the history of Afikpo town. It commences by providing an understanding of the inhabitants and the historical situations that brought about Afikpo town's conflict

resolution system. Thereafter, Elechi discusses how Afikpo's economic viability rests on being the administrative location of the local government and the second populous town in the newly established Ebonyi state. He also assesses Afikpo's strong farming culture and the availability of land to inhabitants who fish and farm. In addition, fishing is noted to be very important to the people of Afikpo and they make use of the rivers, lakes and streams all around them. Elechi then explores Afikpo's customary court from colonial times to the present. He ends by citing examples of customary court proceedings as indicating an alternative form of conflict resolution (Elechi, 2006).

Chapter 6 dissects indigenous institutions of conflict resolution in Afikpo. First, Elechi states that the indigenous institutions derived primarily from the families and external primary groupings. He indicates that the various methods to uphold justice are sought after throughout the community's indigenous institutions. Second, he reveals that the age-grade system is the most significant indigenous social and political institution in Afikpo. Third, other networks of which that community members are a part include the matrilineal groupings, patrilineal groupings (*Umunna* or *Umudi*) groupings, family groupings, the elders' ad-hoc tribunal, the Ogo cult, oath shrines, diviners and traditional courts, all of which provide a significant foundation for restorative justice (Elechi, 2006).

Chapter 7 investigates the role of Afikpo women in the traditional justice system. Elechi begins with a review of African literature on marriage and its effects on women. After that, he speaks about Afikpo marriage being usually a "parentship" among the married partners and their families. Second, polygamy is said to be welcomed only under the customary law; others are married under the ordinance law known as the Marriage Act. Third, Elechi analyzes other forms of marriage within Igbo society such as the levirate, widow inheritance, surrogate marriage, and the ghost marriage. Fourth, he illustrates how all the African institutions of marriage, family, and divorce affect women and infringe on their individual rights. Fifth, feminist theories are dissected. Sixth, Elechi goes on to look at how colonialism introduced patriarchal values primarily through Christianity which infringe more on women's rights. Seventh, he shows how African traditional systems such as polygamy, female circumcision, son-preference, and dowry-related violence violate women's rights. Eighth, an interview between an Afikpo elder woman and an educated woman is narrated. Even though a majority of Afikpo's conflict resolution institutions are run by men, women do not necessarily lose out as litigants. Women throughout Afikpo have found ways to resist cultural practices they deem to be very oppressive (Elechi, 2006).

Chapter 8 examines responding to the breach of customs or regulations and other offenses. First, Elechi points out that some conflict resolution institutions in Afikpo use mediation whereas others use mediation and adjudication. Second, he provides a list of prohibited offenses and their responses within Afikpo. Third, he presents examples from other African societies as they relate to their responses to violations such as murder, sorcery and magic, theft, adultery, and rape. Fourth, he highlights specific cases about victims and the offenders in Afikpo. Fifth, a close examination of victims and offenders under Afikpo's traditional court is done (Elechi, 2006).

Elechi concludes his book by looking at the challenges facing the indigenous system of conflict resolution in Afikpo. Most of the people interviewed by Elechi felt that Christian and Muslim communities, demographic changes and economic factors were the major challenges facing Afikpo. The economy which is primarily based on agriculture helps the strong community setting and also assists the strong conflict resolution model. The Afikpo indigenous conflict resolution model is victim-centered. The focus for justice has been on reparations for victims and

communities affected by offenders (Elechi, 2006).

The strength of the book is that several ethnographic research methods and archival techniques were used and well presented. Also, being an indigene of Afikpo provided Elechi with some personal insights of the contemporary accounts and history of the indigenous conflict resolution system there. The limitation on the book is that few women were interviewed compared to the many men that were interviewed.

### **Book's Greatness**

First, Simon Ottenberg, a leader in the field of Anthropology who did some anthropological work on Afikpo, in his Foreword in the book lauds the book as innovative. He states that Elechi thoroughly advocates for a local-level jurisprudence based on traditional values and experience. Additionally, he says that Elechi's familiarity to Afikpo makes the assessment more realistic (Elechi, 2006).

Second, the book has received 15 citations on Google Scholar as of August 1, 2021. Furthermore, a concentrated Google search on the same day yielded about 1,050 results in 0.62 seconds.

### **Conclusions and Recommendations**

To begin with, several conclusions can be drawn from the findings in the preceding sections. First, the discourse of the books reviewed is analytically, historically and theoretically grounded. Second, the author uses his professional expertise, country historic experiences along with extensive research to present the importance of the discipline of Criminology as it relates to Africa prior to colonial rule. He revisits the history of traditional indigenous customs and religions leading the way for the criminal justice system in Africa. Third, the author recounts how the subject of Criminology existed in Africa prior to colonization and was based on indigenous cultural, social and religious norms before the interference and control by Westerners. Fourth, the African country (i.e. Nigeria) specifically examined in the book had high forms of traditional indigenous judicial laws and customs which assisted the people to control crime. Thus, Nigeria was always highly able to administer judicial order whether it was through kings, local leaders, ethnic groups, the family units, or jurists. Additionally, the book demonstrated that the Nigeria has had a high level of legal practitioners who sought to lead for their people even when they had to deal with corrupt leaders and the lack of strong judicial institutions.

Also, the book demonstrates the importance of Nigerian leaders making it a priority to support and provide financing for the criminal justice institutions. These leaders must play a greater role in preventing corruption under the criminal justice system. In addition, the book shows the importance of improving the judicial system in Nigeria to better serve children, women and disabled minorities. New institutions should be developed in addition to improving the prisons' infrastructures while ensuring personnel in the judicial systems are paid adequately. Furthermore, the books assists students, educators and other professionals to gain a better understanding of indigenous, contemporary and holistic criminology in Africa.

## References

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