

**WHERE THERE HUMAN RIGHT IN AFRICAN TRADITIONAL  
SOCIETY? A STUDY OF THE IGBO OF NIGERIA**

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BENIN CITY**

**AUGUST, 2023**

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## CERTIFICATION

This is to certify that this research work titled, where there human rights in African traditional society? A study of the Igbo of Nigeria, was carried out by Ebenezer favour Ifeyinwa with matriculation number ART1801896 in the Department of Philosophy, Faculty of Art, University of Benin, Edo State Nigeria.

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**Date**

## **DEDICATION**

This work is dedicated to God and my family members, for their support and prayers throughout my stay in school

## **ACKNOWLEDGMENT**

I would like to express my gratitude and appreciation to all those who gave me the possibility to complete this project. Special thanks is due to my supervisor Prof. Anthony A. Asekhauno whose help stimulating suggestions and encouragement helped me in all time of fabrication process and in writing this project. I also sincerely say thanks for the time spent proof reading and correcting my many mistakes.

I would also like to acknowledge with much appreciation to God almighty for his grace and blessing and prayer answers, to my parent Mr & Mrs Abel Okeke for their help and encouragement and my friend Miss Anita Adimora for her help and time spent with to do this project, despite their busy schedules, they gave me different ideas in making this project unique.

Respectfully yours,

**EBENEZER FAVOUR IFEYINWA**

## **ABSTRACT**

This project begins by highlighting human rights as a special category of human existence/protection. A historical overview then outlines conceptual roots in early Igbo traditional society. This project answer the question “question where there human rights in Africa traditional society? A study of the Igbo of Nigeria”

This project will tell you the overview story of how human right where protected during the traditional time using the Igbo people of Nigeria as a study in this topic.

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## **CHAPTER ONE**

### **1.1 BACKGROUND OF THE STUDY**

Human rights has become a concept of universal relevance. In the contemporary global system, issues regarding human rights have taken centre. Stage in international discourse. In the past hardly did government gave close attention to the subject of human rights.

Many have argue that traditional African societies gave no room for the expression of individual rights African societies are built on the principle of communitarianism, this is the connection between the individuals and the community.

Traditional African societies had then own conceptions of human rights. This is because human rights depends on the cultural setting of a particular society. To some westerners the African continent conjures up images of widespread torture and massacres of people.

In most traditional African societies the law existed outside the framework of a state in the modern sense. Obedience to the law was maintained through custom and religion.

Most traditional African societies had a sense of justice and were remarkably democratic in that all members of the group participated in the decision making process.

Nigeria as a nation state, is the biggest country in Africa continent and came into existence with the combination of the southern and northern protectorates in 1914 by sir Frederick Lugard. Nigeria consisted of different tribes which ruled themselves separately. These included principalities and ancient kingdoms like Benin Empire, the powerful Sutanues of Sokoto, the emirates systems of Kano and Katsina and the Easterners which are the Labo.

The human Rights that were protected and existed in precolonial Nigeria were the right of life, freedom of thought and expression, limited only by the principle of respect for oneself and others. Examples a widow remained a member of the deceased husband's extended family. Individuals could own property and their rights to such property was protected by the punishment of unauthorized trespasser. Some of the new generation rights were protected under the traditional systems. For example freedom from hunger was recently recognized and protected by the pre-colonial Nigerian societies. These leads us to our case study Igbo of Nigerian.

The Igbo refers to a language and the people who speak it. The Igbo, numbering about 30 million in the south eastern part of Nigeria. During the trans-Atlantic slave trade, they attracted attention by the number of them sold into slavery.

The Igbo distinguish between the mundane and spiritual world. It is believed that the supernatural forces control earthly matters like Chukwu (The great creator). Okike (the source of fertility), Agbala (the source of life).

The traditional Igbo societies operated a republic society, which was guided by customary laws, which has been defined as law consisting of custom that are accepted as legal requirements or rules of conduct. Most of these laws, are buried in the minds of the people, particularly the elders who are their custodians, and they evoke them, whenever the need arises.

## **1.2 STATEMENT OF THE PROBLEM**

There have been a lot of misconceptions concerning human Rights in Africa. A lot of books have been written on this issue and a lot of scholars have come to address this issue but none of these scholars have clearly addressed the issues of human rights in Igbo land which is our main focus of study

During the pre-colonial period human rights were not really protected, the king of the people because of different reasons like crimes against Humanity,

forces disappearances sexual and Gender based violence, , war crimes and so many crimes the people faced during the pre-colonial period. Many people do not have the ideas or feel that the Igbo people do not have rights of their own, but this issues will be discussed in this work.

### **1.3 SCOPE OF STUDY**

The scope of study is the study of human right in African traditional society, with focus on the Igbo people, which is located at the eastern part of Nigeria.

The scope of study is to explain and give more understanding to the concept of human rights in African during the pre-colonial era and explain critically the human right in the Igbo land.

### **1.4 METHODOLOGY**

This study employs a qualitative research design. It adopts descriptive survey because it describes the state of affairs that existed.

Data for the study is collected through primary and secondary sources.

The primary source of data collection consists of oral interview, and focus group discussion. While, the secondary sources, includes document gotten from various materials included books, articles, research from internet.

The interviews were transcribe and translated to English by the researcher. As a native of Igbo land have heard stories from my people and I will put them down in this work.

### **1.5 PURPOSE OF THE STUDY**

The purpose of this study is aimed at correcting the misconception associated to human rights in Igbo land and African during the pre-colonial period. A lot of people have the misconception that since there was no set down legal recognised law enforcing body in the pre-colonial era in Igbo land, there were no human rights.

Thus the aim of this study is to give a better understanding to the people and to answer the question if there was human right in African traditional societies and also in the Igbo land.

### **1.6 SIGNIFICANCE OF THE STUDY**

This study is significant or important because it will not only correct the misconception about human rights in Igbo land, it will also serve as a foundation for further studies on human rights and also teach people about the autonomous ruling system that existed in Igbo land, before the coming of the while men.

It will also serve as a reference for other scholars that want to work on human rights in Igbo land and Africa as whole.

## **1.7 DEFINITION OF TERMS**

**What is human right:** human rights are rights inherent to every human beings, regardless of race, sex, nationality, language, religion and any other status.

These human rights are

1. Right to life
2. Freedom of speech
3. Right to work
4. Freedom of movement
5. Right to education
6. Freedom from discrimination
7. Right to marry and found a family

**Who is an African:** an African is a native or inhabitant of Africa. An African is a person and especially a black person of African ancestry.

**Who are the Nigerians:** Nigerian or Nigeria people are citizens of Nigeria or people with ancestry from Nigeria. There are multiple ethnic and religions in Nigeria, like the Edo's, the Hausa, the Yoruba, the Efiks, tio, Igala, Igbo, Ijaw, Urhobo etc.

Ut we have three major ethics groups in Nigeria which are the Yoruba, Hausa and Igbo. The Igbo people is our main focused in this study.

**Who are the Igbo:** The Igbo people are people or an ethnic group in Nigeria. They are primarily found in Abia, Anambra, Ebonyi, Enugu, and Imo states. Most of the Igbo people are found in Delta and Rivers states but are not pure Igbo speaking people.

## **CHAPTER TWO**

### **2.1 THE MEANINGS OF RIGHT'S AND RIGHT**

Rights are legal, social, or ethnical principles of freedom or entitlements, that is, rights are the fundamental normative rules about what is allowed of people or owed to people according to some legal system, social conception, or ethnical theory. Rights are of essential importance in such disciplines as law and ethics, especially theories of justice.

According to K.K Chai he defined Rights as those essential conditions of social life without which no person can generally realize his best self. It is only when people get and enjoy rights that they can develop their personalities and contributes their best services to the society. In simple words, rights are the common claims of people

which every civilized society recognizes as essential claims for their developments and which are therefore enforced by the state.

Difference scholar defined rights in their terms, scholars like

Laski:- Rights are those conditions of social life without which no man can seek in general, to be himself at his best.

T.H. Gree:- Rights are powers necessary for the fulfilment of man's vocation as a normal being

BEN PRASAD:- Rights are nothing more nor less than those social conditions which are necessary or favourable to the development of personality.

Tight means in a suitable, proper, or desired manner. Been directly strict, in a direct line, course, or manner.

Rights means conforming to fact, standard, or truth right is close to correct but has a stronger positive emphasis on conformity to fact or truth rather than more absence of error or fault.

Right in a righteous sense means following what is just, good or proper. Right are the ideal of what is just and good.

This is the definition or difference between rights and right, but my main focus here is on rights, which I will explain further in this work.

## **2.2 TYPES OF RIGHTS.**

Rights are the common claims of people which every civilized society recognizes as essential claims for their development, and which are therefore enforced by the state.

The following are the different type of rights.

- Economic rights
- Political rights
- Social rights
- Legal rights

### **2.2.1 Economic Rights**

Economic rights are those right which provide economic security to the people. These enable all citizens to make proper use of their civil and political rights. The basic needs of every person are related to his food, clothing, shelter, medical treatment etc. without the fulfilment of these no person can really enjoy his civil and political rights. This is therefore essential, that every person must get the right to work, right to adequate wages, right to leisure and rest, and right to social security in case of illness, physical disability and old age.

Examples of economic right are rights to adequate food, to adequate housing, to take part in cultural life, to water and sanitation, and to work.

### **2.2.3 Political Right**

Political rights are those rights by virtue of which citizens get a share in the political process. These enable them to take an active part in the political process. These rights include right to vote, right to get elected, right to hold public office and right to criticise and oppose the government. Political rights are really available to the people in a democratic state.

Political rights help the citizens to participate in the civil and political life of the society and state without fear of discrimination or repression, and is tied closely to citizenship status.

### **2.2.3 Social Right**

Social rights are moral, legal or societal rules and an understanding of what is necessary to fulfil people's social needs and to promote social inclusion and social solidarity. Social rights concern how people live and work together and the basic necessities of life. They are based on the ideas of equality and guaranteed access to essential social and economic goods, services, and opportunities.

These rights includes academic freedom, equality before the law, freedom of association, freedom of peaceful assembly, freedom of thought, freedom to life, liberty and pursuit of happiness, privacy rights, right to marriage, right to social security etc.

#### **2.2.4 Legal Right**

Legal rights are those rights which are recognized and enforced by the state. Any violation of any legal rights is punished by law. Law courts of the state enforce legal rights. Legal rights are available to all the citizens. All citizens enjoy legal rights without any discrimination. They can go to the courts for getting their legal right enforced.

Legal rights are of three types:

#### **Civil Right**

Civil rights are those rights which provide opportunities to each person to lead to civilized social life. These fulfil basic needs of human life in society.

#### **Political rights**

Political rights are those rights by virtue of which citizens get a share in the political process. These allows citizens to take an active part in the political activities in the society.

### **Economic Rights**

Economic rights are those rights which provide economic security or economic living to the people. Without these rights every person in a society will not be able to enjoy the right to basic needs like shelter, clothing, medical treatment etc.

## **2.3 HUMAN RIGHTS**

Human rights are rights that every human being has by virtue of his or her human dignity.

Human rights are rights inherent to all human being they define relationships between individuals and power structures, especially the state. Human rights are delimit state power and, at the same time require states to take positive measures ensuring an environment that enables all people to enjoy their human rights. Human rights the sum of individual and collective rights laid down in state constitutions and international law.

Human rights pertain to all aspects of life. Human right enables all individuals to shape and determine their own lives in liberty, equality and respect for human dignity. Human right encompasses civil, political, economics, social, and cultural rights, as well as the collective rights of people.

There are several human rights and obligations that is due to every citizen in any states and some of them are:

- ❖ Right to life
- ❖ Freedom from torture and cruel, in human or degrading treatment or punishment
- ❖ Freedom from slavery and forced labour
- ❖ Right to liberty and security of person
- ❖ Freedom of movement
- ❖ Right to privacy
- ❖ Freedom of opinion and expression
- ❖ Freedom of association
- ❖ Right to marry and found a family
- ❖ Right to take part in public affairs, vote, be elected and have access to public office

- ❖ Right to work
- ❖ Right to social security
- ❖ Right to a healthy environment
- ❖ Right to adequate standard of living
- ❖ Right to education

These few rights mentioned above are human rights and so many others in the constitution of government.

Human rights are universal, they are universal because they are based on every human being's dignity, irrespective of race, colour, sex, ethnic or social origin, religion, language, nationality, ages, sexual orientation, disability or any other distinguishing characteristic. Since they are accepted by all states and people, they apply equally and indiscriminating to every person and are the same for everyone every where.

Human rights are inalienable in so far as no person may be diverted of his or her human right, serve under clearly defined legal circumstances. For instance a person's right to liberty may be restricted if he or she is found guilty of a crime by a court of law at the closure of a fair trial. Human rights are indivisible and interdependent, because each human right entails and depends on other human rights, violating one

such right affects the exercise of other human rights for instances the right of life presupposes respect for the right to food and to an adequate standard of living.

### **2.3.1 Human Rights Freedom and Liberation**

Freedom is understood as either having the ability to act or change without constraint or to possess the power and resources to fulfil one's purposes unhindered. Freedom is often associated with liberty and autonomy in the sense of giving oneself their own laws and with having rights and the civil liberties with which to exercise them without undue interference by the state.

In philosophy, freedom is sometime associated with freewill, without undue or unjust constraints on that will;

Liberation means the setting free of someone or something, liberation has taken on a political meaning to describe a condition of being free from impediments and more particularly activities leading toward the removal of restrictions to free action by a group or a person defined by nationality, race, gender, sexual orientation or class. These leads us to the question how does human right relates to freedom and liberation.

Human rights and freedom are two concepts that overlap to a certain extent. Rights are an individual's moral or legal entitlement to have or do something while freedom is

the absence of necessity, coercion, or constraint in choice or action. It is our rights that ensure and protect our freedom.

In this sense, right and freedom are always interrelated and inseparable. For example, the right to vote ensures that everybody is entitled to vote, in the election, this also automatically allows us the freedom to vote. The main difference between human rights and freedom is that rights is a moral or legal entitlement whereas freedom is a state or quality of being free. Human rights are protected by the law, while freedom is protected by rights. Human rights entitle you to freedom, while freedom is granted by rights.

Human rights and liberation like wise work hand in hand also. Liberation is an act or fact of gaining equal rights or full social or economic opportunities for a particular group. Both rights and liberation are in agreement that human's should gain liberation from oppression. The Africans were victims of structural injustices they are certainly justified for demanding liberation from the colonial masters who had appropriated both their natural and human resources. These and many other tortures brought in the liberation movement with the human rights guarding it. Human rights and liberation like I said work hand in hand for the benefit and protection of every citizen in the society.

Human right freedom and liberation is the ability to possess power and also resources to fulfil one's purposes without hinderances and the setting of being free from impediment and activities in the society with the use of human rights.

## **2.4 HUMAN RIGHTS GOVERNMENT AND THE LAW**

A government is the system or group of people governing an organized community, generally a state. Government normally consists of legislature, executive and judiciary.

The legislature is an assembly with the authority to make law for a political entity such as country or city. The executive is a branch of government that has authority and responsibility for the administration of the state. The judiciary is the system of court that adjudicates legal disputes disagreements and interprets, defends and applies the law in legal cases.

The law is a set of rules that are created and are enforceable by social or governments institutions to regulate behaviour with its precise definition a matter of longstanding debate. The scope of law can be divided into two domains public laws and private law. Public laws concerns government and society, while private law deals with legal disputes between individuals and organizations on areas such as contracts, property, torts and commercial law.

Human rights and government are standard that recognize and protect the dignity of all human beings. Human rights govern how individual human beings live in society and with each other, as well as their relationship with the state and the obligation that the state have towards them.

Human rights law obliges governments to do some things, and prevents them from doing others. Individual also have responsibilities in using their human rights, they must respect the right of others and the government ruling the state. No government group or individuals person has the right to do anything that violate another's right.

Government and other duty bearers must comply with the legal harms and standards entrained in human rights instruments. Where they fail to institute proceeding for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedure provided by law.

Human rights and government works together, the individuals having their human rights and having zees to them and also are protected by the government of the state.

Human rights relating to the law has to do with the rule of law as the vehicle for the promotion and protection of the common normative framework. It provides a structure through which the exercise of power is subjected to agree rules, guaranteeing the protection of all human rights. The rule of law requires that legal processes,

institutions and substantive norms are consistent with human rights, including the core principles of equality under the laws, accountability before the law and fairness in the protection and vindication of rights. There is no rules of law within societies if human rights cannot be protected and vice versa. Human rights cannot be protected in societies without a strong rule of law.

The rule of law has played an integral part in anchoring economics, social and cultural rights in national constitutions, law and regulations.

The law and human rights are two sides of the same principle, the freedom to live in dignity. The rule of law and human rights therefore have an inseparable and intrinsic relationship.

## CHAPTER THREE

### 3.1 THE NATURE OF IGBO TRADITIONAL SOCIETY

In Nigeria the Igbo's generally occupied the former eastern region and a part of the mid western region. The Igbo generally had no kings or chiefs (Igbo enwe-eze). The Igbo traditional society includes consensus among the members of each Igbo community and their general acceptance of the law making, law application and enforcement procedures applied to them. However, few towns like Onitsha had what looked like a recognized chief. The Igbo's operated a democratic system of government. The highest democratic institution among the Igbo's is the Oha-na Eze (the town Assembly). The largest political unit was the village (village group). This was by kindred then family unit. The Igbo had a decentralized system of government. The executive, legislative and judicial power were vested in the :

Oh ana Eze

The council of Elders

The Ofor title holders

The family

The Ozor title holders

The age Grade

The Umilada

The ala or the earths goddess represented by a chief priest.

A striking characteristic of the traditional Igbo political system was the virtual absence of centralized authority. This sense of republication was mirrored in the proverb Igbo enweghi Eze. The popular size indigenous legal institutions, family head, village tribunal, umuada, age grade, titled men and oracles will be experience on this articles

### **A. The Family Head**

The basic unit of Igbo social life is the extended family descended from a common ancestor. The family is one of the most recognized institutions in the Igbo traditional society as the basic unit of every political institution. Each family group was autonomous headed by the title holder called 'Okpaen'. The Okpara consoles the family and judges any family disputes. He performed rituals and ceremonial functions on behalf of the family. Sometimes the family head may fail to resolve delinquent behaviour.

According to the family head "failure to instruct the youth about their wrongs kills the elderly, while failure to head the instructions of the elder kills the youth. The family

head is often called to resolve boundary disputes between house holds. The family head's rule as a mediator does not necessarily mean that he is a neutral person, he is more unbiased than disinterested. It is reputation and authority derive from fair decisions, and he has both economic and political interest in maintaining social harmony

#### B. The Umuada

If a member defies the family head or a leadership crisis arises, he married daughters of the family or village are invited to resolve the dispute or to force compliance with the decision. The Umuada, play an important part in Igbo dispute resolution. They come from the family, kindred or village which call upon them, but are living elsewhere with their husbands.

They are highly respected, especially in comparison with their unmarried counterparts and with women who have married into the family or village. The Umuada are called home on short notice to resolve issues as spousal abuse, infidelity or theft, or to admonish erring women who have married into their village. The Umuada also may be called to admonish the men of their natal village, especially in time of corruption or moral decades .

Although the Umuada may be limited in their power and knowledge of their paternal villages, they can act as checks and balances, resolving disputes that are too difficult for the male leaders. The Umuada can intervene on their own or at the invitation of the family or village unit.

### **THE VILLAGE TRIBUNAL (AMALA)**

Matters affecting outsiders or threatening to disrupt family are usually referred to the Amala, Composed of 10 (ten) to 15 (fifteen) lineages. This institution is concerned with the common affairs of the village, such as religions rituals, traditional ceremonies, and festiverals. They organise ceremonies which includes the various family heads. The amala also handles intra-village disputes, as well as case referrals from a family head or the formal court system.

Difficult cases are often referred to the village tribunal, and then either resolved quietly or postponed until the holiday season. The Amala commands respect prominently because it controls the channel of communication with the ancestors and gods, who are very powerful and reversed symbols in Igbo land.

### **D. AGE GRADES**

The age grades plays an important role in village affairs. Between the ages of 20 to 30 men go through several initiation ceremonies prescribed by their elders in order to

become adults and be included in village law making processes. They are group of young men on the basis of age. In the absence of an organised state, Igbo traditionally used the age grades for work, war, and governing. Younger men cleaned paths, streams, and public squares, the middle aged waged war and enforced marriage is not recognized until the man has been initiated as an adult. Members of an age group address one another as age mate and there are responsible for burying their members. During village festivals they are responsible for ground control and other security concern. A customary law practitioner related how the age grades were used as local security forces during the Nigeria civil war, protecting village borders and arresting law breakers.

#### **E. TITLE MEN (CHIEF)**

As Igbo communities experienced social and economic changes during the 19<sup>th</sup> century the traditional system of government and justice was affected. Economic growth allowed some men to a mass a surplus with which they could acquire various titles, based on demonstrated leadership abilities. Thus, the title ment a free-born man of probity, became another means of social regulation. Such a man is a chief or Eze is addressed by various traditional titles, and performs a variety of political and judicial functions. The ruler or king where they existed was the most important person in the

town or village. The council of elders were made up of chiefs and elders in the town. The functions of the council of elders included. Advising the king on day to day issues, removing the king if need be, trying offenders and ensuring that the punishment imposed on them are carried out, negotiation peace with neighbours as well as planning for and engaging in war. In Igbo land the insignia of a titled man varies athired, Ivory anwets, eagle feather, red cap, Herse plume or fan carried on the hand but he is influential and immediately recognized everywhere. In the processing of disputes a titled person sometimes merely relays one party's grievances to the other, especially. In the initials stages of a conflict a titled man may deflate a conflict by warning once or both parties, but he is primarily a messenger

## **F. ORACLES**

If the facts of case are unclear or the offender's identity uncertain, Igbo report to an oracle. Divination is use to identify mysterious cases, heal diseases, and manage both individual and group conflict. In most instance of death and mysterious illness an oracle pries is consulted for diagnosis and are:

The Igbo's practised traditional religion. They had chief priest who performed sacrifices from time to time to appease the gods. The Igbos have great respect for the identities and the departed ancestors. The chief priest were the link between the people

and the deities, as well as departed ancestors. The Igbo believe in re-incarnation. Profaning of deities was a very serious offence among the Igbo. The religious life of the Igbo were surrounded by mysticisms and superstition.

The Igbo people had features in traditional society in political system such as republic in nature.

Powers were decentralized

No system of taxation

No separation of power direct democracy when it comes to decision making

These were the nature of Igbo traditional society.

### **3.2 THE NATURE OF RIGHTS IN PRECOLONIAL**

How productive was African before the colonials came? Was the continent under developed or developing? Was production dynamic? In this chapter we will see that it both good and bad. Pre-colonial history shows us evidence of progress because of African pioneering abilities, but also setbacks because of the hard conditions people had to go through those days.

People in pre-colonial Africa were engaged in hunting and gathering, agriculture, mining and simple manufacturing. Farmers in those days faced two bit challenges; a

hostile environment and security of labour. Africans were not passive victims of these conditions. They were innovative and good at adapting. Their production system had to be flexible to deal with the existing conditions. To summarise the livelihood strategies of pre-colonial Africa would not be easy if we looked at the whole pre-colonial period, which stretches from roughly seven million years ago to the late 20<sup>th</sup> century. So we will limit our summary to the period from the year 100 AD to about 1800. We start in the year 1000 AD for your reasons. At this time the Islamic conquest of North Africa was complete, marking the beginning of the cultural, religion and ethnic division between Africa north and south of Sahara. At this time also the Bantu people had completed their migration from west to southern Africa. Most of these developments had important effects on production systems in pre-colonial Africa.

Population density was low in most regions and at most times in pre-colonial Africa because people were widely spread out, land was in abundance but labour was scarce. Conflict over land seldom developed and there were no economic incentives to give people property rights to land.

The pre-colonial era saw the flourishing slave trade, which was later declared illegal by the British in the early 19<sup>th</sup> century. The pre-colonial era, witnessed elaborate

systems of government in both the North and the west, more especially in the East, there was great fragmentation of the political system because the people abhorred autocratic rulership that could hold the people together by force.

Through a progressive sequence of regimes, the British imposed crown colony government on much of the area of west Africa which come to be known as Nigeria, a form of rule which was both autocratic and bureaucratic. Administration and military control of the territory was conducted primary by white British, both in London and in Nigeria.

Following military conquest, the British imposed an economic system designed to profit from Africa labor. The essential basis of this system was a money economy specifically the British pound sterling which could be demanded through taxation paid to cooperative natives, and levy at a time.

Pre-colonialism preserved and transformed old social structure and institutions with all their contradictor realities. In precolonial era human rights terms was a negation of human rights and democratic organization and governance of society. Not only did it deny and violate specific rights, it also created a culture of authoritarianism in political life and it created economics tied in unequal and subordinate relations within the global capitalist system.

Pre-colonial era to human rights did not produce just a society of services, tyrants and exploiters alone. It did also produce a culture of resistance. This resistance is today manifest very properly in the liberation and democratic struggle against apartheid colonialism in south African which have also given the basis for various international human rights instruments on racism and liberation. Pre-colonialism divided Africa into, distinct countries without consultation with the people, thus, planting seeds of boundary conflicts, ethic and nationality contradiction and conflicts even within single countries.

One of the most glaring massive structural and incidental denials and violations of human rights in Africa during pre-colonial era is in the area of the lack of empowerment of women both in the field of politics, economy and personal reproduction activities. Women are assigned to labour in socio-economic activities sometimes more than men, they control less than men in sharing the social product (economic power), and they are denied equal participation and power sharing in political organization of society.

Africa was dominated by class divided societies long before imperialist colonialism that started in the 16<sup>th</sup> century. Although human rights may not have been in term used in those das a lot not all of what were regard as human rights today were either

observed, denied or violated then. And a lot of such practices had a lot to do with social class structures and relations of the time. The sad reality, however is that myth is still very much alive about precolonial classless Africa” where social inequality, exploiter and exploited, slavery and so many violation of rights existed.

The pertinent question to ask is did the pre-colonial Nigeria know of a system of human rights? Put differently, is the notion of human rights alien to the traditional societies which made up the present day Nigeria? To what extent were human rights recognized and protected in that epoch? Some writers, particularly western writers have doubted the existence of laws in societies which had a level of development comparative to Africans. The foregoing historical allow undoubtedly curbed the growth of human rights in Africa generally, but that is not to deny the existence of some measure of protection of human rights in traditional African societies. The arguments that traditional societies did not possess a legal system was based either on inadequate information or lack of appreciation of the true nature of pre-colonial African societies. For instance many North African countries like Egypt, Algeria, Libya and even Ethiopia were by all standard civilized nations before the advance of colonialism in Africa.

In pre-colonial Africa, many of these modern rights were exercised, although not pronounced, spelled out or documented. The one significant difference between then and now is that then, there were those (royal families), who were regarded above the law, however, now the law is believed to be above everyone else. Thus not one not even monarchies/presidents can wilfully take a life as they deem fit. The arbitrary taking of life, properties etc were common then and they were called tyranny. Human rights are crucial to resolving social conflicts by the pre-colonial era was full of conflicts and tyranny acts in the society.

### **3.3 RIGHTS IN ATR: THE IGBO EXPERIENCE SOCIETY**

The gap between the ancient and the modern world notwithstanding, the constituents of social justice and human rights are found in African past, and this informs African's critical perspective and appreciation of their evolution as social constructs in the 19<sup>th</sup> century as well as their attendant political significance. While African the hooligans and African humanist divide on the African traditional religion. (ATR) being the basis of African ethics, the disparate positions of radical and moderate African communitarians for their expand and contribute to scholarly arguments on the relationship between religion and ethics as well as faith and reason. The debates nevertheless, there are lucid indices that the struggle, promotion, and management of

ideas of individual rights are recognized within African communists ideology and structure in the enforcement of social justice base on their ethics. By exploring scholarly works through critical approach, it is apparent that social justice and respect for human rights which hinger on ATR and African moral system still found strong acceptability to try several cases of injustice, moral and financial corruptions, violent conflicts, and crimes in some African communities. ATR is a significant missing link between social justice with respect to human rights and their enforcements in modern Africa. Religion in Africa have not been able to bring forth justice, reconciliation and peace in Africa. This has however not always been the case prior to the coming of new religions and foreign cultures in Africa, not always been the case human life was relatively stable with the African traditional religion (ATR) greatly influencing the lives of people where it gave meaning and purpose to all aspects of thought and actions. African were notoriously religious and this religiously helped create an atmosphere where justice, reconciliation and peace prevailed at all cost. Drawing examples from various communities shows that ATR is still alive in Africa religion and culture where it continue to influence all aspect of life whether social, economic, religious or political and is responsible for shaping the character and culture as primitive or old fashioned of the Africans to date.

The Igbo experience in this regard illustrates the experiences of Nigerians native justice systems, these addresses the question, “How does the data reflect on the ability of the native Igbo justice system to regulate behaviours among the Igbos in contrast to the English style justice system?”

The key ingredients of the Igbo traditional justice system includes consensus among the members of each Igbo community and their general acceptance of the law making law application and enforcement procedures applied to them. The consensus and general acceptance are grounded on the Igbo faithfulness to their history, which is manifested by the fact that they continue to borrow norms, rules, regulations and laws from previous generations. In Igbo, *ana*, Ani Ala (land) is an important factor in interpersonal and group relations. A person who is faithful to the land does not disrespect it by selling it. Land is not sold, land is greatly respected. Thus, a person who make acclain and swears on land without suffering negative consequences is regarded as having told the truth. The system of the individuals, and groups that perform different functions to achieve justice. For instance, the Igbo people respect and obey the elderly. The Igbo usually rely on the elderly members of each community to manage grievances and settle disputes. The Igbo traditional justice system is that the mechanisms of justice are aimed primarily at peace making rather than the allocation of rights between disputants. Thus the traditional council

responsibilities are to redress wrongs, fine-tune claims, preserve norms, and prevent the break up of interpersonal and group relationships.

A striking characteristic of the traditional Ibo political and legal system was the virtual absence of centralized authority. This sense of republicanism was mirrored by the proverb “Igbo enwejhi Eze” ( the igbo have no kings). They practiced a participatory system of administration. Political institutions were designed to encourage popular participation, weighted by experience and ability. These leads to the Igbo experience society in relations to family rights, personal rights, socio-economic right and political rights.

### **3.3.1 FAMILY RIGHT**

The right to family is the right of all individuals to have their established family life respected, and to have an maintain family relationships. Ogbaly states, that family in Igbo context differs from the English concept of family in the sense that it does not apply only to a husband, his wife and children but also includes somewhat vaguely either relations. According to Mbiti “ the joint household together are like one large family”. This assertion is correct since each family in Igbo land sees itself as close relatives and share their joys and sorrows with each other. In Igbo land, the man is the

head of the family which is his rights and responsibility family rights includes the right of every individual marrying more than one wife, a man has the right to marry as much as he wants. In Igbo culture family rights are always respected.

### **3.3.2 PERSONAL RIGHTS**

Personal rights are defined as rights of personal security, personal liberty and private property. Among personal rights are associated rights to protect and safeguard the body, most obviously protected by the torts of assault and other damages. In Igbo land every man has the right to own a private property in such as land and no one is allowed to take that property or even sell without the person's permission.

Every person in Igbo culture has the right to religion. Everyone is allowed to serve whatever God he/she wishes to serve. Every one has their private life to live, right to privacy.

### **3.3.3 SOCIO-ECONOMIC RIGHTS**

Socio-economic rights is the rights to adequate food, to adequate housing, to education to health, to social security, to take part in cultural life, to water and sanitation and to work.

In Igbo culture socio-economic right is one active rights in the Igbo society. To take part in cultural life and to work in Igbo land is popularly known as farming subsistence farming characterizes agriculture among traditional Igbo people. The chief agricultural products include Yams, cassava and other important subsidiary crops. Palm products are the main cash crops. The principal exports included palm Oil, and palm kernels. Trading local crafts, and wage labour are also important in the Igbo economy.

### **3.3.4 POLITICAL RIGHTS**

Political rights refers to an individual's ability to participate in the civil and political life of the society and state without fear of discrimination or repression.

Traditional Igbo political organization was based on a success democratic republican system of government. This is where kings, elders makes decision and laws in the community. In tight-knet communities, this system guaranteed its citizens equality, as opposed to a feudalist system with a king ruling over subjects.

## **CHAPTER FOUR**

### **4.1 EVALUTION**

#### **HUMAN RIGHTS AMONG IGBO TRADITIONAL SOCIETY**

Generalizations about traditional Africa are always dangerous because of the distances of time and space that are involved. Howfar, for example, does “traditional

Africa co-exist with” modern Africa or is it wholly a thing of the past? The question is a different one. One cannot deny that there are many threads of continuity, linking the past with the present, the old social order with the new, but how important are the elements of discontinuity? Traditional concepts survive because they find a new dimension and a new application in the modern situation.

Traditional Africa is now history, mainly oral history, but that does not mean to say it can be ignored. On the contrary, to recognize traditional concepts and to understand their workings in the modern Africa. It is first of all necessary to see them as part of a political and social order which no longer exists in its pure form. That is largely what we have been doing in this object.

The key ingredients of the Igbo traditional justice system includes consensus among the members of each igbo community and their general acceptance of the law making, law application (case management), and enforcement procedure applied to them. The consensus and general acceptance are grounded on the Igbo faithfulness to their history, which is manifested by the fact that they continue to borrow norms, rules, regulations, and laws from previous generations. Important elements of the Igbo traditional justice system are that case management is regarded as having told the truth and the organs are close to the native population since the members of these organs

come from the relevant community, and the justice system has credibility with the locals. The Igbo usually rely on the elderly members of each community to manage grievant and settle disputes. Another feature of the Igbo traditional justice system is that the mechanism of justice are aimed primarily at peace making rather than the elevation of rights between disputants. Thus, the traditional courts responsibilities are to redress wrongs fin-tune claims preserve norms and prevent the break-up of interpersonal and group relationships.

A striking characteristic of the traditional Igbo political and legal system was the virtual absence of centralized authority. This sense of republicanism was mirrored in the proverb “Igbo enweighi eze” (the Igbo’s have no kings/chiefs). They practices a participatory system of administration. Political institutions were designed to encourage popular participation, weighted by experience and ability. Each unit was autonomous and regarded as binding upon it only those decisions to which the people had assented. Legal arrangement remain highly decentralized, though they frequently interact with the state legal system. There were six indigenious legal institutions that where in power during the Igbo traditional society and they guide the rights of every human in Igbo land.

## **THE FAMILY HEAD**

The basis unit of Igbo social life is the extended family descended from a common ancestor. The affairs of this unit are managed by a head (Obyusi). He is usually the elders male in the family and holds the family "Ofo" (Oath) symbol. The linkages within the family facilitate information communication with and easy access to the family head.

The family head mediates certain material disputes and cases of delinquency and presides in the resolution of other cases between family members. The family head is often called to resolve boundary disputes between households. As trustee of the family land, he must be resourceful in managing it. His reputation and authority derive from fair decisions, and he has both economic and political interests in maintaining social harmony.

He performs important family rituals and serves as the family representative in the village tribunal. In most instances the family head uses moral pressure to enforce decisions often he solicits the support of family members. In presiding over hearings he ensures that the most eloquent disputants or their representatives do not overwhelm the less advantaged disputants.

## **B. THE VISUADA**

If a member defiles the family head or a leadership crisis arises, the married daughters of the family or village are invited to resolve the dispute or to force competence with decision. The umuada, or married daughters, play an important part in Igbo dispute resolution. They come from the family, windred or village which calls upon them, but are living else where with their unmarried counterparts and with women who have married into the family or village.

The umuada may be called home on short notice to resolve such issues as spousal abuse, infidelity or theft, or to admonish erang women who have married into their village. The Umuada effectively uses shaming statement to settle disputes that are among spouses. The Umuada also may be called to admonish the men of their natal villages especially in times of corruption or moral decadence. Although the Umuada may be limited in their power and knowledge of their paternal village, they can acts as check and balances, resolving disputes that are two difficult for the male leaders. The Umuada can inter-vene on their own or at the invitation of the family or village unit.

### **C. THE VILLAGE TRIBUNAL (AMALA)**

Matters affecting outsiders or threatening to disrupt a family are usually referred to the Amala (village tribunal) a composed of 10 to 15 lineages. This institution is

concerned with the common affairs of the village, such as religious rituals, traditional ceremonies, and festivals.

The Amala also handles intra-village disputes, as well as case referral from a family head or the formal court system. This union helps to socialize newcomers to the city/state as well as providing a social network for those seeking employment. The town union collects money for village development. Difficult cases are often referred to the village tribunal, and then either resolved successfully or postponed until the holiday return to the village.

The Amala commands respect primarily because it controls the channel of communication with the ancestors and gods, who are very powerful and revered symbols in Igbo land

#### **D. AGE GRADES**

The age grade plays an important role in village affairs between the ages of 26 and 30 men go through several initiation ceremonies prescribed by their elders in order to become adults and be included in village law-making processes.

Marriage is not recognized until the man has been initiated as an adult. The members of an age group after being initiated into adulthood they form an age grade union.

Members of an age group address one another as age mate or nwelm and are responsible for burying their members. Age grades also manage conflict, disciplining members who commit theft, shown disrespect to an elder, or fail to pay taxes or participate in communal labor.

E title men (chiefs) as Igbo communities experienced social and economic changes during the nineteenth century traditional system of government and justice was affected. This allowed some men to a mass a surplus with which they could acquire various titles based on demonstrated leadership abilities. Thus, the title-man, a free-bonr man of probity, became another means of social regulation. Today, such a man is a chief or Eze.

Chieftaincy in Igbo land began with the introduction of the warrant chiefs by the British colonial rulers about 1912. The warrant chief system was enomalous in the traditionally igbo society. These warrant chief subsequently became corrupt engaging an briber, force marraiges, extortion, and false criminal, trials and it brought a lot of crisis. A village chiefs may preside over the deliberations of the Amala. The chief (Eze) is regarded as the traditional ruler of a state-created autonomous community.

He has the role as a spoke person and cultural embodiment of his people, the law authorizes the Eze to take steps to reconcile disputing parties on civil matters whether

or not such matter which the disputing parties bring to them for reconciliation are matters governed by law of the community. Titled men earn their reputation as mediators arbitrators or organizers of the village affairs, often as exceptions to the Igbo rule of gerontocracy.

## **F. ORACLES**

Divinations is used to identify mysterious causes, heal diseases and manage both individual and group conflict. In most instances of death and mysterious illness an oracle priest is consulted for diagnosis and cure. These diviners acquire great respect.

Human right among Igbo traditional society is simply held by these powerful people and they guide the rights of every human on her society.

## **4.2 RECOMMENDATION**

Human rights are rights inherent to every human being regardless of race, sex, nationality, language religion and any other status

My recommendation in this work is to follow how the traditional society in the Igbo land was ruled and every rights were preserved.

In the Igbo traditional society there were power that was in charge of the farewell of ever human in the society. I support the few powers although there are six but I only support five.

### **THE FAMILY HEAD**

I supportly recommend the family head because as a senior your ought to know more about life and should be able to settle any dispute and guild every one's right in the family. I recommend these power on the society as whole.

### **THE UMUADA**

The Umuada are women who are married and have experience in all round of life. I recommend this power because these women are senior married women in a family and they are to advice and settle couple's who have issues, such as advising the young married women when they go wrong in their marriage. So I recommend such power in the society for a better right protection for the women.

### **THE VILLAGE TRIBUNAL (AMALA)**

The village tribunal that guide their people are good power agent for the society because they guide the right of their people form outsiders. This power can help the society from being tramped on. So I recommend such power in the society.

### **AGE GRADE**

The age plays the role of guiding the village affairs in the Igbo land. These are able young men on the society. This power should be recommended in the society where the youth are given change to rule and protect the rights and property of the society.

### **TITLE MEN (CHIEF)**

Chief are protectors of the human rights. I recommend such power because they help in the development of the society. They can help the government because they are elders who have a deep understanding of cultures and the better well being of the people.

### **ORACLES**

I personally do not recommend the oracles. These oracle are been spoken from men (priests) who are likely to bribed and they might likely not say the truth, which makes

an innocent men's life unprotected. In the present we have been influence by religion(Christianity). So I do not recommend oracles.

### **4.3 CONCLUSION**

Human right has become a concept of universal relevance. In the contemporary global system, issues regarding human rights have taken centre stage in international discourse.

Human right are rights inherent to every human beings, regardless of race, sex, nationality, language, religion.

Africans is a native or inhabitant of Africa. The Igbo people are or an ethnic group in Nigeria. They are primarily found in Abia, Anambra, Enoyi, Enugu and Imo tate.

Human right among Igbo traditional society was held by different powers who helped to protect the right of every human in the society. These power are:

The family

The family head, the Umuada, the village tribunal, age grade, title men and oracles.

In the Igbo traditional society not all Human right where established such as the right to education, this was because during that period the people were not enlightened.

To the question “where there human right in African traditional society? A study of the Igbo of Nigeria”

My answer to this question s “Yes there was human right in African traditional society”. The problem was that most of the human right where not protected and established because of Ignorance and the civilization period. In the Igbo land there was human right and these where protected different powers.

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