

The Synergy between Social Justice and Compassion in African [Igbo] Traditional Society: A Re-Consideration

Okoro, Kingsley N, and Okoli, Charles C. N

Department of Philosophy and Religion, Ebonyi State University, Abakaliki-Nigeria

***Corresponding Author:**

Okoro, Kingsley N.

Email: okoro_kingsleyn@yahoo.com

Abstract: The theme of Social Justice [SJ] in its varying natures and discourses has resumed the centre stage of all spheres of human interactions in the modern society. Perhaps, this renewed interest could be the outgrowth of manifest violation of human right and life in the 21st Century in the pretext of saving and maintaining equitable society and venting for social injustice. However, the common masses cannot be wheedled to be blind on open injustice that has become part of the structure of the globalized world. Hence it is noted that the current nature and practice of SJ is vindictive, selective and exclusive. Thus it has failed to address the question of poverty, class system, unemployment, migration and global labour movements in the current global village arrangement. It is against this backdrop that this paper undertook to study an alternative justice model that will be integrative, inclusive, human centered and based on shared human values of cooperation, compassion and shared living. This alternative model is found in African traditional SJ practice. The researchers took sociological and participant observation methods seriously in carrying out this paper, while not neglecting the Religio-philosophical interpretation that is akin to their field of study. The paper concludes that if African model of SJ shall be adopted with certain modifications, it shall provide clear answers to the modern question of social injustice.

Keywords: Social Justice, Compassion, Igbo/African, Traditional, Society, Synergy

INTRODUCTION

The practice of social justice in the modern era [21st century] has raised bewildering questions in the minds of the common masses and also challenged the sincerity of the world leaders to addressing injustice and fostering common community among the citizenry of the global village. The cliché, 'justice for all', 'equality before the law', 'non discriminatory treatment to all and for all', 'equal opportunity for all human persons' and 'the hope for classless society', in practical terms have remained to some people a mere dream and to others a nightmare. The blatant vitiation on these ideals is not a surprise to skeptics and thinkers. This is because a critical consideration of the defining paradigm of the 21st century world reveals the obvious fact that the ideal of social justice has been inconsistent with the notion of human equality. The modern world is built on the principle of class struggle and social class system. The assertion of Hautart may be apt in support of the above subsumption as he writes:

All around the world, there is a deep uneasiness caused by the growing divisions in the society, lack of respect for justice, youth unemployment, abuse of power, destruction of nature,...the economic developmental model that we have with

its political culture and psychological consequences is at the origin of these imbalances [1] and [2]

To this, the World Council of Churches [WCC] in a colloquium of 1998 held in Harare adds, 'Injustice and inequality have taken new and more aggressive forms as many people are dying of poverty today than ever before' [3]. It is against this backdrop that Okoro maintains that the question of social justice [SJ] in the modern period has taken a new dimension as it has left its traditional province of law courts, legislative assembly, norms and rules and the apportioning of rights and privileges to deserving citizens and punishment to violators of law, rules and norms of the society to enter into politics, class relationships, economics, sociology and social philosophy [4]

Notably, SJ which is the consequence of social evolution of the norms, orders, laws and morality, places premium on just action and creates intervention in the society by enforcing the rules and regulations based on the principle of equality [5]. However, amid all the burgeoning complexities of SJ which has led to its misconceptions, misinterpretations and misapplications and the consequent violation, it is

observed that it is traditionally tied to the legal system and this is with the underlying assumption that SJ is synonymous with equal rights for all, equal access to all available resources for all and fair treatment for all [6]. Therefore, the question of SJ cannot be discussed in isolation from the concept of 'just' society [7]. This assumption thereto expands the legal interpretations of SJ and the law whether in customary/traditional or modern world. The implication of the above approbation is revealed by Bell when he avers that the concept of SJ is hung on the idea of/ or that the society gives the individual and group fair treatment and equal share of benefits, resources and opportunities [8]. Here SJ ideally concerns all human beings within a society and dictates their liberty, equality and right. Thus the core issue in the development of SJ ideality is the securing of the highest development of the capabilities of all members of the society [9]

Besides the good ideals of the conceptual and definitional framework of SJ in the modern era, human practical experiences show the contrary. Thus we experience divisions against racial/ethnic, gender, religious and economic and political lines. We also experience high degree of oppression, discrimination and human brutality, which cut across all worlds and continents. Noravian bemoans the situation vividly in the following lines, 'We live in a world where we see hunger, poverty, cruelty, and injustice, we also see human rights violation'[10]. Sterling a socio-political analysts tied the entire modern crisis to our concept of SJ, which he says is selective and exclusive. In his own words:

...the principle of retributive justice is as old as recorded history. In Exodus 21:24, the oft misquoted, 'eye for eye' verse when read in context, is a statement of the modern rule of proportionality standard used on our courts today. That is pay-back [penalty] is proportionate to principle of harm actually caused. This is a legal principle in Biblical, Rabbinical and common law [11].

Now the core issue in the present complex and awful experience in the administration of SJ is "how do you increase proportionality? At what point is the shedding of blood permitted as a compensation for a crime? What does other modern conventions, instruments and declarations, eg Universal Declaration of Human Rights, that defines human rights in modern parlance stipulate?

Beginning with the last question, we may observe that the Universal Declaration of Human Rights [UDHR] did not in any of its articles suggests that life of human being should be jeopardized or sacrificed in defense of deeply held rigid belief. The Amsterdam declaration of 2002 never spell out in any of its 30 articles that war is an accepted means of

achieving human rights and making the world more humane [12]. To state the least, the whole spirit of enlightenment, which gave birth to the UDHR and other modern instruments, is to preserve life of each individual, with the right to life being at the centre. Yet we know that many innocent lives have been and are being mercilessly wasted in pretext of defense of human rights and the enforcement of social justice both at national, regional and global fronts. Thus both the innocent people and the alleged criminals are made to suffer. Does that on itself not constitute a violation of principle of SJ. How do we interpret the current crisis in Iraq, Egypt, Sudan, Ukraine, Gaza, Syria etc. where innocent civilian are slaughtered on daily basis in order to vent injustice?

The modern world is really at the cross-road without knowing where to turn for direction, in order to maintain an equitable society. It is therefore in recognition of this confusion and avid violation of the basic principle of SJ that this current work is designed and carried out. Here it examines the concept of SJ in African Traditional society [African pre-colonial period] using the Igbo people of Eastern Nigeria as a point of reference. This shall serve as an answer to the modern question and search for SJ ideality devoid of prejudice in modern era.

The Basic Structures and beliefs of African [Igbo] Traditional Society in Relation to the Maintenance of Social Justice

It has been argued and rightly so that one's' worldview constitute the Archimedean point from which one operates [13]. Thus one's worldview defines his/her epistemology-knowledge system, values and also determines one's behaviours, actions, reactions and inactions. Thus Oregbunam underscores that one's worldview represents the sedimentation of one's conception of the way things should be [14]. While it is the 'control box' that governs the application of the people's conception of their reality [15], it webs both the religion, culture and social activities into one intricate system. In relation to the Igbo People of Eastern Nigeria, their worldview has always been the defining paradigm of the totality of their being, their relation with the supersensible reality and their environment. It also spells their moral and ethical system and this in turn defines the standard of their SJ, law, customs, traditions and taboos and their sanctions. Though the veracity of moral thinking among the Igbo People before their experience with colonialism has generated a heated debate among scholars of diverse fields and orientations, yet we know that moral thinking was and still is the fulcrum of Igbo community living.

Notably, moral thinking is concerned with the question of good conduct among those who constitute the human community in all ages and the Igbo people

are no exceptions [16]. Moral thinking fosters a humane social environment that enables the members of a given community to live in harmony and realize both spiritual and material goals in life. It is through moral thinking that social cohesion is maintained and justice defined. Through moral thinking the ethics of a given community is notched and moral codes which reflect the behaviours of the members of the community are made. This covers what becomes the custom, norms, taboos, and laws [17]. The moral codes therefore constrains the members of the community to act in a particular way and not otherwise, as it defines what is right and what is wrong and how people should relate to themselves and others in order to promote mutual welfare, progress and creativity. In the words of Agulanna

In our day to day interactions as human beings, we expect people to conduct themselves in a morally good way. Similarly, we expect a person to do that which is ethically propitious or good, while avoiding that which is evil. When for instance, we judge the actions and characters of people to be right or wrong, good or bad, just or unjust etc, we have an idea of the best way we think they can live [18]

Against this backdrop assumption of the nature of moral thinking, we therefore note that Africans and Igbo people in particular built their tradition/culture on elaborate organizational structure which ordered their social living and relationship with other people. This structure built on moral rectitude also defines the Igbo philosophy of humane living [19]. Though this structure put in place is mainly for the regulation of the conduct of the members of community, the overall purpose of Igbo institution is for the definition of social relationships and cultural practices that moderate the relationship between the members of any given society and also to maintain law and order within the community.

Here Igbo people of Nigeria have an integrated vision of life and living and this underscores the fact that the living, the dead and the unborn share one continuum of relationship. Thus, Ifemesia affirms that in Igbo worldview life cannot in point of fact be compartmentalized, hence their idea and belief were closely related, their institutions and practices are as well most intimately connected and all of them constitute the integral part of the society [20]. Notably, the Igbo institution was never set up apart from or with little relevance to the rest of the community nor was a practice undertaken, as it were in a self contained conceptual capsule designated 'social, political , economic, religious' etc [21]. Therefore, personal quarrels are sort out through sacramental communal feast and social disputes as well are settled by swearing in the presence of the local deities or by divinations and or appeal to the oracle. Often within

the Igbo epistemology, just like Hebrew of the Old Testament period, illnesses are explained in terms of offences committed against the God[s] or ancestors of the community.

In this Igbo integrated vision of life and living, religion becomes the defining paradigm of all behaviours, actions and words. It also defines one's relationship to both the material and spiritual world of the unseen powers. Thus religion takes the centre stage in Igbo ontology as a communal affair; practices not only for material and spiritual benefits of the individual or his immediate kin but for the wellbeing of all within the preview of the celebrant [22]. The shrine which we observe manifestly dots the socio-geographical landscape of all Igbo communities, play very prominent roles in understanding the Igbo integrated vision of life and reality. Shrine houses different deities, whom the Igbo people in all season of life, invite for protection and promotion.

Therefore, the shrine becomes an indispensable institution in the traditional life of the people. Okoro underscores the fact that shrine occupies vantage point in the Igbo socio-political, economic and religio-cultural life of the people [23]. Professor Iwe, a renowned Professor of African Studies, enunciates on the central position of the shrine among the Igbo people when he avers that the social impact of the shrine can be considered from the ethical, judicial, security, economic, festive and political strategic points of view [24]. Thus Okoro asserts that Iwe's assumption is implicated on the fact that shrine in Igbo culture dovetails from the sacred to the material realms [25]. It was the above notion of the shrine among the Igbo people [Africa] that warranted Awolalu and Dopamu who wrote from the Yoruba background, to affirm that the shrine serves as the centre of worship, where the unseen-super-sensible reality meets and commune with the world of men. Accordingly, shrine is the sacred place of worship, it may not be a building but a place marked out as sacred with religious objects and it is here that sacrifices are offered [26]. In consequence therefore, Iwe maintains that the shrine is the expression of African [Igbo] religious ideas and beliefs [27]. Thereto, the shrine becomes the symbol of the ontological harmony between the two worlds apart-the visible and the invisible worlds, which the Igbo people crave for in their interactions with nature [28]. In the shrine the seeming secular and the sacred unite in an inseparable manner. This union of the secular and the sacred in the shrine also symbolizes the mystic union between the world of the god[s] and the world of man, which the Igbo people consciously maintain and celebrate in the shrines.

However, the graduation and the practical demonstration of both the complete integration and

intrinsic humanness of Igbo cosmology is the transcendental cult of 'Ala' [Ani, Ana] the Earth Goddess. In the idea of Ifemesia the Ani –Earth was far the most important single factor in many-side life of the traditional Igbo community [29]. In this wise, the priest of Ani [Eze Muo] is the most important, foremost and greatest religious functionary in any Igbo village or community. He was the cleanser of abominations [nso-ala] committed against the custom/law of the land. He also receives the tributes paid to Ani at the beginning of the year and also the oblation made to Ani at the end of the farming season. On this score, Ifemesia maintains that the 'Okwu-Ani' [the Earth shrine] is the venue for taking superior decisions and swearing supreme oaths-enactments which irrevocably binds on all concerned members of the community [30].

It is against the backdrop of the foregoing discussion that the Igbo people regard their omenala-omenana [customs] as having greater force than the English laws and legislations. Hence in the traditional Igbo society, customs –omenana, which literally means the actions in accordance with the demands of the land – Earth Goddess, is intrinsically bound up with the mother earth and her tenants –the ancestors [Ndi Ichie]and as such cannot be altered without due consultations, reparations, pacifications and purifications. The Igbo people are always aware that the ancestors lay reverently buried in the earth with which they like their living descendants were of one skin [ofu-anu aru] the living descendants themselves whose after-birth also lay ritually buried in the land of their birth where they were nourished, protected and adorned by the same mother earth. According to Ifemesia the earth achieved this central position in Igbo cosmology by bearing innumerable plants and animals, providing springs and streams and wells and harbouring minerals of various kinds [31], hence, Ifemesia accorded the status of womanhood to the earth. In his own words:

That which was the source and cradle of life – so the people deduced –that that which produced and nourished and laid to rest, could be none other than a woman. Hence the earth was conceived of as feminine and gentle, benign and serene. The priest of the Earth deity was mild and modest, a peaceful and uncontroversial personality. Mother earth [Aja-Ani/Aja- Ala] was the most sacred oath a person could be called upon to swear [32]

Here we appeal to the records of a British Administrative affair, Talbot PA, to justify the veracity of our claims above. Mr Talbot after a careful observation of one of the seasons of ritual ceremony accorded to the Earth Goddess among the Igbo people wrote:

The chiefs...only invoked juju, according to ancient custom to prevent strife during the sacred months of Ale/Ani. Since litigation can hardly be carried on in the friendly spirit, which alone draws down the blessings of the Earth mother that also was stopped not by direct order of the priest but by a quite logical conclusion on the part of the people. The priest expressed again and again, in terms which at the time [1915] sounded strangely ironical, how important it is to native ideas that men should practice peace and goodwill during the sacred month of Ale/Ani. Should the peace of the Earth Mother be broken, she would permit the ground to bring forth but scanty harvest, whereas did but universal goodwill reign at such a time, crops would spring forth with luxuriance, flock yield great increase and multitude of strong and healthy babes be sent to gladden happy [hearts] and hearths. In [this] maybe, lie a germ of truth on which, for all our vaunted civilization, we might do well to ponder. It is indicative of the strength of their hold that, amid the general catadysm the cults [of Ale/Ala] remain as yet unshaken [33].

The mother earth occupies the sacred and most intimate part of the heart of the traditional Igbo person. Accordingly, it is the mother earth that preserves the Igbo people's custom and values and maintains peace and unity among the people. She defends the weak, the poor, the innocent, the widow and the oppressed and punishes the wicked and the violators of social harmony. We have gathered some data of some Igbo names that relate to the central position of the mother earth in Igbo cosmology. Here are some of them;

1. Aninagoro [Mother Earth vindicates]
2. Achebe-Anichebe [Mother Earth protects]
3. Agbogu/Anigbogu/Anigboo-ogu [Mother Earth settles the fight or resolves the conflict]
4. Akwuba/Ani-kwe uba [May Mother Earth permit increase]
5. Anikwe [If Mother Earth permits]
6. Anibueze [Mother Earth rules as king/queen]
7. Anikwenze [if Mother Earth permits the enjoyment of the title prestige]
8. Anielotam [Mother Earth has remembered me]
9. Aniemeka [Mother earth is gracious]
10. Aneke/Ani-eke [Mother earth creates]

The list is endless, if we wish to continue, but the overall aim is to show that no authentic study of Igbo structure and belief in exclusion of the central position of the 'Earth' carries any veracity of authority. Therefore, at every traditional festival/ceremony, the Mother earth is consulted for permission and protection and also for gratuitous favour. Hence during the traditional wrestling festival, each contestant genuflects to the mother earth by touching the ground with both hands as a sign of recognition

and respect and prayers for victory. Ifemesia maintains that even in the present day, when Christianity seems to have taken over and assimilated Igbo culture that what seems to have survived is the respect paid to the mother earth. In his own words, ‘In public gathering of the Igbo people, one can hear an elder be a Christian or a traditionalist intone the invocation apostrophe preceding a libation, Ani Igbo mur’anyi, anyi ekene I [Igbo land which gave birth to us, we hail thee’ [34].

The brief worldview as discussed in the lines above defines the Igbo integrated vision of reality. Thus the Igbo people consider every aspect of nature as stupendous whole, whose body nature is the mother earth. Igbo people have a cosmic view of life and as such recognize that all beings came into existence through a common source or origin [the mother earth] [35]. Therefore, in African understanding, everything in the universe, everything from the simplest known particle of matter to the most complex of conceivable life form is simultaneously a whole, in its own right and a mere part of something larger, wider, and more encompassing and more whole. To understand the whole therefore, we need to understand the parts and to understand the parts we need to understand the whole [36]. It is on this maxim that the Igbo integrative vision of life is developed, nurtured and sustained.

3 The Nature, Development and Fulcrum of African [Igbo] Social Justice [SJ] System

Among scholars of sociology, anthropology, theology, psychology, criminal studies, it is a given that deviant behaviours are inextricable part of any human society. Thus the concept of social justice [SJ] becomes tied to the concept of crime and social misdemeanor. Therefore, the maintenance of SJ or lack of it in any healthy society is measured against its ability to protecting the individual rights and liberties. Here Okoro with particular reference to Igbo traditional society maintains that;

Social justice or rather community justice or indigenous concept and practice of SJ herein known as community Justice system is a vision of justice with particular interest in the way crime and justice affect the community. This model is rooted in the actions that citizens, community organizations and crime justice system can take to control crime and social disorder [37].

It is on this note that the Africa [Igbo People] developed several taboos and their sanctions as a major means to controlling and guiding actions and behaviours of individuals within the community, the aim being to maintain harmony, oneness, social symmetry etc, which promotes SJ. Accordingly, Igbo and Ugwuoke assert that the Igbo people before the

Western colonial onslaught had within their tradition an elaborate organizational structure in which their social life was anchored and upon which their philosophies of life were propagated. Through the structure, the institutional arrangements aimed at regulating the conducts of the members of the society were operated [38]. They further underscore the fact that the visible absence of organized system of social control [as in the modern period] does not depict lack of it in Igbo traditional society. However, the laws were embedded or rather invested on their institutions, patterns of social interactions and customary practices. These serve to regulate the relationship between members of the community, through which law and order are maintained [39]

On the scores of the foregoing assumption, Okafor opines that the native African [Igbo person] understands and construes control, justice, and law themes as mere instrument of general cohesion rather than agent for advancing individual or group interest [40]. Thus the Igbo people situate the definition, interpretation and application of their laws/rules on certain traditional beliefs and these define their behavior within the social continuum and influence their morality in a particular form a non Igbo person will not easily understand. The definition of Igbo rules or rather the legal system is rooted in the culture and aspirations of each community [41]. Against this backdrop, Onyeozili and Ebbe citing a no less authority than Anyasodo posit that religion and law in Igbo traditional society are inseparably intertwined. This inseparable relationship between Igbo legal system and religious institutions and practices is so deep that it profoundly affects all realms of the Igbo life and social interactions, which include –social, economic and political life [42]. Hence, what constitute the Igbo legal system are developed within the religious pavilion and as such the pantheon of supernatural powers, which operate freely within the Igbo human and social environment influence and determine what constitute the law, its maintenance, violation and reward.

It is against this epistemological backdrop that scholars of Igbo studies define the Igbo cosmology as a unified one. Thus the African [Igbo people] do not accept that there is a spatial distance between the invisible world of the spirit and the visible world of human beings. Hence for them their dead are not really dead, rather they are living somewhere in higher plane, where they take oversight and supervise the affairs of their different families. So for the Africans, life is an unbroken continuum. Here Okoro substantiates this assumption when he opines that, ‘for the African [Igbo people] life does not end in death but continues in another world. Life in Africa and among Africans is simply a continuum’ [43] Buthelezi echoes the assumption vividly when he avers that Africans have a

sense of wholeness of life, thus religion and life belong together [44] Onyeozili and Ebbe lent credence to this wholeness ideality which Africa is noted for when they assert thus:

Pivotal in the Igbo social system is the theory of reincarnation. They believe that their deceased members and the ancestors come back to the temporary life... The Igbo construction of the world is that reincarnation after death and the need to join the living lineage makes the world of man and the world of the dead a single universe of providing an alternating abode for man [45 and 46]

With this unifiedopsis of reality which colours African [Igbo] ontology, it suffices that the traditional legal system of the Igbo people involves the whole gamut or more concretely the knowledge of the consummate whole of the institutions that pertains to law in the traditional society [47]. This system envelopes itself in the socio-religious ontology and as such the structure is built on the eternal goals and social destiny of the Igbo person. Hence the goal of both the legal and justice systems is to maintain the spiritual and social harmony, which nature needs to operate freely for the overall benefit of all mankind. Therefore it has been underscored by scholars of Igbo anthropology and sociology that the traditional legal system is a complex one. Its complexity is predicated on the fact of its intertwining with religion and religious practices, as its focal point is the proper integration of the entire aspects of human life and living [48]. In this arrangement therefore, the human, cosmic and spiritual orders united to form a single whole in the formation of the Igbo legal system. At this point we shall turn to some practical examples on how the Igbo people understand, interpret and apply their laws through the means of taboos.

Since laws are not codified in any form of document in African [Igbo] traditional society, then one wonders how social justice are maintained. The answer is simple. Africans [Igbo people] and of course any traditional society for that matter, pass on their laws from one generation to another through oral traditions and practical living. Hence what constitute their laws, ethics and morality are presented to members of the community in the form of taboos [Nso-Ala]. Therefore, Omobola asserts that, 'within its historical context, taboos were a sacred term for set of cultic and religious prohibitions instituted by traditional religious authorities as instrument for moral motivations, guidance and objectivity for protecting the sanctity of the community [49]. He further obviates that taboos are not only concerned with shrines and its maintenance and membership but also pertains to a large extent the prohibitions imposed by the leadership of any given community regarding certain times, places, actions, events and people in order to regulate

contracts between particular circumstances for the reason of the well being of the society. Thus, taboos permeate into and define all traditional laws, customs and morality [50]. Taboos therefore play important roles to maintaining ontological harmony between the invisible world, the human world and the world of other creatures. This harmony would be ruled by moral order, which is preserved by traditions and according to Omobola if followed have the power to sustain the existence and operation of the universe, ensuring a bountiful life for humanity [51 and 52]. Here taboos define attitudes and behaviours that are inimical to the community social values. Hence breaking of taboos, herein known in this paper as African [Igbo] traditional laws attracts some severe sanctions.

Here we may assume an unwarranted or rather undifferentiated relationship between the Igbo native laws and taboos. This assumption is warranted by the fact that laws in Igbo traditional society include enforceable traditions and customs [53]. Laws/taboo cover the expressed command of both the Gods, ancestors, spirits and the sovereign political authorities. In the words of Okafor, 'The term law covers the expressed command of political sovereigns or superiors such as the Eze in Igbo.... Apart for the expressed command, there are implied dos and donts contained in each society's body of tradition passed down from one generation to another as well as customs in the contemporary use in each society'[54]. Notably, communities in Igbo society both in the ancient and modern periods make rules, either through their established institutions or through their kings and priests or cultic personalities. However, for any of the rules to become law/taboo, it must be associated with the Gods, ancestors and/or divinities. Hence the degree of relation/association of any law/taboo with the Gods, ancestors or divinities determines the veracity of the law and its attendant sanctions. This demonstrates in practical terms the hierarchical structure of laws as it is found in the Igbo traditional society. Oraegbunam substantiates this fact when he says that, 'the Igbo people are quite aware that laws that regulate and govern their lives and attitude have an ordered hierarchy and derived from multifarious sources [55].

Though Oraegbunam using the western category, divided the Igbo traditional laws into two categories-divine and the human positive laws, however, the Igbo traditional ideality of law emanated from the higher sources of life, therefore all laws/ taboos have divine origin and mandate [56]. It is in this regard that laws are enacted in sacred places, which denotes the presence of the divine. Hence even the stipulations or laws made by the general assembly of the Igbo people are seen as carrying the mandate of the Gods. Therefore, all laws in Igbo traditional society is known as Omen'ana/Omen'ala [customs of the people] which are irrevocable. Customs though irrevocable are

weighed against the background of the degree of their associations with the Gods, divinities, ancestors etc. This ideality informed the assertion of Igbo and Ugwuoke as they observed that what constitute crime in Igbo traditional society was not codified, however any act or conduct that violates the cherished norms and values of the community is regarded as crime and visited with severe sanctions [57].

Since law in Igbo traditional society was graduated in hierarchical order, it then suggests the existence of major and minor offences. Major offences attract more severe sanctions, while minor offences, though not treated with levity attract less severe sanctions. Igbo and Ugwuoke named the following as some of the major offences in Igbo traditional society. Viz; murder, theft, adultery, rape, incest and suicide [58] Oraegbunam was more explicit in his own list as he included the following, Homicides, incest, suicides, poisoning of a kinsman, willful arson, theft of domestic fowl, theft of any kind committed by an ozo [traditional title holder], adultery by a wife, secretly altering of land boundary, divulging the identity of masquerade, a woman breaking of conferment- by cooking and serving meals during her menstrual period, especially if the husband is an ozo title holder, deliberately killing and eating a totem animal, deliberately cutting the succulent tendrils of yam in another person's farm, a widow having sexual relationship while still in mourning period, a husband deliberately breaking or throwing away his wife's cooking utensils [59].

Here Oraegbunam seems to have no clear idea of the categorization of the Igbo laws into major and minor provinces and as such he seems to have a mix up in his list above. However, Oraegbunam in his list simply demonstrates the obvious fact that the Igbo traditional laws covered all aspects of life and livelihood. The laws took interest in the minutest area of family relationship, which ordinarily people may consider as inconsequential. The whole laws whether in the major or minor list is protected by sanctions as there is a well spelt out punishment for every offence according to a particular community's values. However, most of the offences classified as major crimes attract death penalty in almost all Igbo communities. In fact, the offences in the major list are tagged Nso-Ala/ Aru [what the mother earth abhors technically called abomination]. In other words, there were offences committed overtly or inadvertently against the gods, the divinities and the ancestors. These type of offences attract death penalty and in some case banishment of the culprit with all members of his family for life. Oraegbunam gave an apt example of the type of punishment that awaits a murderer in Igbo traditional society as he observes:

Let us take a case of homicide [murder]. This is regarded as a very grievous offence not only

against the society but also violation of divine law. Life is believed to have come from God. Therefore, any shedding of another's blood under any circumstances is an abomination [Aru/Nso-Ala]. Even in times of war, those who participated in war, especially those who killed are expected to undergo the ceremony of ritual cleansing [ikwo-aka-ochu]. Thus if a villager kills another man, the murderer is expected to hang himself, for there is no provision for public or private execution of murderers in Igboland [60].

Okafor collaborated Oraegbunam as he asserts:

The villagers may nonetheless exert serious psychological and social pressure on the murderer but cannot go beyond that, if the murderer has fled, his family must also flee and their property is confiscated. Whenever, the murderer is caught, he will be made to hang himself to enable the Umuokpu [daughters of the land] perform their cleansing rites-izuchapu ntu-ochu [sweeping away the ashes of murder]. Failure to perform these rites has consequences which are dreaded by the villagers [61]

Igbo and Ugwuoke made further observations thus:

Offences against the community also attracted severe punishment...In Igbo traditional society, notorious evil doers were usually get rid of, like we now get rid of insanity nuisances by removing it. These evil men were removed either publically or put to death, usually by burning in the case of notorious witch or being thrown into a ditch in case of notorious thieves [62 and 63]

In this same direction Igbo and Ugwuoke [2013] continue

Offences against 'Muo' [spirits] were not private matters but public issue which provided one of those rare occasions of which an assembly of the whole village and beyond was convened and the consequences could be dreadful for the offender. Offenders in this category of offences were either killed, ostracized or banished from the community in order to placate the gods/ancestors so as to avoid a general evil vengeance being unleashed on the whole community by the offended forces in the spirit world [64 and 65].

With the marathon citations above, an onlooker may consider the Igbo traditional laws as draconian in nature and without any human face and considerations. This will nullify our thesis that Igbo traditional social justice is synergized with compassion and humane living. It is this face value assessment that led to the misinterpretation of Igbo justice system that motivated and warranted this present work.

4. *Justice and Compassion: A Synergy in African[Igbo] Traditional Jurisprudence*

The cultural evolution of the Igbo people shows that justice is their fundamental ethical values [66] and this informs the numerous taboos found in the Igbo social justice system. Several Igbo idioms, soubriquets, petty sayings etc, manifest needs, meaning, values and essences of the justice ideality among the Igbo people. A cross random sampling of some of these short sayings and idioms as shown below demonstrate the veracity of the above assumption. Some of these saying include but not limited to the followings:

1. Ogburu onye n'onye gala [The murderer shall perish with the murdered]
2. Osisi kpara esu/etu n'esu gala [The stick that killed the millipede shall be buried with the millipede]
3. Yaba bara onye bakwara onye [May each have his/her own share]
4. Onye biri, Ibeya birikwa [Live and let live]
5. Nke onye diri ya [[let each person have his/her own and his/her due]

A deep reflection on these sayings reveals a deep sense of justice in Igbo traditional society. Thus according to Iwe justice is to the Igbo people what charity is to Christianity [67]. Here one who cannot lay claim to justice is in the eye of the Igbo person, either a mischievous villain or an abominable hypocrite, worthy of neither trust nor respect. For the Igbo people, justice is the basis of morality. It is this sense of justice that inspires the constant practice of open and public invocations made to the Gods and consequent libations poured to them [68] and this is with aim of vindicating the justice of each call and claim in the community. Thus the practice of libation in the Igbo traditional society is not merely normal religious rules and rites but more to suffuse with the spirit and expectations of justice. Hence every aspect of human and social life can be evaluated and ranked on the basis of justice.

However, in Igbo traditional concept of justice the emphasis is shifted from vindication and requital as in the modern concept to reprobation and reintegration of both victims and social deviants into the living and harmonious community. Hence Okoro situates that the central focus of community justice system is community –level outcome, which shifts emphasis from individual incidences to systemic pattern, from individual conscience to social mores and from the individual good to common good of the community [69]. He further enunciates that the aim of Igbo traditional justice system is the maintenance of social stability borne out harmonious social relationship. Thus in spite of the mechanism put in place to check the abuse of human right and breach of justice, it is observed that Igbo traditional justice system has community living based on shared living, honour and respect for members of the community, as

it fulcrum. Igbo traditional justice system is both community and human centered system and not necessarily institutional/legal centered system as in the modern practice. Therefore, implicit in Igbo social justice system is the idea of a unified, interconnected universe of human existence and sense of collective solidarity.

Notably, The Igbo ideality of life as sacred has influenced in practical terms the practice of social justice. The people believe that life has an eternal origin and destiny and as such, it belongs to the creator and not solely to the community in which it is a gift. Therefore at no point do the Igbo people of the traditional society consider life useless and irredeemable, even the life of the most obdurate scoundrel [70]. Okoro using the Japanese category of life to discuss its Igbo equivalence, lent credence to the forgoing discussion by underscoring the fact that 'Inochi which translates Ndu [Life] in Igbo ontology is what inheres things, the material and the non material components of life. Accordingly, Ndu [Life] does not square up with the English/ modern notion of life, hence Life –Ndu in Igbo ontology means not only to exist but existence itself. Thus the Igbo people accept that life force of the creator is very present in the life of all creatures, though in varying degrees relative to its closeness or distance to the life force itself [71] Okoro enunciates further the factuality of the above assumption by citing a no less authority than Davison, a Professor of African metaphysics, when he avers, 'The overall relationship of God, man and nature constitutes an integrated whole. It is not that God breath life separately into each individual, who then goes off by him/her. Rather the creative divine breath continues to flow as it were' [72]. It is this metaphysical conception life among the Igbo people that made them attribute sacredness to all lives including animals and natural environments. Therefore to waste life, more specially, that of human beings, under any circumstances is not approved. Thus in Igbo traditional jurisprudence, there is no space for capital punishment.

Here one may question, how do the Igbo people address the situation of injustice among her members? How do they handle the question of open violation of human rights? How do they handle the question of open violation of the social norms –customs and taboo- the violation of which tantamount to the breach of social harmony? As already noted, the Igbo society is built upon the foundation of social solidarity, community and humane living. By implication, the life of one affects the life of all in the community. The Igbo community ideality includes the living, the ancestors [dead] and the unborn members. Therefore to address injustice in the society, the Igbo people, just like the Jews of the Old Testament times, introduced the idea of propitiation and substitution. Thus in Igbo

ontology, just like the Hebrews, the penalty for the violation of covenant [Omen'ala] was death but through the principle of compassion which is silently embedded in the culture, the Gods introduced several propitiatory and substitutionary sacrifices/measures to clear the guilt [73]. Thus we find propitiatory sacrifices among the Igbo people for the violation of their laws/taboo [Omen'ala]. Here it becomes pertinent that we examine some of the propitiatory sacrifices. We shall just choose two of the most heinous crimes in Igbo traditional jurisprudence as sample cases. These are Incest and Murder. Our Choice is informed by the fact that one of the researchers has observed the ritual ceremonies that involved these two offences. This same researcher also lived with his old grandparents during his teen age. At the time he was living with them both of them were above Ninety(90) years and the grand mum who finally became the oldest woman in the community, who also was his main sources of information, died at the age of one hundred and Eighty Seven, though there was no record of birth at their time.

Incest:

This is the act of having an uncomely relationship with one's blood relation. This action was and is still prohibited among the Igbo people with severe punishments. Incest is not only a crime of the second order, which is a crime against one's self or immediate neighbor but a first order offence, which is considered as a crime against the gods, the ancestors, the sacredness of the land and against the entire community. Thus incest naturally and of course in theory attracts summary/capital punishment by stoning in order to appease the earth Goddess, whose abode is desecrated. However, in practice, in the place of the culprit's blood, the priest of the earth Goddess with the community will gather in the public square, which suppose to be the place of the public stoning and take the following judiciary and propitiatory measures to save the lives of the culprits through appropriate sacrifices.

Step 1: The general assembly of the people, the elders, community leaders, women, youths and even children of all ages will be fully seated on the day appointed with the chief priest of the earth Goddess and his attendants dressed in full their cultic regalia. Then the proceedings of trial commences in the open space as in the modern day court. Though, the performance of the act has been accepted privately by the culprits, but they need to acquiesce to the accusation publicly. On the acceptance of guilt, one of the elders, perhaps from their own family, will rise and raise strong condemnation of the crime and afterwards plead for mercy.

Step 2: The chief priest rises in [pretentious] anger and some of the elders will meet him privately and

after awhile both the priest and the elders resume their position and name the items of the propitiatory sacrifice, this had already be made known to the parents of the culprits in case of children and other members of the family in case of adults beforehand. Before then the parents of the culprits are blamed for being careless with the moral teachings and traditional values of the community.

Step 3: The production of sacrificial items for public view. The items include the followings; a. two white chickens [a cock and a hen] b. 4 balls of alligator pepper c. 8 balls of cola nuts, d. big chunk of white chalk [Nzu Igbo] e. fresh palm frond f. tattered mat g. keg of palm wine fresh from the palm tree [Akuru ohuelualala] h. two pieces of black cloth and i. cane. These items have special role in the propitiatory sacrifice.

Step 4: When the whole items are presented to the public view, then the sacrifice of cleansing commences with libation poured and invocations made to the ancestors to assist the living members beg the earth goddess for her mercy as the mother of all and also mother of mercy. Then the tattered mat is spread at the centre of the square for public sighting, and then the offenders are invited to undress and do a mock show of how they did it in private. As they undressed and attempted to lie on the mat some selected youths, will sprint to the centre, cover them with the black cloths and forcefully drag them away with the cane. Then the chief priest will order one of the attendants to slaughter the two chickens and spread their blood on the mat, after which the mat is taken to the shrine of the earth Goddess as a representation of the blood of the culprits. The cola nut, the alligator pepper and wine are shared by all present, with the ancestors in invocation, as a symbol of purification, solidarity and community living and everybody shares in the white chalk [nzu Igbo] as sign of peace and restoration to normal life of the culprits

Step 5: The culprits are kept in seclusion for 4 [four] market days of Eke, Ori, Afor and Nkwo. This is a complete circle of perfection [Ezumeze Igbo] in Igbo ontology. Then at the completion of the quarantine period, the offenders are brought to the village square again for reintegration into the community life. Here the family members prepare feast and wine for all to dine and wine with them celebrating the resumption of public life by their wards. By this, the propitiatory atonement for the crime of incest is completed and the culprits reintegrated into the mainstream of the society to resume their normal lives

Murder case: Murder of a kinsman.

In case of incidental murder of a kinsman, the ideal thing as we have already mentioned in the body of this work, would be that the murder hangs himself

or escape into self imposed life exile with all members of his family and his property confiscated. However, the community has also made provisions for propitiatory sacrifice in place of the grave punishment enunciated above. The following steps are taken to absolve and purify the murderer.

Step 1: On the event of the murder of a kinsman by his fellow, the village square, public places, market places are shut down with fresh palm fronds hung around those places by the village messengers, by the order of the chief priest of Ala [earth goddess] whose abode has been desecrated by the blood of one of her sons/or daughters. This symbolizes general mourning of the deceased by the entire community and general remorse for the crime committed against the mother earth.

Step 2: The town criers are dispatched to announce that every adult male be gathered in the shrine of Ala {Aja Ama Eze/Eke Aja} for the Uburu community of Ebonyi State, at very early in the morning after the general mourning period, which may last for two days. While coming, the invited shall dress in tattered attire, still signifying sorrow/mourning.

Step 3: The meeting shall rise with the sending of strong delegation to the deceased family, with condolence, proper traditional burial fixed, though the family may have conducted adhoc burial for the deceased. Then the community on an appointed date gives the deceased befitting burial rites according to the customs of the land and the rank of the deceased in the social structure of the community.

Step 4: The murderer is sought out and detained in the shrine of the earth goddess so that the blood of the murdered will not drive him into desperation and he begin a general massacre of the people, starting with his immediate family members. While in the shrine, appropriate purifying rituals are applied on him and for him. Within this period of incarceration, no member of the community will have access to him, nay not even his immediate family members. The period will be long, so that many people will begin to forget him and the anger of the family whose relation is murder may have assuaged. This period symbolizes death for the murderer.

Step 5: On the eve of the new year festival, it is usually on Orié day known as Orié Ava/Afa [it should be a period of one year or there about but not less than one year, it could be more but not less] then the murderer is made to appear to the public led by the cultic officials. The first point of call shall be the market place at its full sitting. He shall be lead to the entrance, where he shall be positioned strategically for public sighting. He shall dress in tattered dress, with neither shaving his beard nor barbing his hear for this

period. His face, hands and feet shall be besmeared with charcoal. At the entrance of the market, every passerby is permitted by choice to spit on him. He shall be made to hold fresh palm fronds in his two hands, which symbolizes peace. Here the family members of the deceased will be invited officially, who the elders of the community have gone to see, to give them reasons for forgiveness. At the point of meeting, the murderer on sighting the family members of the deceased will bend on his knees without raising his face. On arrival, it is expected that the deceased family led by the oldest person will raise the murderer to his feet, which signifies forgiveness and both shall weep together for such social misfortune. After that all will move to the place of the murder and a he goat if the deceased is a man or she goat if she is a woman, will be sacrificed at the place of murder. This is with the aim of purifying the land of blood guilt. At this point negotiation begins between the two families.

Step 6: The two families will retire till the end of New Year festival. However, they will reconvene after two days of the end of celebration, usually on Nkwo day, this time at the shrine of Ala. Those who must necessarily be present include the chief priest of Ala [the Earth Goddess], with all cultic officials, the elders of the community, including all titled men [Ozo, Osuji, Onyibe etc], all exogenous daughters of the land [Umuokpu/umuada] and any other interested persons. Here final purification rites are made at certain strategic places in the community. The Umuokpu [Exogenous daughters will perform one of the most prominent ritual, known as ikpo-ntu ochu [cleansing the ashes of murder]. This involves elaborate ritual, some of which are performed in the night by women who have crossed their menopause. By the completion of the rituals which may last for 4 market days, the final step will gradually follow.

Step 7: A marriage arrangement is made between the two families, so that the murdered will have progenitors to bear his name. It is during this marriage rite that the murderer is reintegrated into the community once again and from this point he begins to live a normal life in the community, without discrimination or stigmatization.

The philosophy underlying this rigorous system of ritual practices in relation to appeasing the breach of social justice is compassion. This is because, Africans [Igbo] people value brotherhood and their core values is brotherhood, which gives rise to such Igbo maxim as '*Onye aghana nwanneya*' [What affects one affects the other, so do not abandon the brotherhood]. According to Okoro the Igbo man is not an atomistic individual, thus to be real man, one has to belong to a community [74]. Ikenga-Metu aptly expresses this ideality when he says that the Igbo people just like most African people defines a person

in terms of the group which he/she belongs, a person is thought of first as a member of a particular family, kindred, clan or tribe [75]. This basic traditional thought system informs the Igbo creed, “*I am because we are, I am because I belong*”. Thus what affects one affects all in Igbo traditional society and as such all must be concerned. This sentiment was inculcated to the individual from the early part of human life. In fact this ideality with industry or personal enterprise forms the core of Igbo traditional education. Notably, the traditional justice system does not acquit the offender pretentiously in the name of compassion, his social class or sex notwithstanding. However, the Igbo people do not throw away the dirty water with the baby. Thus the rite of propitiation aimed at appeasing the Gods, purifying the land and cleansing the offender has been graciously put in place. It is against this backdrop that Okoro maintains that Igbo traditional justice system is an inclusive system [76] and Agulanna underscores that it is built on the pillar of social integration [77]. The descriptions by Okoro and Agulanna are based on the fact that neither the offender nor the victim of social injustice are shunned, displaced or/ and exiled perpetually, rather substitutory /propitiatory mechanism were put in place to reclaim both the offender and victim of injustice and reintegrate them into the normal community life and living.

CONCLUSION

This paper has made some reasonable attempt to show that African [Igbo] traditional social justice system has its core philosophy based on compassion, inclusivity, recovery of the offender and pacification of the victim. It is built on the principle of social harmony and not on vendetta or vindictiveness as in the modern system. African social justice system is also human centered rather than structural centered. It values brotherhood and friendship. Owing to Igbo understanding of human fallingness and imperfections, it promotes forgiveness and reconciliation of both the offender and the victim and integrate them into one community. Therefore, if this system shall be adopted, however with some modification as alternative justice system for the modern society, the cry of manifest social injustice in all spheres of modern life would have been reduced radically.

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