

THE ADMINISTRATION OF JUSTICE IN PRE-COLONIAL EFIK LAND

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1. Introduction

The major task of this paper is to do an overview of Administration of Justice in the Pre-colonial Efik as well as the Efik judicial system in particular. Its intention is to show how the emergence of the British Colonial Administration on the Efik land alongside its justice delivery system with passion for litigation (Ukot Ikpe Ke Esop) as a modus for attaining justice help to stratify negatively the society it came to build and/or develop. To drive home our point, the processes of obtaining justice in the Efik world-view would be exposed. In doing this we shall trace the pre-colonial administration of justice in Efik land from dynasty to dynasty. We shall also show how developed the Efik Judicial system was long before colonialism. This strong traditional system would be shown to have been greatly undermined by the colonial system. After which a proposal for a “judi-cultural renaissance” as a pivot for a new social orientation and justice delivery would be put forward.

2. Administration of Justice in Pre-Colonial Efik

Justice among the Efiks is the moral resolution of issues which involves punishment, reward and restitution. In considering the concept of justice among the Efiks, the need to appropriately react to some of the questions that often characterized a study of this nature need not be overstressed, such as – Is there an African jurisprudence nay the Efik Jurisprudence? If there is, what are its components? What are its modes of operations? And so on. It is our hope that the attempt to respond appropriately to either of these

questions will assist in establishing whether or not there is “An African jurisprudence nay Efik jurisprudence?”

On this note, one of the ways to an adequate articulation of an African Jurisprudence is to conduct enquiry into certain traditional African values, which may include certain states of affairs, types of behaviour, attitudes and patterns which the traditional African considers as ideal or good and worth pursuing. As a follow up, we also need to consider the mode of application of laws in the settlement of disputes in the African setting. However, for the purpose of this study we shall be concerned with just some of the highly cherished values of the traditional African life, to include: The value of religion and the sacred; the value of truth and justice; the value of responsibility; and the value of high moral standards and good character.

(i) **The value of religion and the sacred**

Several authors have highlighted the importance and influence of religion in traditional African society nay the Efik kingdom. J. S. Mbiti in his phenomenal work on *African Religions and Philosophy* posits that “Africans are notoriously religious. Religion permeates all the departments of their life so fully that it is not easy or possible always to isolate it” (Mbiti, 1). Innocent Asouzu’s, *Method and Principles of Complementary Reflection in and beyond African Philosophy* affirms that. African religion was not a pass time affair neither was it a part-time preoccupation but a till time personal encounter with the Divine” (Asouzu, 253). The above statement though was made with specific reference to the Igbo people of Nigeria, but the statement is true of most traditional African societies.

Each African people have its own cultural values with some common bonds with others. Religion is a part of this cultural value in addition to being the far richest aspect of the African heritage. Religion permeates every parts of the traditional African life nay, the Efik people who clearly identify with this popular maxim

“Abasi do” meaning “There is God.” It dominates the thinking of the African people to such an extent that it shapes their culture, their social life, their political organization, the economic activities and of course, their traditional legal system and jurisprudence.

(ii) The value of truth and Justice

Following from the value of religion and the sacred is the value of truth and justice. The place of truth in the traditional African setting was primarily moral and not cognitive or epistemological as with the Western Philosophy. In the African culture, God who is the creator of all things, who also knows all things, and who is the one who decrees morality, is the one who knows the truth of things. Many African societies, the Efik Nation inclusive have names for God that describe God as truth, or Doer of truth “Abasi anam akpaniko” or knower of truth “Abasi ofiok akpaniko.” Hence the saying in the African setting that things that are true are effects from the creative being God. In other words, the value of truth derives from the African value of religion, which involves the fear of God for the African.

Majority if not all of traditional African societies believe that God metes out justice. Justice also stems from the social nature of the human personality and governs his interactions, obliging him to give others their due and ensuring that he receives his due. Francis Arinze rightly observed, concerning the Igbo that it is justice that rules the relation between man and man, and further more that justice concerns giving each man his due, and also consider the varied relations men have with one another, then the different facets of justice becomes clear. These include: Justice of piety or respect and obedience, retributive justice or justice for inflicting of punishments, invocation of curses, justice for oath-taking or the establishment of truth and so on.

In conclusion, the point made from the foregoing is that the value of truth and justice, in the traditional African setting flows from the

value of religion and the sacred. In other words, truth and justice are valued because they derived from the nature of God Himself who is concerned about the moral order and harmony of the society.

(iii) The Value of responsibility

The African world is a world shared with other individuals and beings to include: the Supreme being, local deities, divinities, ancestors, spirits as well as numerous abstract forces in an ordered manner. There is the belief in the existence of order and interaction among all beings, to the extent that disorder is seen as the result of some improper conduct on the part of any of the beings, most especially, the human being. To safeguard and ensure this cosmic and social order in traditional African societies rights, duties and obligation on one hand and prohibitions, taboos, and sanctions on the other hand were devised and enforced through various means such as, flogging, fines, suspension, withdrawal of chieftaincy title and so on. Thus the system places the responsibility to maintain law and order on every person in the community.

Consequently, responsibility was considered as an esteemed, virtue and held as core value in traditional African experience of values. For instance, when people break moral laws, they suffer shame in the sight of the society and so on.

(iv) The value of high moral standards and good character

The African traditional ethics placed very emphatic value on the maintenance of high moral standards which must be reflected in the goodness of character of men and women. According to Joseph Omeregbe in his assertion on the understanding of God and His relationship with men, explains why

In African traditional ethics it is futile for anybody to think that he can commit a crime in secret and go

scot-free, for God who sees whatever is done in secret will always ensure justice by punishing such an evil doer, sooner or later, in this life or in his next (reincarnated) life (Iroegbu and Echekwube, 39).

Following from the above assertion, it can be deduced why Africans traditionally placed emphatic value on the maintenance of high moral standards and the promotion of good character.

In summary, from the foregoing, is the fact that in traditional African philosophical jurisprudence nay the Efik jurisprudence, the thinking was that matters of truth, justice, reward, vengeance, decisions about right and wrong, good and evil are matters that in many instances, transcend the control of mere mortals such that any transgressions or meritorious acts that escapes the attention of mortals are still capable of being punished or rewarded as a result of the natural mutual complimentarily of the interacting forces which bind all missing links of reality.

Following from this summation, we can proceed on our next line of study the Efik concept of justice in its entirety.

According to, E.U. Aye, the story of the Efik people has been created by historical accidents that expressed itself on the people in various facets– occasionally unpleasant, undesirable, damaging and sometimes destructive note. (Aye, iii). He went on to further asserts that these various facets of misfortune, which were the lots of the people to bear, created their own situations including the dispensation of justice. More so was the fact that each of these situations came along with its diverse scenes, though each of these scenes was pregnant with its own vicissitudes which occasionally changed from good to bad and bad to good in the life of the people. However, these diverse scenes and experiences added richness to the tales of their

adventures of migrations and sojourns among their host nations. Worthy of note is their strong belief in the true dispensation of justice, in addition to their fanatic attachment to their indigenous culture, their native names, and what they felt they stood for, that proved to be their saving grace as a people throughout those years of trials.

In exposing the concept of justice amongst the Efiks, attention was given to the following sub-themes-Who are the Efiks? On who are the Efiks according to late Etubom Ukorebi Asuquo, a renowned Ethno-Historian of Efik descent “the question of Efik Origin and who they are have been very sophisticated nowadays. The augments are no longer traditional history; they are now sophisticated theories and hypotheses, and very sophisticated discussion and analysis.” (Inameti, 26). From this assertion, Ukorebi is of the thought that there are many schools with regards to tracing who the Efiks are, such as the Etymological and Ethnographical school; The Oriental school; the Palestinian school. Precisely, Etubom Ukorebi Asuquo, represents the Etymological and Ethnographical school, late Dr. Eyo Okon Akak represents the Palestinian or Hebrew school; while Elder Effiong Ukon Aye, represents the oriental school. However, irrespective of the schools of thought and their respective claims, for the purpose or intent of our investigation, we shall conclude thus, that the Efiks are a people who occupy parts of Eastern Nigeria and are mainly traders, merchants, fishermen and farmers. Worthy of note, is that the Efiks had a prolonged interaction in terms of tradition with the Portuguese, Dutch, French as well as the British Merchants which helped to put them in the world map as a “ treaty nation” with a treaty king as the “Obong of Calabar” as far back as the fifteen century. What constitutes their thought system which includes law of cause and effect; law of retribution, reward system; the idea of Supreme God is the focus of this work. Others includes the potency of curses; Efik names or naming pattern among the Efiks, marriage; life After Death; language; The Efik house system; land

ownership/tenureship and Drama have been well attended to in this study.

The concept of justice among the Efiks was given deserved attention as well. The concept of justice amongst the Efiks is often intermingled with the concept of right. Put differently, both concepts are used interchangeable with one or the other. The concept of justice amongst the Efiks is tied to the universal assertion of giving one his due “interpreted in Efik as “edino owo si dide unen esie.” In other words, the notion of justice and rights amongst the Efiks mean the same thing. Even though the end of every justice pursuits or delivery is to enable one attain or benefit from the enjoyment of some fundamental rights; whereas they both mean different things in the western jurisprudence. This is in addition to delineating its (justice) elements to include – Shrines and native courts; administration of Oath; marriage and payment of dowry; invocation of Ekpe Decrees/injunctions; uspension/banishment of erring citizens; pronouncement of curses in culprits.

However, as we have done with Western School of Thought on their Notions of Justice. We shall attempt an outline of some Efik Kings and Chiefs on how the notion of Justice was viewed and dispensed in their time.

The Great Duke Ephraim IV (1814 – 1834), he ascended the throne during the period of transition from slave trade to palm oil trade. He was rated to be in the category of those rulers that believed that “Might is Right” as posited by Thrasymachus, and that “Injustice Pays.” It was recorded that in spite of his influence in both men and material, Great Duke’s ambition for sovereignty in all things seemed insatiable. Even though there was really no serious threat to his ambition except for the rivalry of his elderly friend Eyo Nsa. To dispose of this “nuisance” Duke was reported to have used his position as Inyamba Ekpe Efik to bring up a false charge against his friend, Eyo. For the Great Duke, it was his hour of triumph for

Eyo was found guilty and fined to such a degree that he was totally ruined.

King Eyamba V (1834-1847), he is another influential Efik King, popularly known to his Liverpool friends as Johnny Young, and to the Efiks as Edem Ekpenyong Offiong Okoho. He conceived justice in the sense of “International Military Diplomacy” or relation. On this note, it is a common occurrence to see bigger and influential nations coming to the aid of the smaller ones whom they have some things in common with. It is on record in one such occasion that King Eyamba V, devised a strategy to ensure that the way was clear for his people to trade with the Cross River Region in 1846. When news reached him (King Eyamba) that the people of Umon, under their King Abiakari I, had treacherously attacked and plundered the Agwagunes who were allies of the Efiks he was distraught. As at the time of hearing the news, about one hundred and seventy people were said to have been killed by the Umons, and Eyamba felt obliged to avenge the attack. Similar cases in his time on the throne earned him the reputation as a king that believes in justice as retributive and punitive. On this note, King Eyamba V, could be said to have also conceived justice as one fighting against “Domination and Servitude” as enunciated in Hegel’s Dialectics of Master-slave relationship. Though, Hegel never treated same under the notion of justice, but under the Phenomenology of self consciousness.

King Archibong I (1849 – 1852), was the founder of the Archibong dynasty. He also conceived justice as a means for fighting against all manner of oppression in the land including the insurgences from much revered Ekpe Confraternity. He (King Archibong I) achieved this by joining the company of other free men in Duke Town and the Blood men for their own ends. The “Blood Men” (NKA IYIP) are the conglomerates of fugitives and runaway slaves who in a bid to escape from the atrocities of the Ekpe Confraternity, band themselves together by a covenant blood for mutual protection. Hence, according to Hope Waddell, this was

the origin of the Blood Society which attained much strength as to rival the Egbo association (Waddell, 476).

King Archibong II (1859 – 1872), belonged to the same generation as Archibong I. His concept of justice was prominent in his fight against “Economic Domination and Subjugation” by the European traders on Efik Shores. This he did by successfully countering the pressure of the European traders by opposing all their machinations. It is on record in April 1862 when the European traders attempted to reduce the price of oil in Calabar on the grounds that English oil market was falling, Archibong, along with Eyo IV of Creek Town disagreed, using traditional methods possibly Ekpe or Mbiam, that is, juju concoction, to suspended trade in the river and permitted no oil to be sold to any ship at the reduced price offered by the European traders. However, this matter and ensuing controversies were later resolved amicably.

King Archibong III (1872 – 1879), conceives justice in terms of loyalty to the state. This was clearly expressed via his resentment and the immediate problem of containing the excesses of “Sierra Leonians” and “Accra Men” who styled themselves “British Africans” and holding “free immigration papers” issued to them by the consul. Armed with these papers they (British Africans) began a movement to rid themselves of the King’s control. Their continued defiance of authority by these people resulted in a build-up of resentment against them as well as the moves to eject them from Calabar. By 1876 many of them had left Calabar because the Efik threatened to Massacre them. This led King Archibong to make the following proclamations –

In no wise have any African Born British subjects in my country who will not abide by the law of my country with the exception of the Hulk and Cask house dwellers. I therefore implore the court to inform the said British subjects dwelling in Old Calabar Towns under my control that those who

will not abide by my country law must leave my country entirely or abide in one of the Hulk in my river if they choose. (Archibong III).

Loyalty to the king and the laws of the land were imperative for justice to reign. His position is similar to Plato's conception of Justice where justice ensues from the proper dispositions of duties of individuals to the state.

King Eyo Honesty II (1835 – 1858), exploits in the dispensation of justice could be seen, this time by playing a direct mediating role. Sometime, in the course of his reign, the Ikoneto community was placed under the Ekpe ban. And when they could not bear it, they appealed to King Eyo Honesty II for mediation. It was said that an Ikot Offiong man had sent an Ekpe official to collect a debt from another man in Ikoneto. When the debt was not forthcoming, the man's children were seized in the name of Ekpe by the tying of the sacred yellow band on their arms as hostages. The Ikoneto people appealed to Duke Town which took up their cause and together they proceeded to plunder Ikot Offiong which resisted the combined force and prevented them from landing. Following the resistance by the Ikot Offiong people, Duke Town returned home to prepare seriously for war while the Ikot Offiong people appealed to King Eyo for peaceful intervention. The King prevented the war by calling a Grand Ekpe meeting to settle the misunderstanding. This singular act by King Eyo enabled him to gain the confidence of virtually the whole of Calabar. Many more of such marked him as a king whose idea of justice includes freedom from oppression and tyranny.

Chief Magnus Adam Duke (1842-1899), was one of the influential chiefs in Efik land. As a Prince of the Efik land, who studied law in England, on returned home, he became deeply involved in local political affairs. To this end, he had serious confrontations with King Duke IX in whose court he served as "Scriba Municipii" or

Secretary. He felt that the King was trying to subdue many old Calabar Houses under his control, especially, the King wanted to exert what he (Magnus) termed “Domino Tyrannus” or tyrannical rule over his own Adam Duke House. His resentment was manifested in a petition which he sent to then consul Annesley, to intervene on his behalf. This petition narrated how the King had tried to force him to take “Mbiam Oath” or “juju concoction” that he was not his slave, an entreaty Magnus Duke refused to submit to because according to him taking mbiam oath whether of one’s free will or not, was a sign of making one a slave. However, the controversy between the two men (King Duke IX and Chief Magnus Duke) was resolved by Consul Annesley by admonishing them on the need to ensure equity, justice, good government and peace in the administration of Efik House System.

The exposition of both the Western and Efik concepts of justice gives us the impetus to undertake a comparative analysis of the two schools of thoughts.

3. Justice in Efik Legal Statutes

We shall focus on the administration of justice itself from established legal tradition. In as much as the ends of administration of justice is justice itself. We shall as well give attention to the structures set up, manned and operated for the settlement of disputes or enforcing the law of the land such that good conscience, fairness, equity and the rule of law permeate every aspects of the society. In addition, the structures for the administration of justice presuppose an inherent ability and power to dispose justice in a cause or matter that is justifiable in a court of law. Even though, it is understandable that not all causes and matters are justifiable in the court of law, hence the need to seek for an alternative means or ways of resolving disputes such as arbitration.

In considering the court system/ judicial structure both executive and judicial functions are exercised by the Obong-in-Council at the

apex of the authority with a trickling down of the same authority to subjects under him to include – the Etuboms or Clan Heads, Village Heads and family Heads or subsidiary chiefs at the foot of the pyramid.

In an attempt to juxtapose between the practice of judicial precedent in the Efik judicial system though there is a provision for hierarchical court system in her native laws and custom, the notion of judicial precedent is not strictly adhered to. In other words, there is provision for the notion of judicial precedent in the Efik judicial system drawing from one of the popular maxim among the people “Owo isihkede adana eset” meaning “don’t shift the ancient landmark.” But the only difference is that, it lacks strict adherence to the extent that, room is given to emotions, circumstances and sentiments, especially when the accused is rich and well connected in the land. A typical example is in the process of choosing the Obong of Calabar. It is mandatory, according to the Efik native laws and customs, that the successor to the throne of Obong of Calabar must attain the highest Ekpe grade “The Eyamba,” in addition to other qualifications. But in 2000, there was a shift from this established norms in the sense that the choice of Obongship, which was originally zoned to western Calabar was re-assigned to the central Calabar from which the deceased Obong of Calabar, His eminence, Edidem (Prof.) Nta Elijah Henshaw III came. This action generated a lot of heat among the two Efik zones, as it was seen as a breach of the 1970 accord between the two zones in selecting the next Obong in the event of death.

On the exercise of discretionary power in the Efik land, during the process of adjudication, especially when faced with the problem of indecision over any matter, the Obong-in-Council can use the discretionary power given him to dispense justice. A case in view was in 1447 decision by King Eyo Honesty II, when he ordered the banishment of all masters of divination (Abia-Idiong) from his kingdom, following the exposure of the futility of the sect by personally hiding a “magic lantern” and asking the most powerful

one amongst them (the Abia Idiong) to find out who the thief was. In this case, the spell of the *Abia Idiong* fell on an innocent person, after which the King ordered that the magic lantern be brought from where it was hidden. The next step of action was for King Eyo Honesty II to banish all the Abia idiong from his kingdom to safeguard further damage and injustice in the land.

The Efik judicial system also has the process of adjournment and makes provision and application for such with the following reasons for its justification:

- (i) To enable relevant witnesses appear in the case as well as give testimony;
- (ii) To enable the sitting judge(s) to verify the facts of claims in the case in question, for example, land disputes.

The term “adjournment” could best be described with the following usages amongst the Efiks – “edi sio nim” or “editre kana.” It is commonly employed when there is a serious dispute, or when there are no witnesses (ntie-nse) to testify to the fact on ground. The judge depending on who is at the helm of affairs such as the village Head, Clan Head or the Obong-in-Council could call for adjournment of the matter to a later date.

In the case of offences that could lead to meting out punishments the Efik have provisions for them in their moral code. These punishments are either retributive or deterrent depending on the nature of the offence. For instance, in Efik land, if the punishment is retributive, it is referred to as “Isop” or “fine,” but when it is deterrent; it is referred to as “Ntuno” or “rough handling.” Punishment or *ufen* in Efik land serves as a veritable weapon for the preservation of the societal moral values from flagrant disregard and decay. Moreover, in the Efik traditional society, “mme ewuho obio” (custom or moral code of the land) provides sanctions against those who violated it and those considered to be dangerous to the entire community. Though the standard of

conduct amongst the Efiks was expressed in unwritten form, but the forbidden acts were recognized and punished as transgression according to native laws and customs of the people.

Thus for punishment in the Efik judicial system, the standard of conduct was expressed in unwritten form but the forbidden acts were recognized and punished as transgression according to the native law and customs of people (Aye 17).

Just as it was with the concept of punishment the Efiks juridical system contains the application of bails/injunctions. For bail, the purpose is either of the following:

- To secure the freedom of the accused or;
- In case the accused fail to appear for trial by court.

Whereas, injunction is a remedy in form of court order addressed to a particular person that either prohibits him from doing or continuing to do a certain act, (i.e. a prohibitory injunction) or orders him to carry out a certain act, that is, (a mandatory injunction). It is necessary to note that this remedy is discretionary and will be granted only if the court considers it just and convenient to do so; it will not be granted if damages would be a sufficient remedy. Also, injunctions are often needed urgently by plaintiffs urgently as a remedy (Martin and Law 274).

In the Efik judicial system, bail is commonly referred to as “Ubion.” Hence the following usages in Efik communities such as “edibo ke ubion”, meaning “to take on bail”, “tie ubion no,” meaning “stand in for bail,” “fak enye sio ke ubion,” meaning “rescue by bail.” Consequently, in the community when the need for one to be bailed becomes necessary especially in the Obong royal court, any of the following questions may be asked – “ndi enyene owo eke edibo de enye ke ubion?” meaning “Is there anyone to take him on bail?”, or “ndi ameyene nkpo ndi nim nte nkpo ubion?” meaning “Do you have anything to present as collateral for bail?” This may include landed property, money or

some physical items. Injunction in Efik land is identified by the following terms. “Ukpan” meaning “command” while “ewuho.” Meaning “order.”

In Efikland, almost all the injunctions effected in the land are instituted by the Ekpe conclave via its unequivocal proclamations. Though with the advent of the British colonial administration in Efikland, the Ekpe fraternity has progressively lost its bearing, rather what obtains now are mere sophistries.

Concerning the implementation of appeal processes the Efik judicial systems has legal provisions. The appeal process (unim ebene) starts from the family structure (Ekpuk ufok) up to the Obong of Calabar royal court (Esa Obon). In other words, the pursuit of redress could go beyond the internal husband and wife disagreement up to the larger family (Ekpuk Ufok) presided over by the family head (Ibuot Ufok) and so on.

In respect of policing and prison authority, the institutions were not properly defined in the Efikland as they were in the West. For instance, in Efikland her policing system includes: “Nka” or “age group” and “Nka –Ukpotio” or “able bodied men”, whose functions were as follows: arresting of any violator of the native law; ensuring that the proclamations or decrees (mbet) of the paramount chiefs are judiciously obeyed. The known prisons or confinement in the then Efik land were “Nkobi ntem”, which was a temporary cell where stubborn persons were kept until he or she is bailed out. The other one is, “Ebuka,” that is the prison proper. This was primarily made for stubborn slaves (Ifin) or fugitives. One such prison was built in the palace of King Archibong III in 1875.

4. Evaluation and Conclusion

The fact that morality is a product of social context makes any serious violation of the moral order to have a social aspect, leading to serious social consequences. Moreover, prior to the emergence

of the British colonial masters on her shore (Efik) “arbitration” was much preferred alternative to “litigation” in settling disputes. Why arbitration? It was because the approach engendered mutual trust and confidence in the society where social solidarity, communalism, mutual dependence and complementarity were highly cherished traditional values. Arbitration, otherwise known as “Alternative Disputes Resolution” (ADR) as the term implies, is one of the wide range of processes that encouraged dispute resolution primarily by agreement of the parties as against a binding decision in litigation. This method of adjudication (ADR) offers a number of advantages and benefits to its adherents including – privacy, speedy resolution of disputes, less costs, improved future relationship among the parties, mutual satisfaction of parties’ interests and so on. However, the choice of arbitration by the Efik judicial system does not in any way place arbitration at a vantage position over litigation, because in resolution spectrum, no one process, be it litigation or arbitration is in all respect superior to the other. Rather, the effectiveness of any process is usually determined by the facts and circumstances of the particular case. But the fact remains that ADR plays an integral part in the Efik judicial system. Hence the common usage – “Yak nke tot nno Ibuot Ufok,” meaning “Let me go and report to the family Head,” this is contrary to the language of litigation (Ukot Ikpe ke esop) meaning “sue him to the court.” But when an aggrieved Efik man seeks to report his brethren to either the family head or the community leader, it is done with a view to ensuring peaceful future co-existence. When the dispute is insolvable the presiding officer through the agreement of the parties in disputes may resort to spiritual dimensions or consulting deities, which usually takes the form of swearing on some juju otherwise known as “Uta unwono” or “uta mbiam” meaning “oath taking” (Elias et al 188).

Corroborating the Efik jurisprudential choice of arbitration over litigation, innocent Asouzu sees the traditional African preference of arbitration over litigation as a consequence of her realization of

the “transcendent complementary unity of consciousness.” This, according to Asouzu is the “highest form of actualization of communal experience as shared experience (Asouzu 106). In relation to judicial procedure, Asouzu submits that:

The traditional African society was deeply committed to the idea of efficacy of retribution arising from non-commitment of the demands of the experience of transcendent complementary unity of consciousness. This mutual experience makes arbitration a viable alternative towards checking excesses and tension in society. (Asouzu 188)

Beyond the assertion made via Asouzu’s “transcendent complementary unity of consciousness” is also the need for African and indeed the Efik nation to embark on “cultural renaissance” that would help project her much cherished values and virtues of life. A situation that drew support from T.O. Elias thus, “They had administered their brand of justice in their own way, but this new system came in with something different something that tended to encourage, rather than check evil”(Elias et al, 189). This points to the failure of Western styled judicial system introduced in much of Africa since colonial times.

The need for a “judi-cultural renaissance” of the Nigerian experience need not be overemphasized at this point. This is because a lost culture leads to a lost society in addition to loss of invaluable knowledge. And being conscious of the fact that the greatest fault with our administration of justice today is the lack of the will power to articulate laws that reflects our native jurisprudence which will invariably help to stem the dangers of judi-cultural atrophy which has since eroded the possibility of attaining such feat.

Finally, the following have been suggested as means of boosting the growth and development of “Judi-cultural renaissance” of the native Efik jurisprudence:

- a. That the on-going legal reforms in the country should extend to the native jurisprudence, even though, there are customary courts already in existence as provided for by the Nigerian constitution. But the courts (customary courts) are not as effective as they were, when local or native arbitration process was directly in the hands of chiefs, Etuboms and Obong-in-Council. In some occasion, when matters brought before the village assembly or court are beyond human comprehension, there is room to follow spiritual dimension via the ordeal of “Uta-Mbiam” or Uduk Afia” as means of ascertaining the truth of the matter in addition to saving time and costs;
- b. That our judicial and law officers, legal practitioners and law teachers should henceforth adjust their minds to the evolvement of original legal thought particularly suited to the needs and ends of the Nigerians as well as the native Efik society;
- c. That regular workshops and training on native jurisprudential principles and practice should be conducted for our local chiefs and traditional rulers. However, this workshop must be conducted in such a way as not to be seen as trying to impose the Western judicial system on the native or local jurists rather it should help to boost their capacity in the administration of justice.
- d. That the mode of the application of law in the settlement of disputes in the African setting should be re-visited. A good example is the case of one caught in the act of committing adultery with somebody else’s wife or husband in Efikland. Instead of the parties concerned resorting to litigation in the English court of law, it would be advisable for them to seek vindication of the culprit via the ordeal of “Ekpo Nka Owo”, which takes little or no time in exposing the truth of the matter (Udo 165).
- e. That a thorough observation of the principle of judicial precedent among the practitioners of legal justice in the

native African jurisprudence should be highly encouraged. This is because flexibility in adhering to the principle of judicial precedent if not properly checked may lead to uncertainty and adverse consequences. For instance, due to the flexibility in adhering to the principle, an accused who is rich and properly connected can get justice though pervasion of justice. For example, the current Obongship tussle in Efik Land between the incumbent Obong of Calabar, Edidem Ekpo Okon Abasi Otu V and Chief Anthony Ani. That the use of discretionary power in an African setting like the Native Efik jurisprudence must be applied with caution to safeguard abuse, since there is no statutory provision for that in the customary or traditional norm as it is inherent in the Western jurisprudence. This is because unlike the English judge, personal interest, politics and other cultural considerations may colour the process of transparent judgment via the use of discretionary power.

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