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TRACING THE ROOTS OF RESISTANCE, COLLECTIVE ACTION AND
SOLIDARITY AMONG IGBO WOMEN

by

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B.A., Southern Illinois University, 2022

A Thesis

Submitted in Partial Fulfillment of the Requirement for the
Master of Arts Degree

School of Anthropology, Political Science and Sociology
in the Graduate School
Southern Illinois University, Carbondale
December 2022

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THESIS APPROVAL

TRACING THE ROOTS OF RESISTANCE, COLLECTIVE ACTION
AND SOLIDARITY AMONG IGBO WOMEN

by

Sebastian Ukoh

A Thesis Submitted in Partial
Fulfillment of the Requirements
for the Degree of
Master of Arts
in the field of Anthropology

Approved by:

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AN ABSTRACT OF THE THESIS OF

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MAJOR PROFESSOR: Dr John McCall

Most societies have always achieved balance through some internal mechanisms.

Achieving that gender balance and drawing lines without letting what we may term the “stronger sex” domineer the “weaker sex” is not always easy. Among the Igbos of South-Eastern Nigeria, the women have always pressed home their demands without fear. We will be looking at how they have done so for more than a century especially at the onset of the British colonial enterprise. We will also look beyond these to discover how we can trace this “source” to the roots.

Not surprising, THE FEMALE LEGAL SYSTEM IS THE SOURCE FROM WHICH MOST FEMALE SOLIDARITY AND SUCCESSES CAME ABOUT. For a long time, the women have kept this legal structure away from the public. In this Thesis, we will be making an intellectual journey into the depth of this female legal system to fully understand why most of their decisions are watertight. We will be looking at this unique legal system in the light of legal and feminist anthropology. This enables it to fall into the right category and perspective. We will also be getting a perspective from the Traditional ruler of the community where this research was carried out. All these are meant to ignite some interest on this unique system and possibly spur intellectual pursuit of this female legal system and enrich our knowledge about it.

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DEDICATION

This work is dedicated to my mum Margaret and sisters, Uche and Ezinne.

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CHAPTER 1

THE STRUCTURE OF IGBO FEMALE SOCIAL ORGANIZATION

The myriad of cultures, worldviews and legal systems in Africa are much. The rich diversity and contrasts when studying the legal systems, make them very captivating. In most parts of Africa, the legal and social spheres inter-relate. In other words, restitution is a key factor in most dispute resolution verdicts. But this reconciliatory structure is not very prominent or detailed in the government-backed legal system. This is mainly because the government legal systems did not make sufficient effort in enculturating the traditional legal systems with the western styled court structure. This structure is based on allegation, prosecution, defense and verdict with the possibility of incarceration. This was entirely different from the way most legal systems were styled in most parts of the continent. Which is why most international organization including the United Nations, applaud some traditional legal structures like the Gacaca legal system in Rwanda, Eastern Africa. This Gacaca traditional legal system was used in resolving the backlog of war crimes that took place during the genocide that took place there in 1994. The combination of truth-telling and empowerment led to a sense of healing for many survivors (Clark, 2008, p. 316).

In that light, this thesis explores the legal, juridic and organizational role that women play in an Igbo society, especially in this present era. This important role has its roots in the legal system that is exclusively female and has been the bedrock of their influence, power and resilience in the society prior to colonialism and even the post-colonial era. By way of introduction, the Igbo ethnic group in West Africa number about 40 million people (www.theculturetrip.com) in what is now known as south eastern Nigeria. The advent of the industrial revolution saw the scramble and partitioning of Africa by Europeans in the Berlin

conference from 1884-1885. This effectively gave an imprimatur to the colonial enterprise and economy. Armed with the mandate from this conference, an effective colonization in Africa demanded a legal system to maintain control over a territory and resolve disputes within it (Joireman, 2001). Also, the colonizing powers in most places sought both to limit the cost of judicial administration and to extend jurisdiction over European settlers, agents and allies (Benton, 1999). The Igbo area came under British colonial administration from 1897 to 1960 and for a people without a history of monarchy or central leadership, the colonization was not a very smooth transition.

The Igbo practiced a system called “Participatory democracy” where they gathered at a particular place and deliberated extensively until a consensus was reached (Isichei, 1978). The idiom “Igbo enwe eze” refers to the fact that Igbos have no kings. The location of this political setting is usually referred to as the “village square” and we may even term it as their local parliament where everyone has a voice. It is directed by the older male members of the community and all are free to participate. It is an intellectual arena where use of idioms, proverbs and sophistry are exercised to its strength. On the home front, there were significant gender boundaries in Igbo society. The male and female genders maintain a balanced reciprocal system. So the female legal system represents a system that predates the British colonial era and persists till this day. This represents an example of the ideal balanced Igbo male/female relationship.

Specifically, this Thesis aims to illuminate the operational process and social effects of the Igbo female legal system by addressing the following questions: What was/is the nature of this legal system? How did it guarantee fairness to all the parties involved, in addition to the checks and balances in the system? How much has it evolved and adapted to changing times and seasons? The overall long-term aim of this research is to highlight the gender balance in a

traditional society and to look beyond the role of women as appendages to men rather than as equal partners in social justice and development.

This research relied on systematic/intensive interviews with some of the key people involved including judges, officials (both retired and currently active) in this legal system. Since Igboland is a gerontocratic society, the research questions involved five elderly and middle-aged women. The male elders led by the local chief were also interviewed so as to give some perspective to this legal system particularly to evaluate how gender-bound its verdicts are. As this is a research on the female legal system in Igboland, relevant literatures and perspectives on this issue were explored. The information collated were supplemented or complemented by digital photos and other electronic material that were useful toward this research.

This research entailed my travel back to Igboland, Nigeria for a period of six weeks for an ethnographic survey over the new year period of January to February 2021, where I carried out this scientific research with optimal use of time and resources. My Thesis will provide significant contribution towards understanding gender relationships in Igboland. It will also help us to understand better traditional gender-based dispute resolution among Igbo women in a local community. We will also be exploring how gender balance is vital in maintaining law and order in the society especially among the Igbos. No single gender should bear the burden of completely maintaining the legal balance in a given setting. Some inclusiveness and balance is necessary in such situations.

Scholarly Research on Igbo Cosmology

Some Igbo scholars hold that the traditional Igbo legal system is basically Anthropocentric. For instance, “everything seems to get its bearing and significance from the position, meaning and end of man” (Metuh, 1985, p.109). But it goes beyond just “Man” as a

generic term, to include the supernatural too. This forms the basis for the belief about the sanctity of life and how it is not just biological but also metaphysical. If Igbos hold that life is precious and sacred, then to whom is it sacred? It is both sacred to humanity and the divine, who gives and takes life. So life is cherished and lived-in appreciation. The Igbo esteem life, value it, celebrate it and do anything to protect it (Oraegbunam, 2010). The traditional Igbo worldview views life as a single unit where the political, legal, cultural, economic and moral aspects are seen a whole.

Also, most key thoughts and beliefs among the Igbos, are couched in idioms and proverbs. And so, it is often held that “idioms function as a natural reflection of customs, cultural beliefs, social conventions and norms”(Yagiz & Izadpanah, 2013). That is why the sense of fairness among the Igbos is codified in deep idioms which point to realities deeper than what they look like, on the surface level. It builds on the concept of reciprocity and equal measure. This concept of justice is a co-responsibility enshrined within the community and shows itself in oral traditions and idioms and proverbs. Through these various media, it is taught that though we may be different, we deserve to respect each other as much as we receive same. It is this sense of fairness that leads the Igbos giving equal due, respect and attention to both genders.

This intricate yet remarkable complexity has been the focus of some female Anthropologists who undertook a study of Igbo women. Margaret Green and Leith-Ross were contracted by the British colonial administration for this Anthropological study at the aftermath of the Aba women demonstration of 1929. They made some pertinent observations regarding the gender practices and ideologies among the Igbos. Margaret Green denoted Igbo women as “custodians of peace” because they toned down and reduced the aggressive and combative interpersonal relationships or fallouts that occur between men. She went further to say that even in

the Igbo medical worldview, therapeutic medicines are seen from the perspective of gender. Medicines with mild and cooling qualities are considered female and are an antidote for combative and aggressive male medicines (Green, 1967).

This view was also taken to the social sphere, where Green opined that Igbo men reacted by the spur of the moment or according to how situations turned out, contrary to that of Igbo women where negotiations, appeal and mediation were engaged. The men tended to be vocal, energetic and combative in their daily dealings whereas the women were more calm, malleable and amiable.

When a woman is displeased with her husband, she reacts, not aggressively, but by withholding his food from him. And when the women are collectively upset with the men, their technique of mass withdrawal until the men are brought to their knees strike one as a pacific retreat par excellence (Green, 1967).

The above summation is a clear manifestation of the collective power of women in Igboland and the root of it all, is traceable to their strong legal and judicial system which forms the bedrock of their collective fight and demand for equal rights and justice. Among the Yoruba women of southwestern Nigeria, they wielded what is termed “food power” in warfare. The provisioning of warriors was a collective project engaged by women who operated at the back of the war camps, rather than their individual wives (Sutton 1995). This fight for fairness makes more sense when it is juxtaposed with the quest for gender equality and demand among the Igbos. Our next point will be focused on how this equilibrium is maintained amidst the push and pull of male dominance and control.

Also, Leith-Ross noted that Igbo men respected the “legal space” that women had and stayed away from their affairs. This was based on the principle of equity . She goes further to say that “Igbo men consider women to have a greater sense of abstract justice and for this reason, women were free to hold meetings and resolve village conflicts (Leith-Ross, 1965). But Leith-

Ross saw the convergence of women in meetings from a surface level. These meetings were serious, and many legal deliberations, injunctions and penalties were meted out at such “female-only” gatherings. An outsider perspective may not really grasp the full impact of what takes place at such meetings. But a deeper Anthropological study reveals an intricate legal process which we will be reviewing in the pages ahead.

Igbo Female Symbols of Resistance

1. Omu or Tender Palm Frond

The yellow, tender palm frond is a sacred motif among the Igbo. It carries a weight of sanctity, innocence and caution wherever they are used or tied. It is usually tied at the entrance of shrines, disputed lands, sacred trees and around the homes of those who just died suddenly. The priests of some deities put fresh palm fronds on their lips as they perform sacred rituals to symbolize sacred silence and divine communication.

For Igbo women, their protests are accompanied by fresh palm fronds which symbolizes anger, unrest and agitation. During such demonstrations, the women carried sticks with leaves of young palms wrapped around them, meant to invoke the power of the ancestors (Bernhardt, Igbo women campaign for rights (The Women's War) in Nigeria, 1929. 2010).

2. War songs and mournful chants

When Igbo women wanted to pass on a message or voice out their grievance against “gender transgressions” or “oppressive powers”, they did so through songs, chants and rhythmic gyrations. The idiom “onuru ube nwanne, agbana oso” comes to play here. It means that the cry for help of a brother or sister demands speedy attention. In this case, when Igbo women are getting set to agitate, their songs and dance are seen by other women as an invitation to join in and fight collectively against what they see as “gender oppression” or overreach by the male

folk. Scholars like Danica Hunt are of the opinion that song plays an important role among African women and it accompanies most of their daily activities, ceremonies, events and even their agricultural seasons. The best singer is the song leader and also the work leader, mediating disputes and delegating tasks (Hunt 2022).

Gender Equality or Disparity Among the Igbos

The quest for gender equality is an age long concern, from Plato's dialectics on gender roles in an ideal society (Horowitz, 2010) to that of Karl Marx on the origins of gender inequality based on economic output (Little, 2020) to our present era where academics and thinkers engage in long drawn debates on the egalitarian nature or otherwise of genders. In Igbo tradition, women are traditionally the heart of the home, procurators and caretakers of the house, men control parts of the economy and support the family (Obioma, 2001). This binary view helps to explain the relationship between both genders. It is on the basis of the different roles of sexes that tradition assigns functions to each (Obasi, 2015). This builds on the idea of a distinct separation between men and women leading to the development of distinct but complementary market economies, legal systems and even agricultural roles. And at the core of this gender relationship is the female legal system of which very little is known about or written so far. This Thesis will attempt to elucidate the operational process and social effects of this unique system.

Cosmologically, the relationship between the male and female genders was built on an intricate belief where the earth goddess "Ala" or "mother earth" was seen as the beginning, sustenance and end of our earthly life. The Igbo society was premised on the overlapping units of power that prevented people from gaining absolute power and rupturing the social equilibrium (Brown, 2011). There were real and intentional checks against the concentration of absolute power which could lead to tyranny. Local titles and festive crowning were a means of allowing

rich and ambitious men, who might otherwise be a disruptive force, full admission in the constitution of their group (Perham, 1962). Also with more power by virtue of these exalted titles, came with the realization that one could be punished with demotion if it was misused. Therefore, accountability and responsibility were key to maintaining these titles and the respect that came with them, or one could slip down the ladder.

Traditional Igbo gender ideals were meant to maintain and perpetuate the reciprocal system between the two genders in all major domains of the society (Nzegwu, 1994). In the economic sphere, both genders grew their crops together, contributing to the general economic well-being and complementing each other. Men owned lands in most communities and so, it gave them an economic edge over the women. Couples farmed together with the men doing the arduous work of tilling the land while women planted. Women played their agrarian roles and believed that it was their responsibility to safeguard the fruits of the earth (Bastian, 2002).

On the domestic front, domestic duties are split between both genders. The males split firewood, butcher animals for cooking while the females made fire, cooked and served the meals (Jacob et al, 2015). Environmental clean-up exercises like clearing the pathways, cutting down of overgrown trees and so on were carried out by the men while the women complemented through meals served at the end of the exercise. No task is considered of more value than the other. The book, *Things fall apart* (Achebe, 1958), delves into the gender identity of Igbo deities and their agents. Here, the female goddess, Ani had a male priest Ezeani while the male oracle Agbala had a female priestess, Chielo. Also when Okonkwo (the protagonist in *Things Fall Apart*) engaged in domestic physical abuse during the sacred week of peace, he was required to offer sacrifices which were meant to purify the land from his abomination. This shows the gender role play among the Igbo deities and religion. Although Achebe's work did not highlight the female legal

system, due to its emphasis on other aspects of the Igbo worldview, this female legal system is key in understanding the sense of order and social organization in an Igbo society which was devoid of monarchy until the colonial administration came with the “indirect rule”. This indirect system of government or leadership by proxy, was used by the colonial administration in South Eastern Nigeria to superintend over Igboland which had no centralized authority.

According to a foremost Igbo scholar, Adiele Afigbo, “The colonial administration made it clear that the driving force behind judicial reforms being introduced into the Eastern province, was to bring it in line with the local government system which then existed in the northern province and was overwhelmingly successful” (Afigbo, 1967). This Thesis will examine the social effects of the female legal system cum its role in societal formation and stability.

Among the Igbos, the adult women (both married and unmarried) were referred to as *umuokpu*, meaning the “daughters of the community”. They met regularly for meetings and dialogue. Such meetings were geared towards the establishment and operations of just institutions and the protection of the dignity of women and men . For the Igbo woman, social justice evokes the images of equality, righting the wrong and even restitution. Their powers were felt in conflict management and reconciliation in virtually every aspect save for land matters. The sense of fairness, balance and complementarity between *both genders assist them in respecting gender boundaries even in legal matters*. Also, the sense of justice and fairness that the earth goddess- Ala- embodies helps in the dispensation of justice to all parties without being partial or prejudiced towards any party.

During these female meetings, there was freedom of expression within the guidelines for everyone. Every adult female attending the women’s meetings was entitled to speak on any or all of the issues presented for discussion as long as she has something to say that others considered

worth listening to. "Their major weapon was a collective boycott on domestic tasks and responsibilities" (Green, 1964,) Like all other ethnographic studies on the Igbo, Margaret Green did not study the structure of the female legal system in Igbo land, particularly the legal and operational processes. Her focus was more on life in rural Igbo communities and their relational procedures than the female legal system. This is one of the reasons why this Thesis is devoted to enunciating this unique legal system.

Methodology

The methodology that was used during this research is ethnographic in nature. It entailed both interview and participant observation. I devoted six weeks conducting these tasks. I established contacts with helped me conduct these tasks in the community of Owerre Ezukala in Anambra State in the southeastern Nigeria. The social contacts and intermediaries were briefed on my research questions, aims, gender sensitivity and what my field work entails. To assist me in gaining an in-depth knowledge of the structure and workings of this female legal system, I have been in touch with a college-educated, grade schoolteacher who is a nun and from the community where this research was conducted (Owerre Ezukala). She was my research assistant in view of the gender sensitivity of the women regarding their legal proceedings. She paid a visit to two or more of these meetings and obtained the required information from their legal sittings. This is because these female judicial proceedings are periodic about once in a month ,unless situations warrant an emergency convocation. I was communicating with the research assistant through emails, whatsapp and phone calls, until I arrived Nigeria to have a face-to-face meeting with her and compare notes on her observations. I also visited some of the female leaders of this legal system in their homes or where they found convenient and conducted more interviews with them, with a tape recorder and a writing pad.

I also required a male perspective on this issue and as such, met with the men starting from the local chief and other male elders in the society. I asked them about their perspective and thoughts on this female legal system and its impact in the community. My interview with the men was a bit more straightforward as we performed the Igbo ritual of breaking Kolanut (*Cola acuminata*) before any serious issue is discussed. This is because kolanut is held in high esteem and it signifies the beginning of every ceremony, as an object of communion between men and men, men and spirits; it stands for love, unity, honesty and stability of social structure (Chidume, 2014). It is also a sign of welcome and acceptance presented before any visitor or stranger. After that, we had a traditional prayers and libation, then we exchanged information. In Igbo culture, women do not “break kolanut”. It is an exclusive preserve of the men. So the offering and blessing of kolanut is dependent on the gender. I also listed those to be interviewed and paid visits to their homes or where they felt comfortable talking with me. I explained to them in very simple and clear terms what my research will be about and they were free with information regarding this legal system.

The location of this research (Owerre Ezukala) is prime because it is a community that is still steadfast in upholding most traditional Igbo beliefs and customs notwithstanding the many years of colonial rule and outside influence. The government courts work side by side with this traditional or alternate dispute resolution system. The people seem to prefer the traditional system as it is more straightforward, precise, and less prone to the bureaucracy of the government courts. The cost and requirements of this female legal system will also be investigated and compared with the existing government legal system. This research will also involve some legal insight from lawyers in the government courts on their impressions and thoughts regarding this female legal system. I will be looking at the structure of the legal system

in Africa as a whole before narrowing it down to the unique female legal system in Igboland.
This will give us some perspective and grip on the issues involved.

CHAPTER 2

WHEN MATRIARCHS STAND UP TO OPPRESSION

The traditional legal system in most of Africa is unique, complex, and highly developed. Nevertheless, it has effectively settled disputes before and even after colonialism. It is also valid to assert that no society exists without laid down rules, guidelines, and stipulations. These regulations define the outlook, deliberation, and interaction that the people have within units, groups, and the wider world. Anthropologists approach law from a comparative perspective and examine it in social contexts (Merry, 2001). In doing so, various terms tend to come into the lexicon when denoting this traditional legal system. These are informal law, indigenous law, customary law, or group legislation. In this case, we are referring to the conventional direction, which consists of institutions based on a rule that is not subject to deliberate human design and enforced by actors that are independent of the state (Gutmann and Voigt, 2020).

For instance, these societies had existed and thrived for many years before they either assimilated other systems or had them imposed upon them from outside. As a result, they had their beliefs, customs, and traditions. For example, the core tenets of African customary law emphasize collective responsibility, respect for the elderly, collective rights, and respect for long-established institutions (Ocran, 2015). These legal systems were classified under customary law and regarded as such during colonial times. We will be taking a look at some of these traditional tenets and how they eventually fared both before and after colonialism in some parts of Africa.

In essence, effective colonization in Africa demanded a legal system to maintain control of a country and resolve its disputes (Joireman, 2001). As a result, the colonialists set up their legal systems where their legal procedures and modes of conflict resolution would hold sway.

These legal systems were mainly for the natives, while the colonialists oversaw it in most instances. It is pertinent to note that anthropologists' and historians' interest in the nexus between the traditional legal system and state law has spiked since the dawn of these colonial legal mechanisms. Given that customary law, to this day, plays an essential role in many societies, it is surprising how we know very little of its content, relationship with state-enforced law, and its relationship with the rule of law (Baker, 2010).

There are also parallels and conflicts between legal structures and attitudes between pre-colonization and those that came up post-colonization. For instance, a matter handled by the council of elders in a community may have a far-reaching impact than the verdict handed down by the customary government court. The former will be quicker, more precise, and more enriching for all the parties involved. Conversely, with its legal complexity, the verdict from government courts is also viewed as an extension of colonialism. According to a 1957 legal document from Tangayinka which puts forward the specifications for the local courts, “These local courts were to be run by Africans and would apply African customary law, but it had to be consistent with basic British legal principles and the objectives of colonial administration (Moore, S F, 1992). Another issue that merits a mention here is the dichotomy between traditional and state institutions. We can then compare them to the gaps that existed when the colonialists left. Finally, it is also instructive to reflect on how effective the civil and common laws were in curbing unrest and ensuring fair judgment to all the parties involved in dispute resolution.

This aspect of effectiveness is prominent and merits further investigation, especially when the traditional legal method is juxtaposed with the colonial legal system—a recent study in African countries where some of these comparisons were quite surprising. For example, Malawi

processes 80% to 90% of disputes through customary courts, in Burundi, about 80%, and over 80% in Sierra Leone (Wojtkowska, 2007). As impactful as these traditional laws are in most societies, we must study them in-depth. A legion of anthropological works covers these legal systems in various ethnic groups and units, but they often do not get the desired prominence. It is not about mourning the "lost past" but integrating cherished aspects into the present and future. We will be examining some of these traditional legal systems from various parts of Africa.

Law Making in Africa

For Anthropologists like John Comaroff, the modern state has always been erected on a scaffolding of legalities (J. J. Comaroff 2006). He goes further to describe Laws as the “walls of government” Going further, Comaroff describes legality as something that eventually falls into place in most colonies. This leads to a culture of legality which determines the foundation upon which these countries or societies are built. To help cement this newfound culture, various “Non-Governmental Agencies” encourage citizens to seek legal means of resolving conflicts and issues. This leads to citizens, subjects or even governments litigating against each other and trying to prove a point or redress a wrong. By such pathway do ordinary political processes become part of the dialectic of law and disorder (J. J. Comaroff 2006). This leads us to the deeper question as to what a law-making process is, in addition to the structures for adding legitimacy and order to our litigations.

We can go further as anthropologists to ask what a court truly is? Hoebel defines it in its broadest sense as "every socially approved process for the settlement of disputes.(Adamson Hoebel, 1954). When strong public opinion recognizes and accepts the plaintiff's procedure as correct, it forms the basis for litigation or seeking redress. The settlement or punishment that is meted out is seen as sound and the wrongdoer or the guilty party has to accede to some payment

or restitution because he feels he owes an obligation. The plaintiff and his supporting public opinion constitute a rudimentary sort of court. The procedure is inescapable, legal and valid in its own right (Adamson Hoebel, 1954). If we take Hoebel's definition of a court as a socially approved process for settling disputes and apply the “Kantian supreme moral principle of universalizability” (Knopt A, 1961), then we can extend the same to other climes worldwide, especially in Africa. This western idea of courts and its legality or otherwise, did not come without its strain in most parts of Africa. The native institutions were under significant strain to adapt to this new colonial system of laws and penalties. Most of its structures, ran contrary to the ways they handled issues. More or less, it was as if the people “found themselves embraced by a world economy and an imperial order which was inescapable (Perham M, 1937). As we will be reviewing three African legal systems, some of these structures of legality and order are significantly in them. These points also meet the legal anthropological standard of being referred to as courts or legal systems in so many ways. A look at the Igbo female collective action and legal structure will bolster and validate some of the points raised by these scholars.

Sitting on a Man: Igbo Women Collective Action

The pre-colonial political structure in Igboland was decentralized. There were no monarchies, religious bodies or specialized groups that had absolute power. This also meant that enforcement of laws or traditions were not shored up in one place or subject to a particular group. The men who were often led by the council of elders, who met periodically to deliberate on issues concerning them and their community. In the words of Chinua Achebe, “when we assemble together in the village square...we come together because it is good to do so (Achebe 1962). On the other hand, the political and legal powers that Igbo women exercised was drawn from their gatherings or *umuokpu* meetings. Prior to colonialism, adult Igbo women including

those married or widowed, held regular meetings where they settled disputes, performed various functions and helped in social equilibrium and harmony.

At such female gatherings or meetings, far reaching decisions were taken and implemented. According to Judith Van-Allen, “The women’s base of political power lay in their gatherings” (J. V. Allen 1972). These female meetings were held regularly and for Judith Van Allen, such gatherings afforded women a platform to hone their political skills among an egalitarian group, different from the wider scope of the village assembly. This point is very important, and it continues to be the dynamo and nucleus of female social organization among the Igbos. At such gatherings or *umuokpu* meetings, the women refined and shaped their interests far away from masculine attention and intrusion. This gave the Igbo women an advantage in confronting or resisting patriarchy through collective action and solidarity.

Economic Interests

The *umuokpu* female organization, oversaw the local market and controlled the palm oil trade in Igboland. The women set prices or value for most of the goods and services that were traded in the markets. The Igbo market days were named after Eke, Afor, Nkwo and Orire, making it four days a week. Each community chose a market day out of those four days and traded on those days. This enabled people from nearby communities who had a different market day to attend and engage in commerce and interaction with the people on their home turf. There were rules and regulations guiding these markets, which were enforced by the Igbo women. The *umuokpu* also saw to the sanitation and collection of fines at the market. As Judith Van-Allen said, “fines were fixed for those who violated the rules or who didn’t contribute to market rituals (Allen J.V, 1972).

Enforcement

The checks and balances inherent in a system allows such a structure to refine itself and maintain some stability to avoid a collapse. Such is the case with the Igbo female political structure. When their societal demands for fairness and equity are ignored or shunned, the *umuokpu* women would embark on targeted boycotts or what Anthropologists term “sitting on a man”. This involves picketing or organizing themselves into a big group and marching to the home of a male offender with songs, chants, dancing and roughing both the individual and his belongings up. This can be called a bit of mild “mob action” where the women “sit on a man” and bring him to submission. When the Igbo women get set to go for this exercise, no authority or person stands in their way. This is often the last resort and they never leave the individual’s premises without exacting contrition, restitution and amends from the offender. This system proved very effective among the women in Igboland before colonialism. The British imperial administration was to face the rage of these women in the now famous “Aba women uprising of 1929”.

The Nwaobiala Movement of 1925

After the colonial enterprise started in Nigeria around the late 1800s, it met stiff resistance from the various nationalities that made up the present-day Nigeria. One of the most difficult areas that the colonialists had to deal with was Eastern Nigeria where power was not concentrated in one source but was rather diffused. This made it hard to bring the people under some sort of political arrangement. The British colonialists did not take time to study the area they were about to administer. They rather imported what worked in other parts of the area called Nigeria where they had a monarchy that was subject to the colonial rule. The closest the colonialists could get was a bunch of handpicked loyalists who owed allegiance to them rather

than the people. As a result, the British colonial administration made use of warrant chiefs in a system they called “Indirect rule”. These warrant chiefs were seen as corrupt and loyal to the colonial administration who handpicked them

According to Adiele Afigbo, “The warrant chiefs usurped the traditional position of the popular assembly, settled cases on their own authority, prosecuted those who attempted to seek justice through the traditional methods and acquired the power to commandeer the age grades to do their private bidding (Afigbo 1966). The actions of these warrant chiefs were seen as detrimental to the earth goddess Ala. Igbo women, much like Ala, were fecund and had the duty to safeguard both the fruits of the earth and their biological fruits. It was their responsibility to keep spaces clean and free of pollutants, both of private life, the home, and public, the marketplace (Brown 2011).

Igbo women quickly formed a “Land Purge Dance Group” and organized themselves into a force against the warrant chief structure. They called themselves “Nwaobiala- meaning descendants of the land. Their aim was to cleanse the land of the atrocities of the colonialists and their stooges called warrant chiefs. The Nwaobiala women began their protests with dancing then moved to a ritualized purging of public spaces by sweeping and calling on the gods of the land to assist them drive away the negativities associated with colonialism and their warrant chiefs. They also marched to the homes of court officials, elders and the warrant chiefs to sweep their homes and purify the land from the stench of graft and oppression.

The women went further to warn the warrant chiefs that this was just a preamble to other measures they were willing to take to cleanse the land of their filth. It was a cry and a final call for the warrant chiefs to retrace their ways. All these warnings were to go unheeded until the women regrouped for a more devastating push against patriarchy which colonialism represented.

The Nwaobiala movement eventually weakened and could not sustain their push due to lack of co-ordination among the various female groups in Eastern Nigeria. The women were to put their acts together, learn lessons from the Nwaobiala movement and gear up for more pushbacks in the years ahead. The geographical reach of this “Dancing women movement” stretched from the Owerri, to Onitsha and Ogoja provinces. It was robust yet non-violent and was directed to the colonial administration and their appointees “warrant chiefs” with a clear message to exit Igboland since they had proved incapable of competence. This led to a series of other pushbacks from women against male hegemony which the colonialists represented.

Aba Women War of 1929

After the British colonial administration had consolidated her power and hold over present-day Nigeria around the 1920s, they proceeded to levy the people and press home her economic and political advantage. In the Eastern part of the country, among the Igbos, palm oil business was the mainstay of the economy and the colonial administration had sweeping monopoly over this particular trade. By 1925, the British colonial administration held a census for all the men in the Eastern region together with their possessions. This was a prelude to taxation and it eventually became so. This was a painful confirmation that the people were to be subject to the British crown forever. Not only were the men affected, women bore the brunt, too. Women were affected because some of them had to support their husbands in paying these taxes which they found very difficult. The situation was also worsened by the fact that there was no accountability or input from the taxpayers on how this money was to be spent and how it could benefit them as a whole.

The economic depression of 1929 led to the slump in the price of palm oil products which was the mainstay of livelihood for most people in Eastern Nigeria. As the economic fortunes of

the people took a turn for the worse, the British colonial administration widened their tax net. A census was to be conducted with the women in addition to their livestock to enable the colonialists determine the appropriate tax rate for the women. In late October 1929, one of the colonial officers in Oloko, present day Abia State, approached a woman named Nwanyereuwa demanding that she answers questions regarding her income and other sundry inquiries. The infuriated Nwanyereuwa left and informed other women groups about her ordeal and soon, this information had gone round to all the women there, who marched to the District officers office to register their protest. This news spread and soon, the entire Eastern region was taken over by women who felt they could no longer put up with colonialism, its excesses and the hegemony it represented. Across the entire area, the women called it “Ogu umunwanyì” women’s war where they were intent on using the strategy called “sitting on a man” to bring the colonial administration to respect women and give them their needed space. The women also followed the warrant chiefs all over, singing loudly and effectively disrupting their daily routines (Bernhardt 2010). The women in Oloko, besieged the office of the district administration for days and would not leave even after they had gotten written assurances from the colonial officers that they would not be taxed. The warrant chief at Oloko tried to use force in dispersing the women but this backfired and led to his eventual removal and increased the tempo of the agitation.

The British colonial administration did not clearly understand what was happening and by the middle of December, they used brute force in quelling the peaceful protest against the women. All through the months long campaign by the women, most of the warrant chiefs had been forced to vacate office. The decision to tax women had also been rescinded. But stopping the “women uprising” had come at a great cost. More than 50 women had been killed while

hundreds were wounded by the colonial police and military. In the end, the women made their voices heard and compelled the colonial administration to be attentive to their demands. The women's war ushered in the "massed benches" made up of judges whom the people chose to represent them rather than the now defunct warrant chiefs who were colonial appointees. This was a significant victory for the women in their push for emancipation. For once, the people were taking back some bit of the democracy they had practiced for centuries before the colonial occupation. All thanks to the resilient and determined women who did so with sweat, blood and their lives.

Palm Oil Mill Demonstrations of 1948

The relentless upheavals and collective action by women from Eastern Nigeria under colonial occupation was a fairly regular affair. It ranged from the political to the economic. It was a fearless and courageous decision from women who were not armed with sophisticated weapons but rather sophisticated organization which the colonial authorities found very difficult to unravel. The industrial revolution was eventually going to affect all strata of human existence and this need was even more acute following the second world war of 1939-1944. According to a report from the United African Company (UAC) on the future of the Nigerian oil industry, the company stressed the need for mechanization of the oil industry if it was to survive the competition from the East Indies (UAC 1948). But this move to modernize the oil mills would definitely put a lot of people out of work especially the women who took charge of palm oil processing in Eastern Nigeria.

As a result, the women in Eastern Nigeria mounted stiff opposition to the introduction of new oil mills which increased production but put other producers in the production chain "out of work". The new oil mill was set up under the Onitsha colonial province and the women

demonstrated heavily against it. This forced the colonial officers to move it to Owerri province and sited it at Nsulu. The women shifted their grievance to this site and would not let it slide. According to Anthony Nwabughugu, the Nsulu oil mill demonstration was the climax and most serious of all the anti-oil mill riots which spread across Eastern Nigeria led by women (Nwabughugu 1982). There were significant parallels between the Aba women riots and the oil mill demonstrations as the women converged from far flung places like Oloko, Ikot Ekpene and some of the neighboring villages near Nsulu. They chanted war songs and were about 100 or more in number. The oil mill site was razed down and the workers on site were dismissed but unharmed. The colonial officer later came with some police officers to the village of Nsulu and arrested some women with one elderly male personality. They were tried and remanded in the local court but in a feat of bravery reserved for history books, the women staged a jailbreak at night and freed them. They also set the roof of the native courthouse on fire.

The district officer eventually decided to call for a truce and met with the women who were supported by the men and they vastly outnumbered the colonial entourage. It was a crowd of about four thousand people! The women were singing and dancing in their native Igbo Language “we are as strong as iron and can’t be bent”. It was a really tense atmosphere. The district officer engaged had a taste of participatory democracy which the Igbos are known for. Each group heard the other and put forward arguments in favor of and against the setting up of a new oil mill in the area. At the end, there was a resounding “NO” from all those that gathered for the deliberation including men, women and children. According to reports, more than 90 percent of the people opposed the idea and the project was later abandoned for the foreseeable future (Native Administration and Economy 1948). This was another remarkable win for the women of Eastern Nigeria against a more powerful authority. Their sense of solidarity was impressive.

Sitting on ChevronTexaco Crude Oil Flow Station in 2002

The coastal region of Eastern Nigeria is an area brimming with huge deposits of hydrocarbon and dotted by oil rigs, pipelines and oil flow stations. The people are mainly fishermen and subsistence farmers. However, rampant oil spills have deteriorated the environment making it unsuitable for fishing or farming. As a result, most of these communities are left in ruins, poverty and degradation. The situation is not helped by the oil companies who pay no penalties for such but rather pay royalties to the federal government rather than the communities where these oil wells are. According to the National Oil Spill Detection Agency (NOSDRA) data, the sum total of oil spills recorded from 2015 to March 2021 is 4919! (PremiumTimesNewspaper 2021). So the women from Ugborodo and Arutan communities, organized themselves and shut down the operations of the Escravos pipeline which carries around a hundred and sixty thousand barrels of oil a day. From a New York Times report, the women commandeered a ChevronTexaco staff ferry to sneak into the company's Escravos terminal (NewYorkTimes 2002).

The real drama emerged when the women gained entrance to the facility. They were led by Anunu Uwawah who led more than a hundred and fifty other women to shut down the operations of this multinational oil firm. They came with their food and other provisions and stayed there for more than a week. Their demands were as simple as providing employment for their children and supplying electricity to their homes, as they had been without power despite hosting huge oil and gas companies. They blocked the air strip and helipad preventing aircrafts from taking off or landing. The government sent security forces, but they were under strict orders never to harm the women. The situation was only resolved when the women's appeals were

heard, and agreement signed. This is another testament to the ability of these women to use age-old strategies to exact agreement from more powerful forces and make their voices heard.

CHAPTER 3

IGBO LIFE AND LEGAL SYSTEM

The Town of Owerre-Ezukala

The town of Owerre-Ezukala, where this research took place, falls within the tropical rainforest belt in South Eastern Nigeria. It is under the Anambra South senatorial district of the state. The result of the field work conducted in Owerre-Ezukala in 2013 by a group of researchers, indicates that though this area falls within the tropical rainforest, anthropogenic activities have now turned it into a derived savannah zone (Itanyi E.I, 2013). It is situated on Latitude 6, 02' North of the Equator and Longitude 7 19' East of the Greenwich Meridian. According to the oral interview which I conducted with Igwe Thomas Ogbonna, (the traditional ruler of this community), he said that Owerre-Ezukala is one of the 178 autonomous communities in Anambra State. It borders both Abia and Enugu states. The "Igwe" said that the origin of this community dates back to time immemorial. Legend has it that a great hunter "Ogbampiaka" was the founder of the town and he lived in Ogbaukwu cave where he had two sons named "Ime" and "Ezi".

The people are predominantly subsistence farmers with a sizable group of people engaged in stone quarry business due to abundant stone deposits in the community. The town of Owerre-Ezukala is made up of eight villages which is divided into two quarters. The first quarter is called "Ezi" and is made up of (1) Okpoghota (2) Ihe (3) Lete (4) Ogbuada. The second quarter "Ime" comprise of (1) Okpu (2) Iyiafor (3) isiafor (4) Mkputu. Each of these villages have representatives at the council of the traditional ruler in the community. They make submissions and join in the deliberation of issues that concern everyone. The women in each of the local villages also have their female courts where issues concerning them are tabled and

discussed. When they are unable to resolve any issue, they have recourse to the traditional ruler and his council. I had to choose only the female court of the village of Mkputu for this research. The village of Mkputu is the youngest of all the villages in the community but ironically is the largest in population. I was also able to get more diversity of opinion due to the large pool of people and their consistent way of scheduling their female court sessions. The female legal courts have always worked “hand-in-hand” with the male legal system for ages.

Descent Structure in Owerre-Ezukala

The genealogical tree in Owerre-Ezukala is in sync with the early settlement patterns. Since the people come from a common ancestry, the villages that make up Owerre-Ezukala towed a system of ranking which was tailored after the seniority of the villages that make up the town. This always came into play during rituals in the community, sharing of responsibilities or gifts or even obligations. According to Igwe Thomas Ogbonna, this ranking order was to be strictly followed unless a village willingly cedes her rights to the next in line. They have the right of first refusal. The village of Okpoghota was the most senior followed by the village of Ihe. Lete village is the third oldest, while Ogwuada village is the fourth. Isiafor, Okpu, Iyiafor and Mkputu villages follow in that order.

Each village was further divided into wards which bear the names of their founding ancestors. These wards comprise of corporate patrilineages with each having a certain degree of autonomy and can even have their female court or merge with the next ward if their number is too small. This was not only in legal matters, but also in the social sphere. As Ifi Amadume says, “social representation and political administration were embedded in the descent system, forming a hierarchy of descent and kinship based political organization, with men dealing with male affairs and women with female affairs (Amadume, I, 2015). These wards are named after the

male progenitors and those who hail from there still bear those names till date. We will now take a look at the traditional legal instruments and structures that the Igbos had and used prior to the advent of colonialism.

Traditional Igbo Legal Structure

It is generally accepted that Interactions, conflicts and its resolutions are part of every human society. As such, every social group will always find ways of resolving these issues and maintaining social harmony. It will be erroneous to think that precolonial African societies lacked governments and law enforcements that could deter crime and enforce the law. Even for societies like the Igbo who lacked centralized leadership, they still had structures that ensured stability and justice. In most instances, adherence to law and order came about through customs, religious obligations and the threats of punishment. The Igbo ran a political structure that could rightly be called “Participatory Democracy”. It was often long drawn, and no one was excluded from participating. A proper command of idioms, proverbs, incisive interjections and logical sequence often gave one an edge at such deliberations. But even in the midst of all these “generalized submissions”, the Igbos also had some structures on which their legal systems hinged. They include the following:

The Elders Council

The Igbos had a gerontocratic system of governance where the council of elders were the highest decision-making body in the society. The laws they made were codified in customs and traditions. Prior to colonialism, the laws and procedures for law creation and enforcement were mostly unwritten, so the Igbos relied on their individual and collective memories to ascertain the controlling legal authority on an issue (Okereaforezeke 2001). These laws and customs had to be protected and made to serve the common good. Also a balance should be struck between

community interests and individual rights. It gets a bit complex here, but “In the worldview of the Igbo, the individual is unique, the town is unique. To resolve this, poses a dilemma, so the answer lies in a popular assembly for everyone who wishes to be present, to be moderated and finalized by the elders (Achebe, Home and Exile 2000).

The elders are held in high esteem and accorded immense respect in Igboland. They are seen as the custodians of Igbo culture and tradition. They are also believed to be upright, experienced and with a sense of fairness, even if the contrary happens sometimes. So if the community court or “Participatory Democracy” is unable to resolve some conflicts, the elders can sometimes adjourn for an executive session where they can sit closely with the parties involved and give a definitive verdict that is binding on all.

The Alusi Deities

Being deeply religious people, the Igbo, also believe that the “Alusi” or deity is involved in the dispensation of justice and maintenance of social order among them. According to the African Traditional Religion, the “Alusi” denotes a number of minor deities that oversee the markets, rivers and the general life of the people. They act as forces for blessing or destruction, depending on the circumstances, and enforce punishments on evildoers (Amadiogwu 2004). The Alusi are placed in specially made shrines and depicted in wooden images where they are subject to routine rituals by adherents. The priests or diviners in these Alusi shrines perform the required sacrifice for these deities and relay their messages to the rest of the people.

As a legal pillar in traditional Igbo society, the adherents of these deities do incantations and swear oaths to be upright, sincere and just in their dealings with others. This helps in maintaining balance and stability in the society and a sense of justice. Animals are sacrificed to the Alusi to secure favor and protection in the world.

Ofo na Ogu

Ofo and *Ogu* are Igbo legal concepts that stand for fairness and equity. They are used to stake a claim on justice and innocence and ensures that the individual holds onto high moral standards. First of all, the *Ofo* is a symbol of truth and uprightness. In addition to being a staff of authority, it is an emblem symbolizing the links between Chukwu and man, the dead and the living, the born and unborn. The *Ofo* also symbolizes justice, righteousness and truth (Njaka 1974). The *Ofo* can be classed under two. The first being the “ancestral *Ofo*” and the “individual *Ofo*”. The latter refers to the *Ofo* that is transferred from generation to the next while the former refers to the *Ofo* that an adult acquires at maturity. A devout *Ofo* holder says his daily prayers fervently with his *Ofo* placed on the ground (Okafor 1992).

Ogu on the other hand is a metaphysical concept that stands for innocence. It is not palpable, and it is invoked as a spiritual concept that accompanies the *Ofo* in the pursuit of justice. *Ogu* is both implied and real as they complement each other in maintaining social order, standing by the truth and living an upright life. For the Igbo, no one can swear by *Ofo* and *Ogu* and not abide by them. It is a veritable tool in matters of dispute and tussle. In such situations, the *Ofo* and *Ogu* is invoked and the custodians are called upon to adjudicate without fear or favor. The *Ofo* and *Ogu* ensures the enforcement of justice, equity and respect to everyone.

The Igbo Legal System Encounters Colonialism

The traditional courts where justice was upheld and social order sustained without an overbearing monarchy, was going on smoothly across much of Igboland until the advent of the colonial enterprise. All these were to be brought to a halt with the colonial enterprise around the late 1800. The supreme authorities of the deities, *ofo* and *ogu* were to be replaced by a completely different legal system which was subject to the supremacy of judges and the

colonialists. There was also the decentralized system of leadership to contend with as there were no kings. This legal system was not very easy for the colonialists to understand and work with. It can also be argued that the colonial plans of the United Kingdom were driven mainly by commercial considerations. As a result, the British administration set up Consul Courts to settle trade dispute between foreign traders and the locals. And from the company's perspective, optimal commercial operation in the early stages required a successful monopoly policy (Pearson, S 1971). This eventually formed the basis of the colonial legal system which the British now extended to their colony in Nigeria. The Royal Niger Company which started off as the National African Company, had both legal and economic dominance along the Southeastern part of Nigeria where it operated. After the amalgamation of 1914 and consolidation of power across Nigeria, the British colonial administration established a "native court" to handle local cases, then a provincial court to handle regional cases while the supreme court was at its apex, to adjudicate on weightier matters.

By 1933, there was further judicial reform to establish a High court and magistrate court under the Protectorate Court Ordinance 1933, which repealed the provincial court ordinance while the Supreme Court continued to exist for the colony (Ojomo 2012). It continued until 1943, when there was need to have a more acceptable legal system nationally, so the magistrate court system was set up. The British continued to extend her sphere of influence all over the area now called Nigeria in the years to come and an effective legal system was key in achieving this. All this while, the "native court" or customary court continued to handle issues regarding marriage, inheritance and other minor cases. The traditional legal system continued to dwindle and lose relevance. Those who felt they did not get justice in the traditional legal system, appealed to the magistrate courts for hearing. The customary law was set up to handle these

issues, but they were no longer the same. The traditional “checks and balances” were no longer there and justice began to be truncated. It led to some serious social cracks in communities and lives of the people. In the words of the great author, Chinua Achebe, Things (had) truly fallen apart.

The Post-Colonial Judicial Scenario

Upon Independence in 1960, Nigerians inherited the British colonial legal system. The different regions had their High Courts, Magistrate and Customary courts to handle legal matters as they arose. The Federal supreme court still remained the highest court in the country. The issues that arose in the hinterlands were handled by the customary courts with government staffed personnel. The traditional legal system was not incorporated into this legal system and it eventually lost significance and impact. The situation was not helped by the Christian missionary enterprise in Nigeria. The wave upon wave of Christian missionary activities in Igboland, led to the diminution and near extinction of the African Traditional Religion upon which these traditional legal systems were anchored. Conflicts started creeping in from some converted Christians who felt that because they had been converted to Christianity, that they were no longer bound by the norms of the traditional religion (Chukwuma Okeke 2017). Christianity greatly altered the traditional beliefs of the people in their local legal system. People no longer swore by *Ofo* and *Ogu*, neither was the “Alusi” or “Council of elders” such a prominent legal arm. This was eroding the values that the people had treasured for centuries but was now being shredded in decades.

Only the *umuokpu* female legal system weathered these “storms”. The traditional legal institutions were not the only casualties in this “new world order” of colonialism. It has been argued that the economic benefits and upscaling that came with the imperial enterprise, gave the

men an unfair advantage over women. Igbo anthropologists like (Chuku, 2009) argue that domestic science training was reserved for women while the transport industry, mines, oil mills and of course, the native courts, were reserved for the men. This ended up pushing Igbo women to the fringes of petty trading and the informal economy, for survival. This situation led to “pushbacks” and stiff resistance from the women.

As we shall see in the next chapter, their resilience, determination and strong resolve kept this female legal system going. The catalogue of demonstrations by Igbo women on colonial rule gives us the hint that they are no pushovers. This determination and ability to overcome seemingly impossible structures and oppressive institutions could be one of the reasons for the continued relevance of this female court system. Also, their demonstrations which we see in action, points to a deeper source which is often overlooked, and this is their “female legal system”. We shall be reviewing this in the next chapter.

CHAPTER 4

IGBO WOMEN AND THEIR GENDER COURT

For the Igbo, women are the custodians and were to embody the positive attributes of their homestead. It is both a burden and a blessing. They are the ones who ensure the survival of the lineage and community and remain the unsung heroines as they do so without the recognition and applause that they truly deserve. Both men and women work very hard to live up to their community and clan; a higher standard is sometimes set for women. While it is expected of men, it is demanded of women (Oduyoye, 1995). It is not surprising then, that there was need for a cluster of “female made laws” and regulations to act as a buffer against the overbearing influence of the males and be some sort of “balancing out” arm in the intricate male versus female relationship among the Igbos. We will be taking a look at some of the backgrounds to this legal system.

Women as Gift

Anthropologists like Therese Agbasiere used the concept of "gift" to describe authentic womanhood. Women are gifts to society, ethical beings who confers some status on man, and upholder of morality (Agbasiere, *Women in Igbo Life and Thought*, 2000). As a result of this elevated status that women enjoy in Igbo culture, they legislate and mediate on issues and conflicts within the community. Women are not merely subject to men; they play an active role in the social and legal life of the community.

The respect accorded women extends to the names they bear. They are collectively called *umuokpu* or *umuada*, and both nomenclatures mean the same thing: the community's daughters. They meet regularly for meetings and dialogue. Such arrangements were geared towards establishing and operating just institutions and protecting the dignity of women and

men. For the Igbo woman, social justice evokes the images of equality, righting the wrong, and even restitution. Their powers were felt in conflict management and reconciliation in virtually every aspect save for land matters. The sense of fairness, balance, and complementarity between both genders assist them in respecting gender boundaries, even in legal issues. Also, the importance of justice and right that the earth goddess -Ala- embodies fairness to all parties without being partial or prejudiced towards any party.

Deliberations and Meetings

During these female meetings, there was freedom of expression within the guidelines for everyone. "Every adult female attending the women's meetings was entitled to speak on any or all of the issues presented for discussion as long as she had something to say that others considered worth listening to:" Their primary weapon was a collective boycott on domestic tasks and responsibilities" (Green, 1964). Like all other ethnographic studies on the Igbo, Margaret Green did not study the structure of the female legal system in Igbo land, particularly her legal and operational processes. She focused more on life in rural Igbo communities than the female legal system. This is one of the reasons why this unique legal system requires a scientific study and investigation.

Igbo Kinship System

In reviewing the complex Igbo kinship lineage, we also see the critical definition of brother/sister. In the Igbo lexicon, one word, "*nwanne*," stands for either brother or sister, depending on the gender. There is no single word to differentiate between brother or sister. They go by one word, "*nwanne*." We can go further to add "*nwanne-nwoke*" or "*nwanne-nwanyi*" to draw that blurred line. It is also akin to the ancient Greek word "*Adelphos*," which implies brother/sister/relative. By way of etymology, "*nwanne*" means "child of my mother." It points to

the female orientation, motherhood, and fertility, which are exceptional values in the Igbo worldview. To refer to kin from a maternal perspective rather than a paternal one shows the cherished view that the Igbo society places on motherhood. Therese Agbasiere also espouses this view regarding the male "descent line" and the female "immediate links." Though people group themselves under patrilineages (Umunna), the idea of affinity is traced through a matrifocal idiom to the one-woman apex through whom are descended all the members of patrilineages who regard themselves as *umunne* (T. Agbasiere 2000).

The Female Court: Crux of The Research

This research was quite a challenge, as no man is allowed into the proceedings of this "all-female" legal system. It is so exclusive that I had to rely on a female research assistant to get the required information for this ethnographic result. This adds to the list of other "exclusively female research" in Anthropology. In China's Jianyong county, *Nushu* is considered the world's foremost writing system created and meant solely for women. It lends insights into the dialectical relations between human existence, being and becoming, subjectivity and collectivity (Liu, 2004). But this female legal system encompasses both and is still active till date. My research assistant was given a questionnaire by me, which formed the basis of the research. The research assistant visited the women thrice during their meeting and was able to get some information regarding their sittings. I also interviewed some of the women who gave me more information outside their court sessions. The age of the women involved ranged from 30 to 80 years and they were all married or at least, had children. They were also about 35 in number. The questions include the following: (1) Origin of this legal system. (2) Composition of their legal team. (3) Cases they handled. (4) Value of this legal system. (5) Why men are excluded from their

sessions. (6) How their verdicts are enforced. (7) Future of this legal system. (8) Relationship between the local courts and this legal system.

Origin of This Female Legal System

There exists a huge void of academic information on the origin of most legal systems in Africa. This is mainly due to the absence of written materials from their earliest origins. As a result, oral sources become means of conveying, preserving and transmitting this knowledge. The obvious limitation of oral information militates against the scientific exactitude of the true origins of these African legal systems. For comparative law professors like Richard Oppong, “African legal history still remains an untapped academic territory” (Oppong, 2007). The Igbo female legal system is not any different from the scenario described above. From the survey conducted on the origin of this female legal system, none of the participants could tell us its origin. In their meetings, they informed my research assistant that they could only trace the origin to the beginning of time rather than to any epoch. One participant said that the source of this information is from “ihe ndi nna nna anyi gwara anyi” meaning “what our ancestors told our forefathers and they in turn relayed it to us”. Two of the participants said that these laws were even given to them by the supreme being “Chukwu” to guide and direct them and that is why they are custodians of the female legal system.

This perspective was illuminating as it placed the origin of this Igbo legal system on the divine making it harder to question, interrogate or doubt. This is mainly due to the fact that Igbos deeply revere the divine and most issues that are put under that umbrella are hardly questioned. One of the women I interviewed also held the same view that the laws were given to their forefathers and mothers at the beginning of time. This for me, points to the fact that this female legal system has a very ancient origin which has remained unbroken and active till this very day.

Composition of This Legal System

Quite unlike the Gacaca legal system or the Kpelle moot, which emphasizes and embodies family ideals and fraternity, the Igbo female legal system is surprisingly formal and a bit stern. The participants informed my research assistant that the female legal system comprise of six judges with each judge representing the six quarters or villages that make up the village of Mkputu in Owerre-Ezukala. One of the women I interviewed, told me that the main reason for having a representative from each quarter is to ensure fairness and equal representation of the different quarters in the village. She also told me that the modalities for electing members to serve as judges in the female court were forthrightness, integrity and sincerity. The reason for these sterling qualities, are obvious as they needed fair-minded women to litigate and dispense justice for all.

The secretary of the female court session further told my research assistant that when the six representatives are chosen from each of the quarters in the village, the women now hold a simple majority vote to elect a president, vice-president, secretary, treasurer, provost and even a public relations officer! This structure looked a bit rigid and business-like. It shows that the women meant business and didn't come to those meetings to banter words. The secretary further revealed that the president would be someone who is educated and possibly a retired schoolteacher. This is because schoolteachers are highly respected in the community due to their role in shaping and educating young people under their watch. In my interview with the traditional ruler of the community, Igwe Ogbampiaka, he also said that the choice of leaders in this female legal system, is left for the women alone and as such, the women seem to make the best decisions in getting the most credible, to superintend over them. Regarding duration at such posts, the president of the women legal court told my research assistant that once elected, they

stay on until they resign due to ill health or death or even forced out of office if they bring dishonor to the group through licentiousness or opprobrium.

Cases Treated by This Female Legal System

There are variety of cases that these women handle in their local courts. Also their “charge sheet” has also evolved over time. One of the judges in this court, a septuagenarian told me that back in the day, they handled cases involving women who split their families by converting to Christianity and abandoning their African Traditional Religions. The spread of Christianity in Igboland was almost total. Much as Christian success relied on colonial expansion, historians still struggle to explain why it was much more successful in Igboland than among other nearby Nigerian people who also lived under colonial rule (Landy 2020). Now, the women are faced with a new generation of young ladies that have completely different ideologies and beliefs. In the second court session attended by my research assistant, the secretary of the female court, told her that the court handles civil cases such as theft, brawl in the local markets, disputes between siblings or relatives, violence against neighbors, teenage pregnancy and slander.

They also go further to handle more serious cases involving abortion, murder or grievous bodily injury. When asked by my research assistant, why they handled more grim cases, the president of the female court averred that shedding of blood is an offence against the female earth goddess ALA. So they were in a better position to handle those issues, since they were women. In my interview with the traditional ruler, he said that the female court could deal with such serious matters but sometimes, they passed the matter to the chief and his council for further deliberations. One of the women also spoke up and told my research assistant that the women frown at members who take their cases to the police or law courts, without first

exhausting the legal opportunities offered by the female court system. When asked to explain further, the woman in question said that “they have distrust for the police as no case ever brought before them, ends well” (Ajala 2021). Another participant added that the police are prone to graft and bribery, so they often pervert the cause of justice. This was not surprising as a United Nations report in 2019, reflects that 63% of Nigerian citizens had a contact with at least one public official and 30% of them paid at least one bribe (UNODC 2019). Regarding the courts, the provost of the female court said that the judicial process is slow, long drawn and that people come back from the courts with more animosity and acrimony than they ever had before they approached the courts. It was clear that the women had few good words for the government backed law enforcement agencies.

Why This Female Legal System

It is a given that no society can exist or function well without checks and balances, law and order. In that light, we have been reviewing so far, the Igbo female legal system and its impact in the Igbo life and worldview. When my research assistant asked the participants at the female legal court what the impact of this legal system was in the community, their response was overwhelming. One of the participants there who came with her infant child, told the research assistant that this female legal system is a great vehicle for maintaining peace and order in the community. She further stated that “the female legal system is the string holding onto the stability of the village and once it loosens up, there will be chaos or what she called in Igbo, “Ogba-aghara” meaning anarchy”(M. Okafor 2021). This chaotic scene is more in tandem with what Jean & John Comaroff depicted in *Law and Disorder in the Post Colony*, “postcolonial nations have congealed into a terrifying epic of lawlessness and violence, adding a brutal edge to

older European archetypes of underdevelopment, abjection and ethnic strife (J. J. Comaroff 2006).

Another issue that kept coming up during my interviews with some of the judges in the female court, was their almost complete distrust and skepticism about the police and government courts. One of the women told me that if law and order were left only to the police and the government courts, justice would always sway towards the highest bidder. No thanks to graft and lack of funding from the government that these two law enforcement organs face. One of the participants at the female court session, told my research assistant that majority of them are petty traders, low-income earners or retired, so they cannot afford expensive legal fees for lawyers in the government courts. But in the female court system, they can easily get justice at their backyard without the stress of adjournments, appearance fees, cross-examinations and complex legal procedures in the government courts. According to a United Nations report, “In many countries, the cost, travel and time required to bring a case in a formal court make it inaccessible or at least impractical to a large percentage of the population” (Rights 2016).

An economic and social dimension of this female court became more apparent to me during the course of my meeting with another female participant outside of the court setting. She informed me that the female legal court also legislates on the control and sanitation of the local Eke market. The Igbos have four market days which is equivalent to a week. Each of the four market days, represent “Nkwo”, “Eke”, “Orie” and “Afor”. Each town in Igboland has a market named after each of these days. On such a day, many people troop to the market to buy or sell either from the town or other neighboring areas. So the local market day at Owerre-Ezukala (location of this research), is Eke market day. One of the women I interviewed told me that during their court meetings, they also supervise the clean-up of the market. When I pressed

further on whether sweeping of the market is one of the punishments given to defaulters during their court sessions, she declined further comment on that issue.

Is This Female Legal System Discriminatory Towards Men?

One major limitation that I had during this research was my inability to witness the female court sessions. Like I stated earlier, this was due to the fact that men are not allowed near their meetings. It was so exclusive that the president told my research assistant that if a man had to be summoned or even punished over an offence like “domestic violence” or other gender crimes, such a person was never allowed to appear before them. The court could only send one of the judges like the Public Relations Officer, to convey the verdict or concerns of the court to the accused. This discriminatory attitude towards men, in their court proceedings, was one major issue my research assistant took up with the participants. The secretary of the female court told my research assistant that the men have their *Umunna* or kindred meetings where women are not invited to be part of.

She further added that in that part of Igboland, women are not allowed to be involved in land matters. It is an exclusive preserve of the men. In Owerre-Ezukala, they practice the patrilineal cultural principle of primogeniture where the right of succession resides with the first-born son or the “Diokpara”. Where there is no son, the right of inheritance goes to the brothers of the deceased even where the deceased has female children (Ochiabutor 2021). So for this participant in the female court, the “all female court system” is their own way of “marking their own turf”. So men are told to keep off, which the men have no problem doing.

The secretary of this female court also told me personally that men tend to be partial in dispensing justice unlike women who, according to her, are more objective and fairer. I wondered about this, so I asked for some statistics to back up this claim and she immediately

referenced the government courts where the judicial process is slow, clogged and is often inept. The majority of the lawyers, judges and judicial workers, from this woman's perspective, are all men. This secretary kept circling back to the skepticism most of the women in the female court, have towards the government court. It seemed like two parallel worlds.

My research assistant asked the participants how they could avoid becoming like the government courts which is accused of graft. At this, one of the judges answered that to accept bribes or thwart justice, goes contrary to the dictates of the earth goddess called Ala. This brings a spiritual dimension to this female legal system and puts it above just a mere gathering. It elevates it to a place where cultural and spiritual beliefs are all brought to bear in the dispensation of justice and by extension, law and order.

The Process of Litigation at This Female Legal Court

From the feedback which the participants gave my research assistant during the visit to the female court session, the treasurer informed her that for cases to be heard, there are steps to be taken. First of all, any complainant who has a case to that requires the attention of the female court, attends the court session, makes a case and deposits some amount of money. This money is called in Igbo "Itinye mmanya na umuokpu", meaning "expression of interest". The treasurer further stated that after this money is deposited, a date for the hearing will be fixed. The Public Relations Officer of the female court "Onye-Ozi Umuokpu" will now be mandated to notify the accused on the case reported against her and to prepare for her defense. The accused is equally expected to deposit the exact amount which the complainant earlier dropped with the leaders of the female court. This money deposited by both the accused and defendant is an indication that both are set for the legal challenge ahead.

The Public Relations Officer of the female court further said that on the day of this court session, the participants assemble in the venue for the court session, which is the village hall of Mkputu, then the judges invite both parties to state their case, starting from the accuser and ending with the defendant. They are also cross-examined while witnesses are called up to testify for or against either party. When the legal process is concluded, a verdict is given by the president of the female court. When this is done, the innocent party receives the money she deposited earlier while the guilty loses hers to the female court. This aspect of losing money to the female court was corroborated by one of the judges whom I interviewed personally, outside of the court sessions. In the case of murder or bloodshed, the guilty party is exiled for some years outside of the town, to return at a much later time to make costly reparations. This is in line with life in pre-colonial Igboland where banishment was practiced rather than incarceration. In the Book “Things fall apart” by Chinua Achebe, the protagonist “Okonkwo” was sent on exile for seven years due to manslaughter (Achebe, 1994). When asked about other minor cases like theft, the participants told my research assistant that after the judgement is passed and a verdict is given, the guilty party is mandated to do restitution with heavy fines added to it. This is to serve as a deterrent to others and to ensure that such incidents are minimized in future.

Takeaways from my Participant Observation on the Female Court

Based on what my research assistant and myself gathered in our investigation into the female court system among the Igbos, it is apparent that this was a clearly organized system devoid of male interference. The fact that very little has been written about it is even more surprising. The fact that they kept men away from this court from time immemorial may have contributed to its structure and inner workings being kept under wraps. In the next chapter, we

will be reviewing the response of the local chief to this female legal system in addition to the perspective of a legal practitioner.

CHAPTER 5

MEETING THE TRADITIONAL RULER

Breaking of Kola Nut

When I visited the traditional ruler to get his own perspective on the female legal system, he received me warmly and proceeded to perform a very solemn but moving ceremony called the “breaking of kola nut”. For the Igbo men, no reception is complete or heartfelt until it is accompanied with the presentation, breaking and eating of kola nut. The kola nut is the fruit of the kola tree which is native to the tropical rainforests of Africa. It is commonly referred to as *Cola acuminata*. The kola nut is regarded by the Igbos as symbolizing life, which is why a popular idiom “onye wetere oji, wetere ndu” “he who brings kola, brings life” is common among the Igbos. It is a pathway to religious practices, hierarchical recognition and to crown it all, the symbol of Igbo hospitality (Uchendu 1967). The traditional ruler brought the kola nut in a wooden bowl and presented it to me in a symbolic gesture. I touched the bowl with my right hand and said in Igbo “Oji eze di eze na aka” meaning “the kola nut is yours oh king, go ahead with the rituals”. The traditional ruler nodded and proceeded to bless the kola nut by right of his age and kingship.

The traditional ruler proceeded to bless the kola nut in a very solemn way. He started by calling on the gods of the ancestors, gods of the land and the supreme deity “chiukwu” to come and be part of the ceremony. The chief used his vast knowledge of idioms, rich proverbs and veneration of the ancestors to make the *benediction* a truly spiritual event. I kept on responding “Isee” meaning “so shall it be” at the end of each stanza in the long list of petitions. The traditional ruler finally said that “kola nut is cooked by the fire of words rather than the charcoal fire and enjoyed in community rather than alone”. This left a huge impression in my mind as I

pondered over the deep meaning of what he meant by such. At the end of his rather lengthy but memorable prayer, I finally said “Iseeee” for the last time. Then, the traditional ruler began the delicate but important “post blessing” task of dividing up the lobes of the kola nut.

A kola with a single or double cotyledon is called “oji ogbi” or “impotent kola”. It is regarded as taboo and clearly avoided. The kola with three cotyledons is also well regarded and is a symbol of a valiant kola. When a kola nut has four cotyledons, it symbolizes the four cardinal points or the four market days. This is a great sign and is celebrated. If the kola nut ends up in five, six or more cotyledons, it implies multiple blessings and sign of good fortune to come. Luckily for me, the kola nut which the traditional ruler broke in my presence, had four cotyledons and both the traditional ruler and I were pleased with the symbolism.

After breaking the kola nut and the benediction by the traditional leader of the community, Igwe Ogbampiaka, we went down to business. He told me that the origin of this female legal system goes back centuries to time immemorial, corroborating what the participants told my research assistant. He said it was an inheritance from the ancestors, and they are duty-bound to hand it over to the next generation. Furthermore, he averred that the female legal system is symbolic of women's respect, impact and contribution to enhancing social order in the community. On the issue of gender balance, the traditional ruler maintained that the female legal system is respected by all members of the community and the men have never had any issue with them in any way, except for culprits who are guilty of domestic violence against their spouses. He also lets the women handle such cases as they deem fit and they have done so creditably without any major issues. I asked the Chief if he had attended any female court sessions or has any intention of doing so. He replied that even though he is the traditional ruler, he has never attended the female legal court and has absolutely no plans of ever doing so. This is because their

court sessions are “off limits” to men and he respects that without any reason to do or feel otherwise. However, if issues involve men or are beyond the women, they bring it to his office for proper deliberation.

How Fair Was This Legal System?

From my research and interviews with the participants of this legal system, majority of those who spoke to me, said that it was fair to all concerned but could be much more understanding. Two women who spoke to me under condition of anonymity said that their leaders could be very harsh and unyielding at times. And this leaves very little room for harmony and fraternal correction. They drew my attention to the composition of the leadership, whereby every kindred in the village, was represented, but pointed out the fact that sometimes when decisions went against anyone, there is no higher body to appeal to. Their decisions are final! So going against their stipulation creates more rift and exclusion for those women willing to take them on. Still, some other participants told my research assistant that it was impossible to have every member of the judges against you, so if there was overwhelming evidence against anyone, it meant that the individual was truly guilty. Also, the fact that one can speak on one’s behalf and argue cases convincingly, made it much easier to ensure fairness and objectivity. After any verdict is passed and the guilty party is unable to pay restitution, other alternate dispute resolution methods like helping out in farm work or sweeping the village square was also explored.

How Far Has This Legal System Evolved

Majority of those I interviewed pointed to the fact that their meetings and proceedings are now taken by their secretary. The secretary takes notes and reminds them about “action items” that demand their attention in addition to other points. The women said that it was not like that in

the past. They had to rely on memory or recollection of what was discussed by the members. As a result, so many issues may not be recalled. They also reminded me that only the secretary was permitted to take notes and use of mobile phones to record their proceedings can only take place with their permission. They only permitted my research assistant to record part of their proceedings for documentation purposes. I think the strength of this legal system lies in its adaptability and resilience to have survived colonialism, post-colonialism and the government courts.

Prospects for the Future

The impact of social media and western lifestyle in the village has also made it harder for the women to have a grip on the community. Most of their children and grandchildren don't seem to want to end up like them in the rural area. Most of them want to become lawyers, health care workers and so on. As a result, getting young adults to be part of their proceedings, is difficult. Some of the women told me that most of their cherished legal traditions may be severely modified by the younger generation and lose its impact in the community. They mostly resigned to fate and said the decisions about the future of this legal system, lay in the hands of their children and grandchildren. They told my research assistant that they would prefer a situation where they were recognized by the government and allowed to handle gender issues with all the fairness and firmness it requires. They kept pointing out the lopsided and corruption-prone government courts and how sometimes their verdicts end in the courts and is not enforced back home. The traditional ruler was also of this opinion when he said that there appears to be some disconnect between the government courts and the female legal court. This is an issue that has to be looked at, in the future.

An Attorney's Perspective

An attorney who hails from this community and whom I had a very long discussion with, said that the future of this legal system was bright. He classified it as dealing with customary law issues and should be encouraged by the government to help in decongesting the pile of cases awaiting dispatch in the local courts. He pointed to the success of the Gacaca legal system in Rwanda which helped greatly in dealing with the myriad of cases after the Rwandan genocide of 1994. This traditional legal system in Rwanda was called upon to address the pile of cases that the government had to deal with after the unfortunate episode of the Rwandan strife and mass killings. Till tomorrow, Gacaca remains at the bedrock of the socio-legal life of the people of Rwanda (Joireman, 2004). This is an instance of a home-grown solution to a thorny issue and is a poster for future conflict resolutions around the continent. The attorney also praised the Alternate Dispute Resolution strategy of this female legal system unlike what was obtainable in the government legal system of fines or imprisonments.

Furthermore, this attorney also added his voice to that of the female participants at the female legal system and their issues with the slow pace of justice at the government courts. This was also an issue which the Vice-President of Nigeria, Mr. Yemi Osinbajo voiced out in when he called it the “elephant in the room” and decried the gridlock in processing cases through the courts (Tribune 2021). This female legal system has almost become some sort of bulwark and social balance among the Igbos.

EVALUATION AND CONCLUSION

This research brought to the fore, the imperative of supporting home-based initiatives in resolving conflicts. When some of the fair demands of these women are not met, they can activate the last resort which is to disrobe. According to Barrister Anayo Enechukwu, “when these women strip as a form of protest, the men understand that they are no longer in control” (Enechukwu 2000). This action is not common, but it represents the maximum level to which some of these women can when all their entreaties, pressures and other legitimate actions at exacting justice are ignored or waved aside.

The female legal system may not have law enforcement officers or a “rapid response team” like the “*assara mundio*” of the Songhai legal system (Diop, 1987). But their maternal character, market boycotts, sitting on a man, picketing of grave offenders and other measures which they deem fit, are equally effective. Also, their resilience and tenacity for centuries is impressive. It is difficult to really get a clue as to how long this system has been in existence and how it has grown into what it is today, but the fact that they are holding on to it, making effective use of its mechanisms to maintain law and order, is commendable..

This *umuokpu* legal system deserves more anthropological research especially on an advanced level. I come from that community but never had a clue as to the organizational processes and methodology of this female legal system until I carried out this research. I had an “emic perspective” about this legal system. For the women, who were interviewed, no one has ever come to interview them or find out more about their system. They are also keeping their procedures under wraps and still not letting any man into their legal proceedings, for the nearest future. I have attached some video recordings of some of their proceedings and interviews, which my research assistant was able to get across to me. This female legal system is a means by which

the *umuokpu* look out for their own and maintain harmony and concord in the community. It is open to all women indigenes of the town both by birth and marriage.

Feminist /Legal anthropologists will find valuable materials to enrich their discourse in this piece. It may not be in the frame of what Sherry Ortner calls "Male domination versus Female subjugation. It may be more complex than that. It may be a question of female power, which seems distinct mainly (Ortner S, 1996). According to the United Nations office for Human Rights and Justice in Africa, "reconciliation and maintaining harmony in the community are the guiding principles of traditional dispute resolution" (UN 2016). This forms the bedrock of most traditional legal systems in parts of Africa of which the female legal system in Igboland is no exception. This research has been well worth it, and I am happy to have been able to put the knowledge about this unique female legal system out there.

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