

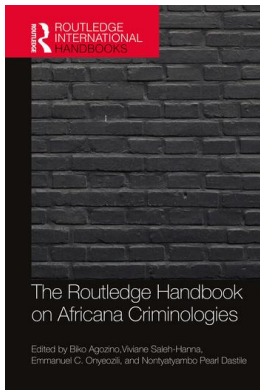
This article was downloaded by: 10.2.97.136

On: 31 Mar 2023

Access details: *subscription number*

Publisher: *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK



The Routledge Handbook on Africana Criminologies

Biko Agozino, Viviane Saleh-Hanna, Emmanuel C. Onyeozili,
Nontyatyambo Pearl Dastile

Mbari and Ubuntu in Indigenous Africana Criminologies

Publication details

<https://test.routledgehandbooks.com/doi/10.4324/9781003004424-5>

O. Oko Elechi

Published online on: 30 Dec 2020

How to cite :- O. Oko Elechi. 30 Dec 2020, *Mbari and Ubuntu in Indigenous Africana Criminologies* from: The Routledge Handbook on Africana Criminologies Routledge

Accessed on: 31 Mar 2023

<https://test.routledgehandbooks.com/doi/10.4324/9781003004424-5>

PLEASE SCROLL DOWN FOR DOCUMENT

Full terms and conditions of use: <https://test.routledgehandbooks.com/legal-notices/terms>

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

3

MBARI AND UBUNTU IN INDIGENOUS AFRICANA CRIMINOLOGIES

O. Oko Elechi

Introduction

The Mbari as a concept describes the traditional visual art form and architecture of the Igbos of Nigeria. The Mbari embodies the Igbo worldview and their justice system, including its laws and norms, both divine and those enacted by the community. The Mbari is the artistic impression of the Igbo egalitarian and communal way of life. The Igbo justice system and worldview are akin to the Ubuntu philosophy that describes the African philosophy of communalism, universal bond, humanity, virtue, goodness, kindness, and common destiny. From their criminological and justice paradigms, the Mbari and Ubuntu view the goal of justice as the restoration of victims of crime, the offenders, and the community as much as humanely possible. This chapter examines the concept and practice of justice through the lenses of Mbari and Ubuntu, in both their historical and contemporary practice, to appreciate their contributions to the concept of justice and justice making in Africa in particular and globally in general.

Mbari describes the Igbo people of Southeast Nigeria's indigenous art form. The art form includes specially designed sacred houses for the performance of propitiatory rites. Included in the Mbari houses are also paintings and wood or mud sculptures depicting culturally recognized deities, such as that of Ala, the earth goddess, and Alusi, the shrine for offering sacrifices to God. Other deities depicted by the paintings and sculptures are those of thunder and water, a recognition of the role of the environment to the peoples' well-being. Ottenberg (2006) describes Mbari as both a physical structure and a ritual process. It is widely practiced by the Owerri Igbo people. The Mbari house or ritual process is introduced to address a calamity plaguing the community, such as crop failure, unexplainable frequent infant and adult mortality, or the mass death of domestic animals. The authority to erect the Mbari is often from the diviner, who prescribes the Mbari as a means of placating one or more of the Igbo spirits for some wrongs or failings of the people. And because the Mbari can be an

expansive and costly building, it can sometimes take years to complete. A prominent artist from within or outside the village is often recruited to construct the Mbari. Ottenberg (2006:569) describes the Mbari structure thusly:

[T]he mat-roofed square or rectangular structure has no outside walls, but an inner central square of mud walls. Between this and the outer edge of the structure are mud floors and ledges upon which sit or stand clay figures facing outward – humans, animals, gods and other spirits, and mythic beings. These often life size images are painted in various colors and are simply made, yet some of them have elaborate surface decoration. There are also colored paintings on the walls, of abstract designs and of like figures to the sculptures.

The village's men and women are involved in the erection of the Mbari edifice. The construction of the Mbari is preceded by elaborate rituals, sacrifices, and feasts. Upon completion of the construction, the Mbari is then dedicated to the aggrieved god or other deity that is perceived to need appeasement. Cole (1982) and Ottenberg (2006) observe that the Mbari is abandoned immediately after the construction is completed and the final rites performed. In some cases, according to them, the roof may be replaced or repaired; otherwise, the building is just allowed to decay. Some of the buildings can last up to ten or more years. As Ottenberg (2006:568–569) rightly observes, “Mbari is a process, an extended rite. It is an unusual activity and art form in Africa.” It is also important to point out that the Mbari monument houses are not places of worship, so they eventually decay out of disuse and symbolically become part of the earth.

In the Mbari, the spirit that is being honored or appeased is represented by the main structure. Other spirits or deities receive honorable mentions and are depicted by sculptures or paintings. The sculptures or paintings reflect village life – men, women, and children engaging in mundane daily life, such as dancing, farming, fishing, childbirth, cooking, and so on. Other sculptures or paintings also show animals that are part of the community ecosystem, such as elephants, lions, chickens, and goats. Ottenberg's (2006:569) statement here captures the full essence of what Mbari represents in Igboland: “Gods, mythic beasts, ordinary persons, human scenes and sexual fantasies – the figures and wall drawings represent aspects of the communal life of the village. Beliefs, anxieties and values are well expressed in Mbari.”

It is imperative to point out that it is the diviner who recommends erecting the Mbari as a means of addressing the problems affecting the community. In the African belief system, problems that arise in the community are consequences of what either the individual or the community has done or failed to do. As Kamalu (1990:7) has rightly observed, “In the traditional African view moral responsibility is corporate. A wrong done by the individual will have adverse effects on his or her community and the community shares responsibility for the wrong committed by its members.” This statement underscores the communitarian basis of the African justice system. Communities also take responsibility for the failings of one of their own. African societies believe children become what you put into them. The diviner occupies unique roles

in the African community, such as doctor, counselor, and middle person between the individual and the supernatural being. The diviner is also the fortune teller and the one who reveals secrets important to the well-being of the individual or community. Diviners can also be consulted to find out if a bride and groom are a good match in marriage, for example. In modern times, athletes and businessmen and women consult the diviner to find out if the venture they are planning or embarking upon will be a successful one. Diviners are also the custodians or promoters of communal customs and religious beliefs and practices. Diviners, according to Swantz (1990:64),

hold a key position in the traditional medical system, for it is they who determine whether the client has been bewitched or poisoned, has broken a taboo, dishonored ancestor spirits, or whether he or she has tuberculosis and should visit a doctor. The findings of diviners are believed to be absolute fact of Zaramo. Diviners have the respect and confidence of the people.

The personal shrines of Afikpo-Igbo in Nigeria serve analogous purposes to the Mbari of the Owerri Igbo. Ottenberg (2006) describes the Afikpo-Igbo as having both individual and corporate shrines, to which every member of the community is attached. Corporate shrines are those that belong to the patrilineages and the matriclan (village groups). Individuals also own shrines, whose purpose is protection from the earthly dangers and assistance with succeeding in the individual's endeavors. Ottenberg (2006:110) states that

there are seven common personal shrines for males at Afikpo, varying in function, appearance, and style. These include the shrine to a man's personal spirit (*owa*), the general-purpose shrine (*nkamalo*), one associated with yams (*njoku*), and another with senility and confusion (*egwu nsi*). There is also a shrine associated with wealth (*ororo eko*), one connected with the famous oracle at Arochukwu (*Ibini okpabe*), and one to protect a man's home (*ekike*).

In the main, there are three types of personal shrines for females in Afikpo. When a girl gets sick or encounters other challenges, the diviner often recommends acquiring the *egero* shrine for healing and protection against future attacks. When a woman marries, the *chi* shrine is established on her behalf. The purpose of the *chi* shrine is the promotion of good relations between the married woman and her husband and in-laws, good health, fertility, and bountiful harvest. The *Adudo* shrine serves both personal and corporate interests. The eldest daughter manages it, performing sacrifices for the well-being and protection of the individual and other family members.

Igbo-Nigeria justice principles

The Mbari monuments and the personal shrines of Afikpo have mostly disappeared, replaced by Christian and Muslim religious symbols and rituals. The integration of the Igbo economy into the global capitalist system has altered the worldview, economic activities, and way of life of the people. However, the principles that underpin

the Igbo system and practice of justice remain strong and relevant. The relevance of the African indigenous justice values and practice despite the dominance of the Western-derived state system of justice is encapsulated by Corradi and Schotsmans (2012:2), who note the interactions between state and indigenous systems of justice in today's African society:

Amongst the main ideas included in this new approach we find a critical examination of the 'tradition vs. modernity' dichotomy. The latter is unpacked, showing that tradition cannot be understood as the remnant of an archaic past, but needs to be conceptualized as part of the dialectic power dynamics that constituted traditional and modern institutions during the colonial and post-colonial periods.

The Mbari monument and the accompanying rituals are symbolic and practical community efforts at protecting and promoting the interests and well-being of the individual and the community. In the same vein, the preservation and promotion of the moral order is a corporate responsibility. The promotion of justice is both an individual and corporate responsibility in African societies. As with the Mbari, the goal of justice in Igboland is the restoration of the victim and the community. Justice making, as with the Mbari, is also a process. It is also recognized that the offender may need some kind of assistance to change and become a better person. In line with the ethics and moral standard of the Igbo people, people are, by nature, good and operate with the best of intentions. However, some affliction may interfere with that goodness; hence, the misbehavior that brought pain and loss to the victim and the community.

Victims of crime in Igboland are recognized as suffering some injury. Victims have suffered some material loss. Their sense of security and peace is shattered. It is therefore the responsibility of the offender to make it right for the victim. He or she is held accountable in the restoration of the victim's injury and property lost. It is the offender who has the primary responsibility to restore whatever the victim lost. However, community members, the victim's family, and well-wishers also see the need to restore the victim. If the victim's sense of peace, emotional well-being, and sense of security undermined by his or her victimization are not restored, the community's well-being is also endangered. Furthermore, it is believed in Igboland that a victim whose needs are not addressed is a potential offender.

In Igboland, as in other African societies, the community is a major stakeholder in the resolution of conflict. It is the community members, rather than criminal justice professionals, who are empowered to intervene when crime occurs in the community. And because of the strong connection and bonds that exist amongst community members, it is believed that the community is affected when a community member is victimized. The contributions to the productivity and well-being of the community are compromised when a community member is victimized. The party injured in the conflict is emotionally and physically incapacitated somewhat. In the community, crime is recognized as a conflict between two individuals instead of just a breach of the law and norms of the community. Resolving the conflict therefore

includes repairing the harm caused and also restoring the relationship undermined by the conflict.

Crime and conflict impact the community in many ways besides harming a community member, weakening community bonds, and polarizing the community. Crime creates fear and may lead to the isolation of community members. Consequently, the community cannot be a bystander in times of conflict because it is also an entity affected by the crime and conflict. As Christie (1976) has rightly observed, crime and conflict are community property. As a result, the community must be actively involved in the definition of the harm and in creatively seeking a solution acceptable to those directly affected by the conflict and the community as a whole.

Crime and conflict create opportunities for the transformation of the community. The conflict resolution processes create opportunities for the community to understand the underlying social, economic, and political basis of conflict in the community. Conflict also creates opportunities for the community to reassess the values that are the basis for the conflict. As a result, it presents opportunities for the teaching and relearning of the values broken in the community. Conflict also presents an opportunity for the reevaluation and restoration of political, social, and economic justice in the community.

True justice in Igboland demands that the individual responsible for the hurt or loss of another person be held accountable. Accountability is not the same as punishment. Accountability entails the offender taking steps to rectify the wrongs he or she did. Traditionally, Igbos had no prisons and did not employ capital punishment unless the offender was a threat to the life and property of the community. Therefore, the offender was required to repair the harm his or her actions caused. If the offender lacks the resources or capacity to remedy the wrongs he or she did, the family or even the community can be held accountable. Offenders are encouraged to take responsibility for their actions and also to show empathy for the victims.

The process and judicial rituals in Igboland are geared towards transforming the offender into a better person. If offender is believed to have engaged in theft out of need, the justice-making process will also involve understanding why the individual is not able to fend for him- or herself. Igbo communities have been known to sponsor youths to viable education or the acquisition of skills to enhance the individuals' ability to make a living. Again, if the offender engaged in criminal act to meet addiction needs, community members will encourage him or her to seek counseling.

Furthermore, business owners in the community who sell drugs or alcohol to offenders are also held accountable for contributing to the community members' failings. Therefore, major goals of justice in Igboland are the development and improvement of personal competencies and the relearning of norms and values. All necessary resources are made available to the offender by his or her family and/or the community to acquire needed skills and understanding of community values and norms to enhance their participation in and integration into the community. Igbo traditional economies are based on agriculture that is labor intensive. All hands must be on deck for the economy to grow. Therefore, no individual is considered expendable; hence, it is every community member's responsibility to assist the offender in developing the competencies necessary to be a better human being and fully integrate as a citizen.

Central to this thinking is that the goal of justice is the restoration of property and well-being, instead of getting even. The Igbo justice system is capable of distinguishing between the evil act and the person responsible for the evil. Like Braithwaite (1989) rightly observed, it is possible to condemn the wrong deed and still retain love and respect for the person responsible for the wrong. Reintegrative shaming, according to him, makes understanding, empathy, forgiveness, and reintegration possible. The process of doing justice also includes scrutinizing the conditions that hinder community harmony, relationships, and peace to advance healing. Above all, maintaining peace and tranquility in the community is more important than the letter of the law or the legal rights of every litigant. Bohannan (1957), as cited by Bennett (2012:22), described traditional justice amongst the Tiv people of Nigeria as follows:

The Tiv did not conceive of law as a closed system of precise rules. Rather, they believed that, for all disputes, there was a right answer. Those hearing a dispute were expected to find that answer, and then to persuade all interested parties to accept it.

Moreover, as Bennett (2012:22) rightly observed, “Tiv tribunals look to the future, towards the repairing of relationships. They have less interest in the past, i.e., in the wrong that precipitated the dispute.”

Ubuntu

Ubuntu describes a perspective of the African indigenous justice system. As in the Igbo indigenous justice system, the goal of justice is the restoration of the victim, the community, and the offender. It recognizes the central place of the community in the life of the individual, emphasizing that the individual cannot be doing well unless the community is doing well too. The individual exists because of others and the community. The Ubuntu, according to Elechi, Morris and Schauer (2010), recognize that our humanity has meaning because of others. Whatever we need to function as human beings, such walking, speaking, and thinking, is made possible by the support and assistance of others and an enabling environment created by the community. Without the support of others, we cannot survive. Again, our status and self-worth are often a reflection of how other people view us. The assertion in Ubuntu justice parlance that the community is supreme does not suggest that the individual's rights are of less value. Rather, it recognizes that the individual remains a valuable part of the community and, therefore, can assert both their individual and community rights. The community shapes and builds positive behavior. It is also recognized that the individual enjoys a competitive advantage and synergies as a member of a community. I am who I am because of who we are, according to the Ubuntu philosophy. As a humanist philosophy, Ubuntu extols the connectedness that exists or that should exist amongst people. We are constantly reminded of what makes us human and why we should respect and accommodate others, including according full dignity to others.

The Ubuntu culture in Africa promotes participatory democracy. It also values team spirit and emphasizes community and corporate social responsibility. Good

governance centered around the interest and well-being of the community is the goal of Ubuntu. The Ubuntu philosophy promotes global and intercultural relations. It promotes the values of respect, compassion, sharing, community bonds, tolerance, empathy, and decision-making through consensus. It also promotes dignity for the human being and respect for the environment.

Conclusion

The African principles of Mbari and Ubuntu recognize the community as the source of moral authority. Both describe Africa's indigenous justice system and processes. Penal Reform International (2000) defines traditional justice systems as "non-state justice systems which existed, although not without change, since pre-colonial times and generally found in rural areas" (as cited in Alie, 2012:98). There are different names for the African indigenous justice systems, including customary laws, indigenous systems, traditional justice, and informal justice system. In the African indigenous justice system, it is the community that establishes the framework for norms and the processes for holding members accountable for their breach. In other words, it is community members who define violations and determine the remedies for norm violation. The community, therefore, is the source of decision-making and the center of action. Conflict resolution processes in Africa include the active participation of the victim, the offender, their family members and well-wishers, and relevant community members. Decisions are often reached through a consensus that reflect the needs and interests of the participants and the community. It is important to point out that the state-based justice systems in Africa are now the dominant institutions for conflict resolution. However, it is fair to point out that the majority of conflicts in Africa are resolved through the African indigenous systems of justice that employ restorative, communitarian, and Ubuntu principles. In support, Bennett (2012:19), citing Wojkowska (2006), states that African indigenous justice systems "are the cornerstone of dispute resolution and access to justice for the majority of populations. [They] usually resolve between 80 and 90 percent of disputes."

On the whole, African indigenous justice systems are restorative, advocating the restoration of victims and the community and the reintegration of the offender. The primary goal of justice is the restoration of the property, peace, and well-being of the victim. It recognizes an offense because it harms the individual or his or her property. Victims, their well-wishers, and the community are active participants in the justice process. Justice making starts with addressing the needs of the victim. It recognizes also that the community is affected when one of its members is victimized. Offenders are held directly responsible for the victims' pain and loss. They must atone for the misbehavior and apologize to the community for their actions that breached the peace of the community. The definition of the harm and the determination of the resolution of the conflict are made by those directly affected by the behavior and affected by the aftermath of the acts and resolution decisions. Crime and conflict, according to the Mbari and Ubuntu principles of justice, are

corporate affairs. The stakeholders of the conflict include the victims, the offenders, their family members and well-wishers, and concerned community members. The process of justice making is inclusive and collaborative, and decisions are reached through a consensus.

The goal of justice is the restoration of the needs of victims as much as possible. The victims' peace of mind, property, sense of dignity, and caring damaged by the act are restored as much as possible. Following the restoration of the victims' needs is the restoration of peace, harmony, strength and the collaborative values of the community affected by the misbehavior. The offender is held responsible for the sufferings of the victim and the community. He or she is persuaded to make things right as much as possible. Accountability in this case is not the same as punishment. The offender is a member of the community whose needs and contribution to community growth and well-being are recognized. African indigenous justice is transformative and therefore makes room for necessary reforms of the conditions that gave rise to the conflict. Therefore, the needs of the offender are also addressed to make him or her more responsible and competent and to provide for behavioral change that is acceptable and healthy. The African indigenous justice system recognizes that social control is more effective when it is exercised by the significant others in the people's lives. Again, offender accountability encourages empathy and taking responsibility to repair the harm. The Mbari and Ubuntu justice models seek to restore the individuals and community affected by the misbehavior through egalitarian, humanistic, interconnected, communitarian, and participatory democratic values and processes. Manda (2012:50) aptly describes the African indigenous justice system as more encompassing than the state legal system:

Customary law goes beyond the realms of a positivist approach because it is unwritten, flexible and sometimes delves into areas of the metaphysical. It is not only about norms but extends into institutions which exist within African communities, including gods and ancestors.

The Mbari and Ubuntu concepts of justice will remain relevant and viable for the foreseeable future because their focus is to "restore relationships rather than punish and use force, rendering certain aspects of the right to a fair trial inapplicable or relevant," note Corradi and Schotsmans (2012:12). Above all,

as a victim centered justice system, the first priority of African indigenous justice system is the safety of victims. Assistance is given to victims to restore their injury, property lost, and their sense of security and dignity. Again, the victims' needs for information, validation, social support, vindication, are the starting points of African justice.

(Elechi (2004:1)

Victims, offenders, and the community prefer the African indigenous justice system for the resolution of their conflicts. This explains its popularity and future prospects.

References

- Alie, J. A. D. (2012). *Traditional justice and human rights in post-war African countries: Prospects and challenges in African perspectives on tradition and justice* by T. Bennett, E. Brems, G. Corradi, L. Nijzink and M. Schotsmans (eds.). Cambridge: Intersentia.
- Bennett, T. (2012). *Access to justice and human rights in the traditional courts of sub-Saharan Africa in African perspectives on tradition and justice* by T. Bennett, E. Brems, G. Corradi, L. Nijzink and M. Schotsmans (eds.). Cambridge: Intersentia.
- Bohannon, P. (1957) *Justice and Judgment among the Tiv*. Oxford: Oxford University Press.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. New York: Cambridge University Press.
- Christie, N. (1976). *Conflict as property*. Oslo: Institute for Criminology and Criminal Law Stencilseries, No. 23.
- Cole, H. M. (1982). *Mbari: Art and life among the Overri Igbo*. Bloomington: Indiana University Press.
- Corradi, G. and M. Schotsmans (2012). *Introduction in African perspectives on tradition and justice* by T. Bennett, E. Brems, G. Corradi, L. Nijzink and M. Schotsmans (eds.). Cambridge: Intersentia.
- Elechi, O. O. (2004). *Human rights and the African Indigenous justice system*. A paper Presentation at the 18th International Conference of the International Society for the Reform of Criminal Law, August 8–12, Montreal, Quebec, Canada.
- Elechi, O. O., S. Morris and E. J. Schauer (2010). “Restoring justice (Ubuntu). An African perspective.” *International Criminal Justice Review Journal (ICJR)* 20 (1), 73–85, March.
- Kamalu, C. (1990). *Foundations of African thought: A world-view grounded in the African heritage of religion, philosophy, science and art*. London: Karnak House.
- Manda, K. T. (2012). *Courts and the application of customary law in Malawi: Towards the re-introduction of local courts in African perspectives on tradition and justice* by T. Bennett, E. Brems, G. Corradi, L. Nijzink and M. Schotsmans (eds.). Cambridge: Intersentia.
- Ottenberg, S. (2006). *Igbo religion, social life: And other essays* by Simon Ottenberg and Toyin Falola (eds.). Trenton, NJ: Africa World Press, Inc.
- Penal Reform International (PRI). (2000). *Access to justice in Sub-Saharan Africa: The role of traditional and informal justice systems*, London, www.gsdrc.org.
- Swantz, L. (1990). *The medicine man among the Zaramo of Dar es Salaam*. Uppsala, Sweden: The Scandinavian Institute of African Studies in cooperation with the Dar es Salaam University Press.
- Wojkowska, E. (2006). *Doing Justice: How Informal Justice Systems Can Contribute*. UN Development Programme. *Oslo Governance Centre Report*.