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Literature as Legal History:
Understanding the Colonial Roots of the
Nigerian Police Force

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ABSTRACT

On the 21st of October 2020, the world woke to images and video clips of the bloodied, broken bodies of Nigerians shared across social and traditional media. The night before, young Nigerians protesting police brutality were met with a government-sanctioned, combined police and military onslaught; Nigeria's decades-long struggle with police dysfunction was brought to a head with the massacre of its citizens at the Lekki toll gate on the evening of October 20, 2020 ("Lekki Massacre.")

This paper makes the case that the brutal character of the Nigerian Police Force (NPF) is connected to the colonial character of the institution, and that incorporating Indigenous literature in our study of the history of the NPF inevitably exposes the colonial roots of the institution. In this work, we read Chinua Achebe's *Things Fall Apart* as an account of Igbo pre-colonial history that helps our understanding of police dysfunction in Nigeria and can inform the country's police reform ambitions.

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"It is the storyteller who makes us what we are, who creates history. The storyteller creates the memory that the survivors must have – otherwise their surviving would have no meaning."

- Chinua Achebe

1. Introduction: Law and Literature

Scholarly activity between literature/literary theory on one hand, and law/legal studies on the other, is not new; such work sits comfortably in the well-established interdisciplinary field of "law and literature." Law and literature in Western—particularly in the United States—scholarship has been traced as far back as 1931 with the publication of *Law and Literature and Other Essays*¹ by Benjamin Cardozo.² My own introduction to thinking about literature's relationship with the law was Richard Posner's 1986 essay, "*Law and literature: A relation reargued*,"³ In this essay, Posner, a legal scholar and jurist, rejects the utility of law and literature scholarship, arguing that "there are too many differences between works of literature and enactments of legislatures or constitutional conventions to permit fruitful analogizing from literary to legal interpretation."⁴ For Posner, "the great false hope of law and literature"⁵ was the misassumption that literary methodology (i.e. literary criticism) could aid the interpretation of law.⁶

It was immediately clear to me that Posner's conception and then rejection of law and literature had no room for Indigenous societies, such as the pre-colonial societies of Nigeria. In these societies, literary traditions were so deeply embedded in the peoples' way of life that there could be no discussion of the society (and its rules/law) without its literary traditions. I discovered a more palatable conception of law and literature through further reading, especially of writing by scholars of Indigenous and Aboriginal law. These scholars insist on the legitimacy of Indigenous legal and social systems that may not conform to the mainstream culture introduced by colonial/settler groups. An example of this conception is found in Xavier Focroulle Menard's essay, *The Legal Within Folktales: Embedded Law in Indigenous and French Canadian Oral*

¹ Benjamin Nathan Cardozo, *Law and literature and other essays and addresses* (Harcourt, Brace and Company, 1931).

² JG Mowatt, "Teaching Law through Literature" (1992) 25:2 De Jure 416. At Page 416.

³ Richard A Posner, "Law and literature: A relation reargued." (1986) 72 Va. L. Rev. 1355.

⁴ Ibid at Page 1361

⁵ Ibid. Page 1360

⁶ Ibid. Page 1360-1375.

Stories.⁷ Menard insightfully applies a law and literature methodology to his study of Indigenous and French-Canadian folk stories. He demonstrates that in communities organized around oral storytelling, folktales (i.e. Indigenous literature) are a critical source of information to understand the legal systems of those communities.⁸

This paper treads the same path as Menard’s approach—law *in* literature, or specifically for this project, legal history in literature. Nigerian literary texts that offer accounts of pre-colonial history are read not merely as fictional narratives but as dossiers of facts on pre-colonial Nigerian communities, including their law enforcement and policing systems. Literary traditions and texts preserve the facts and knowledge of the Indigenous, pre-colonial world, and the author in this regard is a historian, drawing on the storytelling tradition that organized Indigenous communities. The author-historian documents the realities of Indigenous communities—the lives they lived, the food they ate, the clothes they wore, the rules they obeyed, and the ways these rules were enforced in instances of disobedience. In this paper, I hope to build on the work of these historians by distilling the narratives around rule enforcement in pre-colonial Nigerian societies and analyzing these narratives to develop a picture of a functional non-colonial law enforcement system. Accordingly, in my work, literary narratives serve legal scholarship in two respects: on the one hand, they offer an account of the Indigenous legal systems and, on the other hand, demonstrate how these systems functioned in society.

This paper will draw primarily from Chinua Achebe’s *Things Fall Apart* (“TFA”).⁹ TFA captures the workings of the pre-colonial Igbo society and offers remarkable insights on the principles that informed the society’s rules and their enforcement. These insights are critical to understanding how and why policing worked in those societies, and they offer a useful and refreshing perspective on what policing has been and may yet become again. TFA is particularly suited for our exploration of the country’s colonial history because the book starts off in pre-colonial Igboland and takes its readers through the journey of colonial intervention—from missionary school to political administration—into Igboland. The focus on TFA means that this

⁷ Xavier Focroulle Menard, “The Legal Within Folktales: Embedded Law In Indigenous And French Canadian Oral Stories” (2021) 7:1 ANAMPS 5–38.

⁸ *Ibid.* Page 33. Menard notes that “[Indigenous and French Canadian folk stories] are incredibly dense and potent source[s] of legal principles and notions. Law embeds in these stories in various ways, one of which is through the supernatural characters that they feature.

⁹ Chinua Achebe, *Things fall apart*, 1st anchor books ed ed (New York: Anchor Books, 1994).

paper will necessarily focus on the pre-colonial Igbo society to ground its discussion of pre-colonial rule enforcement.

One aspect of the law and literature ambitions of this paper invites special consideration: I use literary works written in English and published in the colonial or post-colonial era as source for information on the pre-colonial oral history era. Indeed, Achebe, whose work informs the literary account of colonisation in this project was educated in the British curricular and declared himself a “British protected child,”¹⁰ and *TFA* was written and published during the period of British colonization, by Heinemann publishing, a London-based publishing house. Yet, I contend that this colonial and post-colonial era literature gives an account of the pre-colonial era.

Colonial intervention into pre-colonial Igbo communities impacted the oral traditions of those communities, both through the translation of Igbo language to English as well as the use of the English phonetic symbols and English alphabet to spell out Igbo words.¹¹ The British missionaries, through their schools and educational system set themselves the task of supplanting Indigenous belief and social systems with Christian and anglicized beliefs.¹² However, the fundamental traditions that have been passed on through generations and which have calcified into an innate identity, survived the manipulations of the colonizers. Accordingly, while the British could, through the force of brute strength supplant Indigenous institutions with their own systems, they could not, try though they did,¹³ eradicate the knowledge systems and practices that continued to be passed from generation to generation.

The result was a generation of Nigerians who were literate in English language and knowledgeable in Indigenous belief systems and practices. Some Nigerians in this new generation, such as Achebe, growing increasingly discontent with the colonial agenda, and realizing the need

¹⁰ Chinua Achebe, *The Education of a British-Protected Child* (Penguin Books Limited, 2011).

¹¹ Stephen Ney, “Samuel Ajayi Crowther and the age of literature.” (2015) 1:46 *Research in African Literatures* (2015): 37-52 at page 41. See also: “The Literary History of the Igbo Novel: African Literature in African”, online: <<https://www.routledge.com/The-Literary-History-of-the-Igbo-Novel-African-Literature-in-African-Languages/Emenyonu/p/book/9781032174792>>.

¹² Ibid

¹³ Ibid. Emenyonu notes that the British teachers recorded the Indigenous folktales that the children told in school and either revised the folktales towards Christian ends or patterned their own stories after these folktales. The missionaries also supplemented their collection of revised and manufactured folk stories and essays with translations of European classics such as *The Arabian Nights*, *Grimm’s Fairy Tales* and *Tales from Shakespeare* and attempted to teach have these corrupted versions replace the original Indigenous accounts. For example, an essay about the importance of farming to the Igbo people ends, “When God created the first man, the occupation he bequeathed to him was farming, as we learn in the Bible.” Pages 42 and 43.

and urgency to preserve Indigenous traditions,¹⁴ began to record Indigenous Igbo traditions and history, albeit in English, in a manner consistent with Indigenous approaches to record-keeping.¹⁵ The resultant texts from this process such as TFA—while written in English and produced as a result of British education—are in fact historical representations of pre-colonial societies, narrativized in a literary style patterned after Indigenous storytelling and oral traditions. Accordingly, post-colonial literary texts, even when written in the English language, can be read as historical texts, especially when the authors consciously intend to represent pre-colonial history.¹⁶

This paper is divided into five parts. The first part is this introduction that lays out the law and literature premise of this work. In the second part, I offer an account of colonial policing as a mercenary and militarised approach designed to facilitate the installation of an illegitimate government over the pre-colonial communities. In the third part, I make the case that post-colonial policing in Nigeria retains the ideals of colonial rule enforcement in service of a government that remains hostile to communities. In the fourth part, I draw on literary and other traditional historical texts to give an account of pre-colonial rule enforcement in Igbo land as an example of what non-colonial policing could look like. In the fifth and final part, I wrap-up the argument of this paper to wit: Law enforcement and governance in Nigeria today has not evolved past the philosophy and

¹⁴ Interviewed by Jerome Brooks, “The Art of Fiction No. 139” (1994), online:

<<https://www.theparisreview.org/interviews/1720/the-art-of-fiction-no-139-chinua-achebe>>. Achebe speaking about the type of education he received under British education notes, “Then I grew older and began to read about adventures in which I didn’t know that I was supposed to be on the side of those savages who were encountered by the good white man. I instinctively took sides with the white people. They were fine! They were excellent. They were intelligent. The others were not . . . they were stupid and ugly. That was the way I was introduced to the danger of not having your own stories.”

¹⁵ Ruth Franklin, “Chinua Achebe and the Great African Novel” *The New Yorker* (19 May 2008), online:

<<https://www.newyorker.com/magazine/2008/05/26/after-empire>>. This profile of Achebe, reproduces two quotes that capture how Achebe approached post-colonial writing as a homage to Indigenous history. Achebe writes that his English texts are carrying the full weight of African experience and are written in “a new English, still in full communion with its ancestral home but altered to suit its new African surroundings.” His latter explanation of this venture is a personal favorite of mine, “Let no one be fooled by the fact that we may write in English because we intend to do unheard of things with it.”

¹⁶ Given the vast and varied genres available in post-colonial writing, an author’s account of what their work sets out to do, especially how their story world is constructed, should be considered in the reading of the work as an account of history. For example, author Nnedi Okorafor’s distinction between the genres futurisim and jujuisim, show how an author’s intent to historicize in their story world is an important factor to consider in the reading of their work. DeAsia Paige | @deasia_paige, “Author Nnedi Okorafor talks origins of storytelling career at Liberty Hall”, online: *The University Daily Kansan* <https://www.kansan.com/arts_and_culture/author-nnedi-okorafor-talks-origins-of-storytelling-career-at-liberty-hall/article_ed6d09c2-e464-11e8-bf4a-4bc3eb43119c.html>. Okorafor notes, “The ‘Akata’ books are not ‘Harry Potter,’” Okorafor said. “The magical society in the book is based on a real society in Nigeria, and this is something I knew about even before I wrote books, so when I sat down to write them, I was pulling from the culture that I am of.”

goals that guided it while the country was under the tyranny of British colonization, and the failure to push past this essentially colonial character has been, as Alemika notes, the foremost hinderance to police reform in Nigeria.¹⁷

2. The Colonial Conception of Policing in Nigeria

Understanding the British indirect rule system of administration is crucial to understanding the colonial conception of policing, because the goal of administrative convenience informed what institutions, including the police force, were installed in colonized territories. The acclaimed defining feature of the indirect rule system is that the colonial legal order and its institutions were to be locally administered through Indigenous institutions, offices, and officers.¹⁸ Three institutions, considered the pillars of the indirect rule system—The Native Courts, the Native Authority, and Native Treasuries (Indirect Taxation)—were introduced into the British colonies across West Africa.¹⁹ The goal of British colonization was the introduction, establishment, and enforcement of foreign law and government within the territories. Indirect rule, as the vehicle to achieving this goal, prescribed that where possible, the Indigenous people and their institutions be co-opted to serve the colonial government.²⁰ The establishment of this foreign legal order necessitated a displacement of the extant Indigenous legal order, which was achieved through the use of force.²¹

¹⁷ Etannibi E.O Alemika, “Why Has Police Reform Failed to Produce Reformed Police in Nigeria” (2018) *Police Reform in Nigeria: The Devolution Debate*, edited by Oliver Owen, Published by Cleen Foundation Organization. Page 5

¹⁸ Carl Müller-Crepon offers two quotes to capture perceptions of the difference between the English and French approach to colonization. The first quote from Lord Lugard who was a British colonial administrator in Nigeria is: “Institutions and methods, in order to command success and promote the happiness and welfare of the people, must be deep-rooted in their traditions and prejudices.” The second quote from William Ponty, the governor general of colonized French West-Africa is: Suppress the great native polities which are nearly always a barrier between us and our subject.” Carl Müller-Crepon, “Continuity or Change? (In)direct Rule in British and French Colonial Africa” (2020) 74:4 *Int Org* 707–741. At page 712.

¹⁹ Obaro Ikime, “RECONSIDERING INDIRECT RULE: THE NIGERIAN EXAMPLE” (1968) 4:3 *Journal of the Historical Society of Nigeria* 421–438. Page 423.

²⁰ David Killingray, “THE MAINTENANCE OF LAW AND ORDER IN BRITISH COLONIAL AFRICA” (1986) 85:340 *African Affairs* 411–437.

²¹ Some British historians have insisted on a more tame reading of the establishment of colonial rule in Nigeria with Michael Crowder, an early scholar of European colonization in West Africa going as far as to assert that “The relation between political officer and the chief was in general that of an adviser who only in extreme circumstances interfered with the chief and the native authority under him,” Michael Crowder, “Indirect Rule—French and British Style” (1964) 34:3 *Africa* 197–205. Page 198 However, several Nigerian historians have demonstrated clearly that British colonization in Nigeria was achieved primarily through the use of force. See generally: Emmanuel Chudi Onyeozili, *An examination of social control and policing in Nigeria: A theoretical and evaluative analysis* (The Florida State University, 1998). Toyin Falola, *Colonialism and violence in Nigeria* (Indiana University Press, 2009).

Additionally, and particularly because of the indirect rule approach, agents of the new government, as representatives of a hostile regime, were set against the community and typically resorted to the use of force to execute their administrative mandates. The violent disruption that was British colonization was especially severe in acephalous communities, which did not have a sole individual or office at the apex of the political hierarchy and were typical in pre-colonial Igboland. These communities did not have a top-down political hierarchy that could be manipulated for colonial rule, and to apply its indirect rule policy, the British administrators invented hierarchies and placed strangers or outcasts in positions of authority.²²

Within the context of policing specifically, British indirect rule policy favored the recruitment of strangers as policing agents into Indigenous communities because “colonial police forces were organized and oriented to behave as occupation forces—ruthless, brutal, corrupt, dishonest and prone to brutalizing the colonized peoples.”²³ In an essay published during the peak of the 2020 #ENDSARS anti-police brutality protest in Nigeria, Ayo Sogruno, a Nigerian human rights lawyer and legal scholar, draws on literary interpretations from Chinua Achebe’s *Arrow of God*,²⁴ to demonstrate this character of colonial policing:

The result of this recruiting tactic was the alienation of police officers from the communities they policed. They served the colonial state and not the Nigerian people. In his novel *Arrow of God*, Chinua Achebe vividly describes the frustration of two policemen who had been sent by the white District Officer to arrest an influential community leader. The officers were both strangers to the community and so they had to constantly ask for directions: “But now they were convinced that

²²A E Afigbo, “THE WARRANT CHIEF SYSTEM IN EASTERN NIGERIA: DIRECT OR INDIRECT RULE?” (1967) 3:4 *Journal of the Historical Society of Nigeria* 683–700. Afigbo notes, “The fact is that in spite of three centuries or more of European contact with the coast of Eastern Nigeria, the British had little reliable knowledge in 1900 about the nature of the social and political organisation of the peoples in question...In this circumstance the British formed their opinion of the political system of the various peoples of the region from what they saw and overheard along the coast. Without proper investigation they assumed firstly that the heads of houses and sections whom they met with along the coast were chiefs of considerable standing and secondly that the house system existed in the whole region...when discussing the political organisation of the peoples living there." It was this misconception that predisposed the British to 'find kings and chiefs' wherever they went in Eastern Nigeria and to seek to govern through them. With regard to the formation of the courts and the choice of the chiefs who compose the courts", wrote Mr R. Raikes one of the officers in question, "it is incorrect to say that the members were chosen hap- hazard,"" Page 690- 691. See also: Onyeozili, *supra* note 21. At Page 188. Onyeozili notes, “The warrant chiefs appointed by the British were chosen from what Achebe (1959) called the efulefu (worthless) stock of the society. Their ascendancy to the position of authority was therefore bound to the hatred and rejection of anything associated with them.

²³ Etannibi E O Alemika, “Colonialism, state and policing in Nigeria” (1993) 20:3 *Crime Law Soc Change* 187–219. Page 204

²⁴ Chinua Achebe, *Arrow of god* (Penguin UK, 2013).

unless they did something drastic they might wander around Umuaro till sunset without finding Ezeulu's house." So they slapped the next man they saw when he tried to be evasive. To drive the point home they also showed him the handcuffs. This brought the desired result.²⁵

To effectively administer the new political and governance system, the British administrators often fabricated new crimes—defined by anti-imperialist sentiments—and institutionalized policing with officers mandated to act purely in service of the new, violent, and strange colonial legal order. As Killingray, a scholar of Nigerian colonial history notes:

Colonial rule created new 'crimes', many of which were offences against the imposed structure of colonial management. Certainly, colonial government did seek to curb and punish wrongful acts by one person against another but an essential feature of colonial law and policing was enforcing colonial rules and punishing those who breached them.²⁶

The use of the police to establish the new colonial order necessarily meant that the police were empowered and deployed to clamp down against Indigenous criticisms of colonial policies and activities, even when such criticisms were levied by British-installed authority figures such as Warrant Chiefs. For example, in the early 1920s, Etak Eto, who had been installed as a Warrant Chief by the British in Southern Nigeria, was arrested by the police, stripped of his warrant authority, and charged with sedition for criticizing British disdain of Indigenous legal, religious, and administrative norms.²⁷

I highlight the treatment of dissenters like Etak Eto to make clear that the British administrators presupposed that the police—and other colonial rule enforcement institutions—worked primarily in service of the government in force. Where the will of the government and the popular will of the people were at odds, then the police would work against the latter and in service of the former. Put differently, the colonial conception of policing introduced a practice of policing where the people did not see themselves reflected in, or their will protected by, the policing apparatus. This characterization of the role of the police was manifested in several incidents of

²⁵ "Why #EndSARS won't quit | African Arguments", (15 October 2020), online: <<https://africanarguments.org/2020/10/why-endsars-wont-quit/>>.

²⁶ Killingray, *supra* note 20. At 413

²⁷ A E Afigbo, "REVOLUTION AND REACTION IN EASTERN NIGERIA: 1900-1929: (The Background to the Women's Riot of 1929)" (1966) 3:3 *Journal of the Historical Society of Nigeria* 539–557. Afigbo quotes a portion of Eto's "seditious" speech, "In plain words we are dissatisfied with British rule and want the Government to leave us so that the country may be governed by Ekpo and like societies. We shall then once more gain complete control over our people. I repeat my statement that the British are not fit to govern this country." At page 546.

police violence such as in the different tax protests by Aba women in Igboland, Akpanya women in Igalaland, and Egba Women in Yorùbáland respectively,²⁸ where the colonial policing apparatuses were violently deployed against the protesters. The colonial conception of policing can be summarised as mercenary (in the sense that they were hired guns of the government) and militarized policing. Policing agents were mercenaries of the political and social elites, and in this role as mercenaries, they were trained as militarized forces.

2.1. Mercenary Policing

Colonial policing did not merely involve the recruitment of hostile people into communities; new recruits were the mercenaries of the British empire.²⁹ Policing agents were posted into communities as representatives of the colonial government and served as a visible presence of colonial occupation of these communities. The character of the police as mercenaries was also extended to have the policing agents serve non-political elites, the “petit bourgeois”, who were in favor with the colonial administration. The boundaries and authority of this class were strengthened by their having access to the service of the police.³⁰ A 2005 Human Rights Watch report on police violence in Nigeria emphasised the character of colonial police agents as mercenaries in aid of the British agenda:³¹

The primary purpose of the police during this time was to advance the economic and political agenda of the colonizers. In many areas, the police engaged in the brutal subjugation of communities and the suppression of resistance to colonial rule.³²

The new class of social and economic elites were entitled to call on the police to protect their interests against the interest of the masses, blurring the lines between private enterprise and government. Some private companies were able to, through policing powers vested in them by the British crown, exercise political power and exclude Indigenous social systems from the territories

²⁸ See generally: Judith A Byfield, “Taxation, Women, and the Colonial State: Egba Women’s Tax Revolt” (2003) 3:2 *Meridians* 250–277.; Ben Naanen, “‘You Are Demanding Tax from the Dead:’ The Introduction of Direct Taxation and Its Aftermath in South-Eastern Nigeria, 1928-39” (2006) 34 *African Economic History* 69-102.

²⁹ Alemika, *supra* note 23. Alemika notes that the British recruitment of police agents “revealed the preference of the colonial government for mercenary police system: a police force whose personnel are alien to, alienated from and hostile to, the population among who they are deployed.” Page 203

³⁰ Philip Terdoo Ahire, *Imperial Policing: The Emergence and Role of the Police in Colonial Nigeria, 1860-1960* (Open University Press Buckingham, 1991).Page 22

³¹ “Nigeria: ‘Rest in Pieces’: XI. Police Reform”, online: <<https://www.hrw.org/reports/2005/nigeria0705/11.htm>>.

³² *Ibid.* Page 9

under their control.³³ For example, the colonial government granted the Royal Niger Company (RNC), a merchant trading company, a charter to establish the Royal Niger Constabulary (the Constabulary), an armed policing unit, to protect its trade interest against the interests and activities of Indigenous communities.³⁴

The police thus acted as mercenaries of the economic and social elites, deployed to serve the interest of these individuals in their relations with the local community.³⁵ Armed agents of the state were reduced to the personal servants and guards of the individuals, companies, or institutions that were in good standing with the government.³⁶ They were also used to keep persons that were considered undesirable from entering “elite” geographic spaces.³⁷

2.2.Militarized Policing

On the eve of 1900, the British revoked the charter of the RNC and moved to establish direct occupation of its colonial territories that were under the control of the Constabulary.³⁸ Following the revocation of the charter, colonial administrators established a police force for the colony of Lagos which force was eventually extended to police all of southern Nigeria, and eventually the whole nation.³⁹ The new police force was staffed with officers from the Constabulary, who continued to police in service of the economic and social elite. Where extant policing institutions were already encouraged to be violent and oppressive, the British also ensured the deliberate militarization of policing by deploying the police force for military expeditions in other British controlled territory. The police force worked with the West African Frontier Force (WAFF), a military unit created by the British to ensure the establishment of the British legal order in colonized communities across West Africa.⁴⁰ WAFF officers were used to seize political power in the territories and the police force followed to provide “security for administrative officers and

³³ Ibid. Pages 9 & 10. Ahire notes that the British merchants were allowed to establish private political structures that functioned with the authority of the government. The charter granted to the RNC to establish The Constabulary was another example of this blurring of the lines between government and private business.

³⁴ Killingray, *supra* note 20. Pages 414 and 415. See also Ahire, *supra* note 30. Page 110 and 111. The constabulary helped the RNC establish monopoly power as a trading company in several communities. This was done to create a business advantage for the RNC and not necessarily in furtherance of any political goals of good governance.

³⁵ Ahire, *supra* note 30. Pages 78 – 79; 84, 99, and 137.

³⁶ Etannibi EO Alemika, “Policing and perceptions of police in Nigeria” (1988) 11 *Police Stud: Int’l Rev Police Dev* 161. Page 165.

³⁷ Killingray, *supra* note 20. Page 5.

³⁸ Alemika, *supra* note 23. Page 192.

³⁹ Table 1 in, *Colonialism, state, and Policing in Nigeria*, shows the occupation of colonial police forces in the different regions from 1861 to 1930, when a national police force was established for the whole of Nigeria. Alemika Ibid at Page 197.

⁴⁰ Ahire, *supra* note 55. Page 40.

British merchants, and generally helping to consolidate the conquest.”⁴¹ Thus, the colonial approach to policing entailed a combining of military and civil policing powers in the enforcement of domestic social control.⁴² With the introduction of a colonial police force working hand-in-hand with WAFF, military power became intertwined with civil policing.⁴³

In his book, *Imperial Policing: The Emergence and Role of the Police in Colonial Nigeria*,⁴⁴ Ahire notes of the education in the colonial police training depots:

. . . emphasis is put on drill as the means of instilling obedience, discipline, and self-control. Officers and men are required to model their drill standards on those for the military infantry, as the force is itself a semi military organisation . . . It is essential that every constable should be able to use his rifle with a fair amount of accuracy, for if a man is totally unable to shoot, he is useless to the force.⁴⁵

A 2010 report by the Human Rights Watch⁴⁶ emphasised how colonial occupation was secured through brutal policing methods and note that “the use of violence, repression, and excessive use of force by the police has characterized law enforcement in Nigeria ever since.”⁴⁷

Colonial intervention in Indigenous communities, which was executed through colonial policing agents and institutions, re-defined the landscape of rule enforcement in the local communities. The police became a force imbued with enough capacity as to make it suitable for military expeditions, and one that worked domestically in primary service of the political, economic, and social elite, which task necessarily set them against the interest of the every-person. Where in colonial times, the British were the elite, in modern times, they are the Nigerians in governance, politics, and society whose interests are so misaligned with the will of the people they continue to use the police to maintain power in the country.⁴⁸ In the following section I use two incidents to highlight the common features at the heart of the colonial and post-colonial systems of rule enforcement.

3. Colonial Policing and Post-Colonial Policing: Two of a Kind

⁴¹ Ahire, *supra* note 30. Page 50.

⁴² *Ibid.* Page 29.

⁴³ The use of military power to ensure domestic social control was unknown to the Indigenous Igbo society and these societies often made a clear distinction in the ways social control was enforced locally and how it treated threat from external aggressors.

⁴⁴ Ahire, *supra* note 30.

⁴⁵ *Ibid* at page 57. via Onyeozili, *Supra* Note 4 at page 325.

⁴⁶ Eric Guttschuss, “*Everyone’s in on the game*”: corruption and human rights abuses by the Nigeria Police Force, Human Rights Watch (New York, NY: Human Rights Watch, 2010).

⁴⁷ *Ibid* at page 14.

⁴⁸ Sogunro, note 25.

The colonial conception of policing has been retained in the current, contemporary understanding of what it means to “police.” Two incidents of police violence, one in colonial Igboland and another in modern day democratic Nigeria, demonstrate the shared features between colonial and post-colonial policing. I juxtapose these incidents to expose the colonial roots of police dysfunction in Nigeria. My hope is that at the end of this section, it will be clear that colonial and post-colonial policing are in a continuous relationship, with the former ushering in the latter, and the latter remaining faithful to the impetus that underlay the former.

The narrative of colonial policing is culled from TFA, while the post-colonial narrative is the story of the massacre of the people of the Odi community in Bayelsa state. I have chosen to use a literary source for the colonial narrative, instead of culling from official or scholarly accounts because I want to tell the story from the view of the victims. Much like the account of the Odi massacre is culled from anecdotal and eyewitness reports, I want the colonial narrative to be the reports of the experience of Indigenous peoples—passed down through oral traditions—that formed the basis of Achebe’s historical account in TFA.⁴⁹

TFA records many accounts of the violence and brutality of colonial officers in Igboland; the tale of the people of Abame grounds our discussion in this section.⁵⁰ When a “white man” arrived in the clan during the planting season,⁵¹ the people of Abame, who were yet to encounter the British colonizers, consulted the oracle for guidance on how to handle the strange phenomenon. It was divined that “the strange man would break their clan and spread destruction among them.” Consequently, the people of Abame killed the stranger and tied his bicycle to their sacred tree.

For a long time, nothing happened and then one morning, when most of the clan had gone to their farms, three white men arrived, led by “a band of ordinary men like us,” that is non-Europeans who had been co-opted into colonial service. The strangers waited until the big market day when the whole clan would be present. They surrounded the market and “they began to shoot. Everybody was killed, except the old and the sick who were at home and a handful of men and

⁴⁹ Brooks, *supra* note 14. In this interview, Achebe captures the heart of his work as a writer: “There is that great proverb—that until the lions have their own historians, the history of the hunt will always glorify the hunter. That did not come to me until much later. Once I realized that, I had to be a writer. I had to be that historian. It’s not one man’s job. It’s not one person’s job. But it is something we have to do, so that the story of the hunt will also reflect the agony, the travail—the bravery, even, of the lions.”

⁵⁰ Achebe, *supra* note 9. Pages 138 – 140.

⁵¹ Planting seasons are considered sacred in Igbo culture and rituals are observed in honor of the season to ensure that the people’s efforts are blessed with a good harvest. One such ritual is taking a week off before the planting season where no work is done and everyone must keep peace within the community. *Ibid.*

women whose chi were wide awake and brought them out of that market.” The clan was left “completely empty. Even the sacred fish in their mysterious lake have fled and the lake has turned the color of blood. A great evil has come upon their land as the Oracle had warned.” The story of the people of Abame captures the oral histories of several Indigenous communities such as Obosi, Aguleri, Umukoroshe who attempted to resist colonial laws and had their communities destroyed by the British.⁵²

Now compare the Abame massacre to the Odi Massacre which was ordered by the democratic presidency of Olusegun Obasanjo.⁵³ The Odi community was an oil-rich state in the Niger Delta area of Nigeria and had been in a fraught protestation over the violation of its environmental and Indigenous rights by petroleum extracting corporations licensed by the government. Pockets of conflict between the community on the one hand and the government, corporations, and police officers on the other hand had become routine. However, these conflicts escalated and led to the death of twelve members of the Nigerian police, allegedly killed by a local gang. The government of Nigeria ordered the military destruction of the community in response. Every building except one bank, an Anglican church, and a health care center, were burned to the ground. A 1999 Human Rights Watch report concluded that, “the soldiers must certainly have killed tens of unarmed civilians and that figures of several hundred dead are entirely plausible.”⁵⁴

These two tales, cast side by side, tell an identical story of how policing powers are conceived of as existing to help a powerful, even if unpopular and unwanted government, erode the will and Indigenous rights of a community, to erode the will of the people. Many other comparable stories exist, such as the arrest by ambush and subsequent torture of the elders of Umofia,⁵⁵ and the arrest and torture of #ENDSARS protesters,⁵⁶ that demonstrate the shared features of colonial policing and modern policing and establish the colonial character—and roots—of policing in Nigeria today. The tactics that are routinely employed by the police today,

⁵² Uzochukwu J Njoku, “Colonial Political Re-Engineering and the Genesis of Modern Corruption in African Public Service: The Issue of the Warrant Chiefs of South Eastern Nigeria1 as a Case in Point” 18. Page 107.

⁵³ Andrew Oselora Sawyer, “Oil and Conflict in the Niger Delta: Revisiting the Odi Genocide” (2010) *Marginality and Crisis: Globalization and Identity in Contemporary Africa* 239. See also: “Background Report: The Destruction of Odi and Rape in Choba”, online: <<https://www.hrw.org/legacy/press/1999/dec/nibg1299.htm>>.

⁵⁴ note 53.

⁵⁵ Achebe, *supra* note 9. Page 194 -195.

⁵⁶ *Sister Narrates Arrest Of #ENDSARS Protester, Eromosele Adene* (2020). The sister of an arrested #ENDSARS protester narrates how the police ambushed their family through deception to eventually arrest him. Adene was subsequently detained and tortured in police custody until bail conditions were satisfied.

the tactics that we identify as feeding the culture of police impunity and dysfunction are identical to the tactics that characterized colonial policing.

Accordingly, implicated in the current construction of what it means to “police” is a colonial ideology that sets the police as the violent mercenaries of a hostile government and elite class against the will of the people. This is the colonial root of sustained police violence and impunity in Nigeria. Acknowledging this fact thus begs the question: “what does a non-colonial vision of policing look like?” In the next part, I turn to scholarly and literary sources to construct the pre-colonial (and so, non-colonial) approach to policing in Igboland. The literary account supplements the narratives recorded in contemporary historical texts by showing how the pre-colonial theories of governance and policing recorded in scholarly texts were applied in those societies.

4. A Literary Account of Non-Colonial Policing

As previously noted, within the colonial conception of policing, the police were mercenaries of an elite class, and the people (i.e. the policed) did not see themselves or their will reflected in, or protected by, the government through its policing apparatus. I also noted that the British colonizers displaced an already established and effective Indigenous legal and social system to install the colonial legal order, including colonial policing. Now, I re-construct the pre-colonial Indigenous Igbo social order to offer an account of pre-colonial policing in Igbo communities, an account that will demonstrate an approach to policing where the popular will and welfare of the community is at the center of rule enforcement.

This re-construction will rely on historical accounts provided by scholars of Nigeria’s pre-colonial societies, as well as literary accounts of pre-colonial life. Drawing from both conventional and literary sources highlights a unique benefit that flows from the reliance on literary narratives which is, by telling the story from the point of view of the Indigenous people and communities, literary narratives animate the accounts of pre-colonial life. Particularly, the literary account offered in TFA of the Indigenous experience of colonisation does not just tell *what* happened—as contemporary historical texts do, it also *shows how* it happened i.e., it records the Indigenous experience of colonisation.

The first step to appreciating how intimately literature is implicated both in the story of pre-colonial rule enforcement, and in the preservation of this story, is the discussion, presented

below, of how literature functioned to socialise members of the community and record the history of the people.

4.1.Literature, Socialization, and History

Literature in pre-colonial Igboland was used to teach both the small lessons of everyday life as well as the weightier rules such as abominations or taboos (comparable to crimes in modern legal systems.) For example, a popular Igbo folktale is the story of why the snake-lizard killed his mother.⁵⁷ The story goes that the snake-lizard gave his mother seven baskets of vegetables to cook and after cooking, she presented him with only three, so he killed her. In TFA, Achebe demonstrates how the performance of this folktale serves to socialize. In the book, Ezinma, who is helping her mother to prepare vegetable soup observes that they have prepared too much vegetable leaves for the dish. To teach a culinary lesson about how vegetables shrink in the cooking process, mother and daughter recall the tale of the snake-lizard. However, the process of socialization is hardly as tidy as one folktale to satisfy one lesson. In reality, every folktale delivers a web of lessons that can be applied in varied situations. In the story, Ezinma, stops at the point where the snake-lizard killed his mother i.e. where the culinary lesson is established, but Ekwefi urges her to go on:

“Yes,” said Ezinma, “that was why the snake-lizard killed his mother.”

“Very true,” said Ekwefi.

“He gave his mother seven baskets of vegetables to cook and in the end there were only three. And so he killed her,” said Ezinma.

“That is not the end of the story.”

“Oho,” said Ezinma. “I remember now. He brought another seven baskets and cooked them himself. And there were again only three. So, he killed himself too.”⁵⁸

This scene demonstrates the complex but effective nature of socialization through literary traditions in pre-colonial Igbo societies. The snake-lizard folktale socializes the listener in many respects. The obvious message is the culinary lesson which Ezinma easily understands. But there is a larger lesson about social relations and social conduct which Ekwefi also uses the opportunity to teach. This lesson is equal consequences for equal action which finds expression in the modern-day principle of equality before the law. The snake lizard and the mother committed identical

⁵⁷ Achebe, *supra* note 9. At pages 83-84

⁵⁸ *Ibid.*

“wrongs” by ending up with only three baskets of vegetables after cooking and thus suffered a similar fate. There is also a lesson about the negative consequences of rushed judgments in the snake lizard killing his mother. Ezinma is socialized on these fundamental principles of the Igbo society alongside her culinary lessons.

Another Igbo folksong tells of the ripple of unfortunate events that are instigated when Whiteant tells a funny tale to an audience.⁵⁹ Whiteant’s tale sets in motion a series of incidents that end with Bushfowl placing a curse on the community. This folksong, which requires a call and response performance, is often taught to, and performed by children. It socializes the performer and audience into an important social and legal principle— individuals are responsible for the consequences of their negligent actions. Whiteant in the folksong tells a funny tale but cautions his audience against laughing. Cockrel, however, is understandably seized by an overpowering fit of laughter such that he ends up with his mouth in live coal. To relieve himself cockerel wipes his mouth on a cocoyam leaf but in the process burns off housefly’s tale. And on and on the ripple goes until a pregnant woman whose hips have been broken in the series of unfortunate events limps onto Bushfowl’s egg, and Bushfowl, seized with grief, places a curse on the community. In the judgment of who to hold responsible for these series of actions, Whiteant is held liable because of his initial negligent act of telling a funny story yet, improbably requiring that his audience not laugh. The children who perform and listen to this folksong are thus cautioned against negligent actions and socialized to understand that individuals will be held responsible for the consequences of their negligent acts.

This process of socialisation is a form of legal education that teaches the rules that organise the society, and how the rules are interpreted in instances of breach to determine culpability. In this sense folktales were a crucial part of the legal system and through the study of these literary traditions, one gains an insight into the pre-colonial legal order. The story of how/why tortoise has a broken shell⁶⁰ similarly demonstrates the interconnectedness between Indigenous literature and the pre-colonial social-legal system. In this tale, the earth is experiencing a bout of famine and the birds are invited for a huge feast in heaven. Tortoise, upon hearing of the invitation, convinced the birds to lend him a feather each so he could accompany them to the feast and the birds obliged.

⁵⁹ Chukwuma Azuonye, “Achebe’s Igbo Poems: Oral Traditional Resources and the Process of ‘Deschooling’ in Modern African Poetics” 21. Azuonye reproduces an English translation of the folksong., Akukọ Kpulu Uwa Iru.

⁶⁰ Achebe, *supra* note 9. At pages 96 to 99.

When the animals get to heaven, tortoise mischievously persuades the hosts to serve him all the food intended for their animal guest. Only after tortoise has eaten to his fill does he permit the birds his leftovers. In anger, the birds take back the feathers they had donated to tortoise and fly back to earth, leaving him stranded in heaven. Before the birds take off, tortoise makes one request of them—that they ask his wife to bring out mattresses, cushions, and other soft items and lay them out in front of the house so he can be assured of a relatively safe landing when he jumps from heaven. Instead, the birds ask tortoise’s wife to bring out the pots and pans and other hard objects. When tortoise looks down on earth from heaven, he sees his wife laying things out on the ground and trusting that the birds have relayed his message to his wife, jumps. He lands on the pots and pans, breaking his shell.

Beneath the lighthearted veneer of this fantastical children’s tale is remarkable insight into the rules that regulated the community, and in the process of telling and re-telling, children are socialized into appropriate conduct within the community. The story communicates that tortoise’s actions are proscribed conduct. The story also communicates the gravity of the offense in that the negative consequences of tortoise’s actions (i.e. his broken shell) are permanent. The folktale makes clear that an offender will be stripped of social support (the birds taking back their feathers) and no man can function without social support (tortoise needed the birds to take a message to his wife). In the performance of this folktale, children are made to understand proscribed conduct, and the punishment that attend a breach of the rules.

I have obviously indulged my enthusiasm for analyzing folktales to uncover the social lessons they teach. But my enthusiasm, which I hope shows just how entertaining folktales are, reveals why this method of socialization was effective—the audience *wanted* to hear the stories, and in the performance of these tales to an engaged audience, social and legal education is effectively achieved. Stories communicated the rules—the laws—of the society, and were, thus, a critical element to understanding and assimilating into the social and legal order.

Other literary traditions such as proverbs and “witticisms”⁶¹ were also laced with normative prescriptions. For example, a popular Igbo proverb: “If one finger brings oil, it soils the other,”⁶² evokes the English idiom, “birds of a feather flock together.” This proverb explains that a taboo

⁶¹ Isidore Okpewho & Professor of Africana Studies English and Comparative Literature Isidore Okpewho, *African Oral Literature: Backgrounds, Character, and Continuity* (Indiana University Press, 1992) Google-Books-ID: Az0O28OtWh4C.at pages 227 -229

⁶² Achebe, *supra* note 9. Page 125.

by one member of a group invariably taints other members and is used to justify punishments like exile, banishment, and shunning. Another popular Igbo proverb: “Let the kite perch and let the eagle perch too, if one says no to the other, let his wing break,”⁶³ communicates the egalitarian ethos that underlay the norms of that society.

Apart from its socialization function, pre-colonial literary traditions were also used to narrate and record the society’s history and evolution.⁶⁴ The Yorùbá folktale about Odùduwà, who came down from heaven, and his seven sons tells a tale of the connectedness of the communities in southwestern Nigeria, and its narration of history is validated by historical accounts of the relationship between the different tribes of the Yorùbá kingdom.⁶⁵ Similarly, in her essay on folktales in the Iyuku community of Edo State, Akujobi demonstrates how a folktale, *The Adventure of Akuye*, served as a means of preserving and transmitting knowledge about the peoples’ experience of the trans-Atlantic slave trade.⁶⁶

In the same vein, the study of folktales among scholars of pre-colonial Igbo culture have helped illuminate the evolution and basis of Indigenous Igbo spiritual belief systems, and the society’s ideas of the supremacy of a heavenly being over the social affairs of men on earth.⁶⁷ In TFA, Achebe demonstrates how folktales served to record history; he recounts the story of the village of Umuike, their great market, and an old woman with a fan who beckons neighboring clans to trade at the village’s market, thus making the market the greatest amongst the other villages.⁶⁸ While the fact of a “powerful medicine in the shape of an old woman with a fan,” may be dismissed as lore, the performance of the story through telling and re-telling preserves the historical fact of the significance of Umuike for trade and commerce among neighboring clans.

⁶³ Ibid at page 19.

⁶⁴ Okpewho & Okpewho, *supra* note 61. At pages 118 – 124. See also: “Socialization among the Igbo : an intergenerational study of cultural patterns, familial roles and child rearing practices (Book, 1980) [WorldCat.org]”, online: <<https://www.worldcat.org/title/socialization-among-the-igbo-an-intergenerational-study-of-cultural-patterns-familial-roles-and-child-rearing-practices/oclc/11796001>>. At page 21.

⁶⁵ Biodun Adediran, “3. The Dynastic Origins of Western Yorùbá Kingdoms” in *The Frontier States of Western Yorubaland : State Formation and Political Growth in an Ethnic Frontier Zone African Dynamics* (Ibadan: IFRA-Nigeria, 2013) 55 container-title: *The Frontier States of Western Yorubaland : State Formation and Political Growth in an Ethnic Frontier Zone*.

⁶⁶ Akujobi Remi, “Folktales as Means of Transmitting Knowledge on the Trans-Atlantic Slave Trade in Nigeria: The Adventure of Akuye in Iyuku Community of Edo State” (2009) 12 7.

⁶⁷ Chukwuma Azonye, “Igbo Folktales and the Evolution of the Idea of Chukwu as the Supreme God of Igbo Religion” (1987) *Nsukka Journal of Linguistics & African Languages Univ of Nigeria* 43–62.

⁶⁸ Achebe, *supra* note 9. At page 113.

I have taken the space to analyse these tales to give a feel of how these stories were consumed by its audience in those communities. The value of these tales did not only lie in the entertainment derived from performance, but also in the ways the tales functioned for communication. Pre-colonial literature was used to communicate the rules and norms that bound the society and the nature and gravity of offences bounded within those rules. Literature was also used to keep record of the ways the society was organized, including the mechanisms for enforcing social control. These literary insights are crucial to gleaning a fuller picture of pre-colonial life because they reflect the community's ethos *and* record the history of the society.

For the specific purpose of serving to illuminate Indigenous systems and institutions of policing, the narrative details of folktales, oral histories, and other literary traditions communicated information on the components and elements of pre-colonial rule enforcement. These elements of pre-colonial Igbo rule enforcement as well as how they were embedded in collective life are discussed in below.

4.2. Pre-colonial Rule Enforcement in Igboland

Rule enforcement in pre-colonial Igbo societies was so interwoven with the social order and spiritual belief system that it is impossible to discuss pre-colonial policing without first discussing how the society was organized and what it believed. Pre-colonial Igboland was famously constituted of different small communities, each with its own distinct political authority, and without the control of any central government.⁶⁹ The pre-colonial Igbo society has been described as “broken into small polities”⁷⁰ that were “democratic but... tended to develop similar answers to the problems of governance and social control.”⁷¹

Achebe's description of Umuofia, the primary setting of TFA, as a clan made up of nine villages, and as one of several other clans⁷² captures this structure of pre-colonial Igboland as a multi-polity. Values and belief systems were closely shared at the clan level, yet the different

⁶⁹ There are some differing opinions to the claim that the pre-colonial Igbo Society was acephalous. Some scholars have noted that there existed in pre-colonial Igboland some — admittedly few — communities with a hierarchy of political authority with a Eze/king at the top. However, it is agreed that these communities were the exception to the rule. Onyeozili, *supra* note 21. Page 74

⁷⁰ *Ibid.* Page

⁷¹ Onyeozili page 88.

⁷² Achebe, *supra* note 9. Page 3.

villages that made up the clan also shared values that distinguished them from other clans.⁷³

Onyeozili has described the Village/Clan structure in Igboland:

The village consists of a number of extended families living in a given area, often within shouting distance from each other. They may be closely related by kinship ties or may be unrelated groups possessing only a common cult and speaking the same linguistic dialect. In communities where migrations have taken place, a village may also consist of families of totally different stock, but who bind together due to their peculiar circumstances and intermarriage...The clan is a group of families bound together by a sense of relationship based simply on possession of a common ancestor. It is more heterogeneous than the village, and in some regions is made up of subtribes instead of a single extended family... Collectively, clans form the nucleus of a city-state.⁷⁴

A tribe, which Onyeozili describes as “an ethnical and a social group of people who share the same language, physical appearance, and customs, and is often composed of families and clans of common social origin,”⁷⁵ would be, in the example of TFA, Igboland. Values and belief systems were more varied at this level than at the clan level.

These definitions of “village”, “clan”, and “tribe” are made vivid by Achebe’s story world in TFA. Where Onyeozili tells of details such as dialects and ancestral connections, TFA demonstrates how these elements worked to organise the pre-colonial social systems, including rulemaking and rule enforcement. For example, the homogeneity of values and beliefs at the clan level meant that taboos were defined differently by different clans, and the consequences of an offence committed in one clan did not carry over to other clans. Also, the proscriptions around taboos, such as the taboo against the shedding of blood, was anchored on ancestral connections, and thus only protected members of the same clan. Two incidents in TFA illustrate these points.

The first is when Okonkwo accidentally kills a kinsman, a taboo in Umofia.⁷⁶ The prescribed punishment for this taboo is banishment. However, Okonkwo is able to go to Mbanta, a village in another clan, and re-establish himself and his family while waiting out the period of his banishment because the consequence of his taboo is circumscribed to the village where the taboo occurs, and an offender is able to live as a free man while on exile in another village/clan.

⁷³ Other authors such as Chukwuemeka Ike in his book *The Bottled Leopard* have reflected this Village-Clan structure of Igboland. Ike’s Ndiikelionwu was a village in the larger Aro clan, based on the author’s own ancestry in the Ndiikelionwu. Vincent Chukwuemeka Ike, *The Bottled Leopard* (: University Press, Nigeria, 1994).

⁷⁴ Onyeozili, *supra* note 21. Page 53.

⁷⁵ *Ibid*

⁷⁶ Achebe, *supra* note 9. 124 -125.

The second incident involves the ritual killing of an “ill-fated lad” from another clan.⁷⁷ Ikemefuna was given to the people of Umofia to atone for their killing of a “daughter of Umofia”. He was fostered by Okonkwo’s family for three years until it was decided that the boy was to be sacrificed in a ritual death. Although Okonkwo dealt the killing blow, this killing was not regarded as taboo because Ikemefuna, having come from another clan, and thus having no ancestral connection to Okonkwo, was not a kinsman, even though he had effectively become a part of Okonkwo’s family.⁷⁸

The construction of taboos around the shared belief system of a clan and to protect members of the clan translated into a community-centered approach to policing, which was an important feature of policing in the pre-colonial society. Rules were construed primarily for the welfare of the community, and were enforced by community-constituted institutions such as social groups equitably, regardless of the offender’s social-standing (i.e. class) in society. The policing of offences against these rules similarly centered the collective will of the people. Thus, in the pre-colonial Igbo rule enforcement system, we can appreciate a non-colonial approach to policing as one that is: (a) community-centered and; (b) community-constituted.

4.2.1. A Community-Centered Approach to Policing

The systems of policing in pre-colonial Igbo society evolved around the idea of the supremacy of the collective will of the people, and the equality of every person in the community. The acephalous nature of these societies, as I noted earlier, necessarily translated into a democratized system of rulemaking and rule enforcement,⁷⁹ and the will and assent of every member of the society was regarded in the communal decision-making process. As Onyeozili notes:

At the apex of Igbo political culture is the Oha. This concept, which sometimes is used synonymously with Obodo (the state), can be extended to mean the people, an assembly, a sovereign body, an authority, government, and a way of life affecting a community (Njaka, 1974, p. 13).⁸⁰

⁷⁷ *Ibid.* Page 57 – 62.

⁷⁸ After the declaration that Ikemefuna was to be killed, Ezeudu, Okonkwo’s friend visits him and cautions, “Yes, Umuofia has decided to kill him. The Oracle of the Hills and the Caves has pronounced it. They will take him outside Umuofia as is the custom and kill him there. But I want you to have nothing to do with it. He calls you his father”

⁷⁹ Page 51.

⁸⁰ Onyeozili, *supra* note 21. Page 75.

In TFA, the concept of *Oha/Obodo*, the collective will, is practiced in clan meetings where decisions on important matters of clan administration, from the organisation of the ancestral feasts⁸¹ to the imposition and enforcement of levies on the members of the clan,⁸² were settled through discussion and agreement.

The *Oha* was also at the center of rule enforcement and policing, and meetings were held to discuss how to handle breaches of the rules, especially unprecedented offences. For example, when an adherent of the new Christian faith in Mbanta killed a sacred python, a taboo so severe and exceptional that “no punishment was prescribed for a man who killed the python knowingly because nobody thought that such a thing could ever happen,”⁸³ a meeting was convened to discuss how to handle this development, or, in other words, how to *police* the offence. While Okonkwo and some members of the village were in favor of chasing the “abominable gang” out of the village with whips and guns, the collective decision “to allow the gods fight for themselves,” prevailed.⁸⁴ In another incident, after a neighbouring clan kills a villager from Umofia, the people hold a meeting to decide on whether to go to war with the offending clan. The popular opinion that the village first attempt a peaceful resolution to avoid fighting a “war of blame” was accepted.⁸⁵

Achebe emphasizes the centrality of the *Oha* in pre-colonial rule enforcement by making a clan meeting the setting for the climatic confrontation between agents of the colonial administrators and the members of the community.⁸⁶ After the colonial administrators released the elders of Umofia from prison, the community gathered in a general meeting to discuss how to handle the threat that colonial occupation posed to their lives. The court messengers, acting on the mandate of the “white man” ambushed the villagers and ordered them to end the meeting.⁸⁷ The significance of this incident, which illustrates the utility of this work’s law and literature approach, is that by juxtaposing the pre-colonial approach to policing with the colonial approach in one incident, it offers a vivid picture of the experience of colonisation. In this scene, the villagers who are participating in a moment of community-centered policing are violently displaced by colonial policing agents who represent the abrogation of the will of the people.

⁸¹ Achebe, *supra* note 9. Page 26

⁸² *Ibid.* Page 196 – 197.

⁸³ *Ibid.* Pages 156 - 157

⁸⁴ *Ibid.*

⁸⁵ Achebe, *supra* note 9. Page 12.

⁸⁶ *Ibid.* Page 203.

⁸⁷ Achebe, *supra* note 9. Pages 203 – 204.

4.2.2. Community-Constituted Policing Institutions

The second element of the pre-colonial approach to policing is that the rules were enforced by institutions and groups already existing within the social structure. In this sense the “police” were not a differentiated class of people, specially designated to wield enforcement powers as in colonial and post-colonial policing. Rather, policing was undertaken by groups and institutions that performed other functions within the society, and these institutions were organized and represented by the society’s every-person.

Scholars have noted that policing in pre-colonial Igbo society was undertaken by institutions such as the age-grade,⁸⁸ the Umuada,⁸⁹ and the Umunna,⁹⁰ all social groups that served to socialize, educate, entertain, and importantly were constituted by peers within the community.⁹¹ The utility of this approach to policing is captured in TFA when the Umunna converge to enforce the consequences of Okonkwo killing a kinsman. Within the group of policing agents is Okonkwo’s best friend Ezeulu, who with other members of the Umunna stayed up all night helping Okonkwo pack and store his belongings. In the morning, according to the dictates of custom, they arrive at his compound, which Okonkwo and his family have now abandoned, and destroy it, neutralising the effect of the taboo.⁹² Community-constituted policing—policing by peers, friends, and well-wishers—ensures the humaneness of the policing process and the policing agents. The offender sees themselves in the police and the police see themselves in the offender.

Similarly, the institution of the *Egwugwu*, regarded as the masked spirit of the ancestors, which is the tangible representation of Igbo spirituality, was constituted by known members of the clan.⁹³ While the society’s normative system prescribed that the *Egwugwus* be regarded as dead ancestors who return to earth to, among other functions, police especially grave offences, and while this belief was central to Igbo spirituality, it was understood by many in the community that

⁸⁸ The age-grade was a union made of people within the same age bracket and they undertook social activities within the community. They also took complaints, mediated disputes and where necessary intervened as policing agents where one of their members committed an offence.

⁸⁹ Achebe, *supra* note 9. The Unmuadas is a union consisting of the women in a family, village or clan. They performed similar responsibilities as the age grade. Page 212

⁹⁰ *Ibid.* The Umunnas are the male equivalent of the Umuadas.

⁹¹ Onyeozili, *supra* note 21. Pages 74-76. See also: Femi Adegbulu, “FROM WARRANT CHIEFS TO EZESHIP: A DISTORTION OF TRADITIONAL INSTITUTIONS IN IGBOLAND?” (2011) 2:2 25.

⁹² Achebe, *supra* note 9. Pages 124 – 125. The night before destroying Okonkwo’s compound, some of the men in the group worked tirelessly to help pack-up and store Okonkwo’s belonging in anticipation of the destruction that was to come in the morning.

⁹³ *Ibid.* Page 89.

beneath the mask of the *Egwugwu* were ordinary men within the clan. In TFA, Achebe shows the operation of this belief when the *Egwugwus* gather to settle dispute in the community.⁹⁴ When the masked spirits emerge from the earth, Achebe notes that,

Okonkwo's wives, and perhaps other women as well, might have noticed that the second *Egwugwu* had the springy walk of Okonkwo. And they might have noticed that Okonkwo was not among the titled men and elders who sat among behind the row of *Egwugwu*. But if they noticed these things they kept them within themselves. The *Egwugwu* with the springy walk was one of the dead fathers of the clan.⁹⁵

Indeed, when the *Egwugwu* asks if a complainant knows who they are, the man responds, "how can I know you father, you are beyond our knowledge."⁹⁶

Accordingly, in TFA, we see how the ethos of community-constituted policing is maintained even at the level of the most revered policing institutions of the community. The literary account, by showing us what members of the community observe about their policing system offer crucial details about pre-colonial policing that may not be captured in scholarly accounts of the same society. TFA also shows that other spiritually grounded policing institutions, such as the office of the priests and priestesses, were similarly represented by people who lived ordinary lives outside of their police duties. For example, the priestess of the Agbala deity, a revered policing institution in the community, was Chielo who, "in ordinary life was a widow with two children. She was very friendly with Ekwefi and they shared a common shed in the market."⁹⁷

This pre-colonial approach to policing—that is, community-centered *and* community-constituted—directly contrasts with the colonial (and post-colonial) approach that centers the interest of a central government and its loyalists, and is enforced by strangers (or persons unaccountable) to the community. The pre-colonial approach, tailored as it was, around communal values and the society's institutions, is characterized by three observable features: policing was nuanced and specific to the offence committed, policing agents remained bound by the norms of society, and finally the goal of policing was the preservation of the legal and social order.

4.3.Policing was Nuanced and Specific to the Offence Committed

⁹⁴ Ibid at Page 89.

⁹⁵ Ibid at Pages 89-90.

⁹⁶ Ibid. Page 90.

⁹⁷ Achebe, *supra* note 9. Page 48 and 49.

The community-centered approach adopted in pre-colonial times translated into a policing apparatus that was guided by the circumstances and context within which an offence was committed. Also, the use of social groups to police offences meant that the officer or institution that acted as police in any given instance of breach was specific to the nature of the offence committed. Where scholars of the Igbo pre-colonial policing system have established that different social institutions “kept social ills in check,”⁹⁸ TFA demonstrates how the nature of the offence dictated which institution would exercise police powers:

When a minor offence such as a cow breaking free and destroying a neighbour’s crop occurred, the Umuada acted as police;⁹⁹ where a graver offence such as beating one’s spouse in the week of peace (thereby exposing the community to the wrath of the gods and the possibility of a bad harvest) was committed, the rules were enforced through the priests;¹⁰⁰ and where the more severe desecration of *Egwugwu* happened, then police authority rested in the masked spirit of the ancestors.¹⁰¹

The details offered by TFA’s account show that the differentiation in policing institutions was connected to the community’s sense that offences should be policed according to their level of severity. Thus, the amount of state authority that should be brought to bear against an offender was tailored to the perceived seriousness of the offence, and this nuance informed the approach to policing. TFA emphasises that maintaining nuance in policing was so important that it reflected poorly on the character of an individual who violated the norm. When a complainant invites the *Egwugwu* to preside over a familial misunderstanding, which dispute is considered too trivial for the intervention of the masked spirit, this intemperate decision reflects poorly on his character:

“I don’t know why such a trifle should come before the Egwugwu,” said one elder to another.

*“Don’t you know what kind of man Uzowulu is? He will not listen to any other decision,” replied the other.*¹⁰²

The pre-colonial policing apparatus relied on the community’s acceptance of the social order so, the role of the police was not to compel an acceptance of state powers but to maintain an already

⁹⁸ Onyeozili, *supra* note 21. Page 92

⁹⁹ Achebe, *supra* note 9. Page 114.

¹⁰⁰ *Ibid.* Page 31.

¹⁰¹ *Ibid.* Page 188-189.

¹⁰² Achebe, *supra* note 9. Page 94.

accepted social structure. Accordingly, different institutions, based on their sphere of influence in the society, could be called on to intervene in instances of deviation from the norm. This nuance shows that the state powers of policing in the precolonial society were construed as a persuasive authority to maintain the social and legal order, rather than as an imposing force to establish (as in colonial policing) or preserve (as in post-colonial policing) an illegitimate system.

4.4.Policing agents remained bound by the norms of the society

Another important feature of pre-colonial policing, which flowed from the community-constituted character of rule enforcement institutions, was that policing was not regarded as “status conferring.” In other words, the pre-colonial approach to policing did not translate into the installation of a class of powerful people seemingly above the prescriptions of the law, and able to wield power to oppressive ends.

Importantly, policing agents, in the exercise of their duties were bound to observe the society’s normative prescriptions, and could not, under the guise of rule enforcement, engage in tabooed conduct. Where a taboo was construed as grave enough to warrant a ritual death, the rule against the killing of a kinsman circumscribed policing to acts necessary to ensure the expulsion of the offender from the community and nothing further.¹⁰³ As Onyeozili observed,

...the city-state or general assembly had no power to impose capital punishment. This would have gone against the religious principle that forbade the shedding of a kinsman’s blood. The whole community could, however, bring such pressure to bear on a murderer that he would be left with no option but to go and hang himself. Whether the murderer fled or hung himself the chief priest would still be invited to conduct a cleansing ceremony to the Ani (earth deity).¹⁰⁴

Achebe demonstrates how this inviolability of social norms informed the policing practices in the community. For example, rule enforcement around the taboo of breaking the peace evolved from the previous practice of ritual killing—which was abandoned because the policing agents were themselves committing a taboo in the process of rule enforcement—to the more palatable payment of fines.¹⁰⁵

¹⁰³ For example, Unoka—Okonkwo’s father—contracted a tabooed disease that was to be met with a ritual death, his age-grade carried him to the evil forest and left him there. He was free to either to move on to another community or remain in the forest until his death. *Ibid.*Pages 5-7. When another member of the community, who had contracted a similar disease and was also carried to the evil forest, returned to the village in defiance of the society’s norms, the police simply returned him back to the forest and tied him to a tree to prevent his re-return to the village.

¹⁰⁴ Onyeozili, *supra* note 21. Page 90

¹⁰⁵ Achebe, *supra* note 9. Page 31 -32.

By contrast policing powers in the (post-)colonial regime vests powers on policing agents to deviate from standard legal prescriptions in the exercise of their duties. The constitution of Nigeria makes individual rights, including the right to life, subject to the police powers of arrest, and the use of force “for the purpose of suppressing a riot, insurrection or mutiny.”¹⁰⁶ Thus, policing powers enables agents to do things that average citizens cannot, which things are done to preserve government control over citizens.

4.5. The goal of policing was the preservation of the social and legal order

The final feature of pre-colonial policing, which is informed by the centralizing of the will of the people in the policing apparatus, is that the goals of policing were defined around the preservation of the community’s social and legal order. Rules and the methods of enforcing them were thus tailored to secure the restoration of the offender back to good standing in society, and to reconcile the society back to the gods and ancestors. In his description on the powers of the age grade and elders as policing institutions, Onyeozili notes,

It was largely the fear of falling out with the community, and especially with the dead ancestors, that made all citizens abide by the rules of the polity. It was also the general understanding that the age grades would not hesitate to exercise their police function of bringing a recalcitrant individual into forceful compliance as ordered by the elders, that ensured order in community affairs (Nnam, 1989). In spite of the democratic set-up, no individual wanted to become Achebe’s (1959) proverbial nza (little bird) who ate and drank so much that it challenged his chi (god) to a wrestling match.¹⁰⁷

TFA supplements Onyeozili’s account by showing that what is “feared” is that one should be seen as having no regard for the rules of the community or the authority of the gods, which is, perhaps, better described as a “worry” or “concern.”

In TFA, Okonkwo, described as “provoked to justifiable anger” beat his wife heavily during the week of peace, despite pleas and caution from family and neighbours, because he was “not the man to stop beating somebody half-way through, not even for the fear of a goddess.”¹⁰⁸ When the priest of the goddess visits Okonkwo after the incident, he emphasises the gravity of Okonkwo’s offence:

¹⁰⁶ Section 33 of the constitution of Nigeria.

¹⁰⁷ Onyeozili, *supra* note 21. Page 79.

¹⁰⁸ Achebe, *supra* note 9. Pages 29-30.

You know as well as I do that our forefathers ordained that before we plant any crops in the earth we should observe a week in which a man does not say a harsh word to his neighbor. We live in peace with our fellows to honor our great goddess of the earth without whose blessing our crops will not grow. You have committed a great evil...The evil you have done can ruin the whole clan. The earth goddess whom you have insulted may refuse to give us her increase, and we shall all perish.¹⁰⁹

The priest then goes on to prescribe the fine to be paid to forestall the earth God's wrath and,

Okonkwo did as the priest said. He also took with him a pot of palm-wine. Inwardly, he was repentant. But he was not the man to go about telling his neighbors that he was in error. And so people said he had no respect for the gods of the clan. His enemies said his good fortune had gone to his head. They called him the little bird nza who so far forgot himself after a heavy meal that he challenged his chi.¹¹⁰

In the passage above, Okonkwo's offence is defined by the impact it has on the community and his punishment is circumscribed to the sacrifice required to placate the deity. By complying with the priest's prescriptions, Okonkwo ensures that the community is reconciled back to the gods. However, by failing to demonstrate outward repentance for his offence, Okonkwo is not restored to good standing in society, the second goal of policing.

Importantly, the democratized nature of rulemaking and decentralised nature of the institutions of rule enforcement translated into a policing system where members of the community saw themselves and their welfare prioritized, thus vesting legitimacy on the policing agents. Put another way, because the villagers were permitted the freedom to participate in governance, the regulations and decisions that came out of these general meetings reflected the will of the people as was necessary for the wellbeing of the society. Thus, even offenders against these rules understood and often agreed with the consequences that attended violation, and themselves participated in the process of rule enforcement, through self-policing. The translation of legitimacy into self-policing is especially illuminated by the accounts in TFA.

One example of self-policing is contained in the above Week of Peace example. Okonkwo paid the fines prescribed by the priest without complaint and added a pot of palm wine to the fine.¹¹¹ This demonstrates that even though he has offended, he continues to recognize the legitimacy of the rule and the authority of the priest. Additionally, by paying an amount above the

¹⁰⁹ Ibid. Page 30

¹¹⁰ Ibid. Page 31.

¹¹¹ Achebe, *supra* note 9. Page 30-31.

prescribed fine, Okonkwo is engaged in a level of self-policing that is only possible because of the legitimacy of the underlying political process that has prescribed the rules. Similarly, after Okonkwo accidentally kills a kinsman, he returns home and immediately begins packing up his things in preparation for exile, which is the prescribed punishment for the offence—again, another act of self-policing.

The picture provided shows that the goal of policing was to secure restorative justice which prioritized the welfare of all members of the community, including the offender. The legitimacy enjoyed by the pre-colonial institutions and the resulting practice of self-policing translated into efficient, effective policing which, although described by Onyeozili as ensuring “forceful compliance”¹¹² remained bound by the ethos of the normative order that proscribed the non-commensurate use of force, or killing for any reason.

To summarise, three major features marked the community-centered and community-constituted approach to policing in pre-colonial Igboland—the method of policing was nuanced and tailored to the offence committed; policing institutions were democratized and decentralised; and the goal of policing was the preservation of a social and legal order that enjoyed the legitimacy of its subjects. This approach to policing is markedly different from the mercenary, militarised approach of the colonial and post-colonial era discussed earlier. The post-colonial structure concentrates police power and authority in a central government that is far removed from the local community and works towards the maintenance of political power in a government installed through a political process that violates popular will.

A series of related incidents narrated in TFA provide a helpful comparison between the pre-colonial approach to policing and the (post-)colonial approach. It starts when an *Egwugwu* is unmasked by an overzealous Christian convert at a sacred festival.¹¹³ Unmasking an *Egwugwu* was an unprecedented abomination, a desecration of the community’s fundamental spiritual beliefs. The new convert’s action was a sacrilege so fundamental that even his fellow converts recognized the weight of the abomination. Following the incident, the masked spirits of the ancestors, after deliberation, and other members of the clan go to the church to address the abomination. The conversation between the head missionary and the head *Egwugwu* is reproduced below:

¹¹² Onyeozili at page 96, footnote 283.

¹¹³ Achebe, *supra* note 9. Page 188 -189.

Tell the white man that we will not do him any harm,” he said to the interpreter.

“Tell him to go back to his house and leave us alone. We liked his brother who was with us before. He was foolish, but we liked him, and for his sake we shall not harm his brother. But this shrine which he built must be destroyed. We shall no longer allow it in our midst. It has bred untold abominations and we have come to put an end to it.”

He turned to his comrades. “Fathers of Umuofia, I salute you,” and they replied with one guttural voice.

He turned again to the missionary. “You can stay with us if you like our ways. You can worship your own god. It is good that a man should worship the gods and the spirits of his fathers. Go back to your house so that you may not be hurt. Our anger is great but we have held it down so that we can talk to you.”

Mr. Smith said to his interpreter: “Tell them to go away from here. This is the house of God and I will not live to see it desecrated.”

Okeke interpreted wisely to the spirits and leaders of Umuofia. “The white man says he is happy you have come to him with your grievances, like friends. He will be happy if you leave the matter in his hands.”

“We cannot leave the matter in his hands because he does not understand our customs, just as we do not understand his. We say he is foolish because he does not know our ways, and perhaps he says we are foolish because we do not know his. Let him go away.”

“Mr. Smith stood his ground. But he could not save his church. 'When the *Egwugwu* went away the red-earth church which Mr. Brown had built was a pile of earth and ashes. And for the moment the spirit of the clan was pacified.¹¹⁴

The approach adopted by the *Egwugwu*, even when dealing with intrusive strangers to whom they owed no legal obligations, as they did kinsmen and members of the clan, respected the tenets of pre-colonial policing already identified. First, after the abomination, the ancestral spirits from the different villages of the clan hold a meeting to discuss how to address the incident and it was decided that the appropriate consequence is a destruction of the church, the site of missionary activities that resulted in the abomination. When the *Egwugwu* arrive at the church, they make clear their intention, emphasizing a reconciliatory position and only exercise policing powers to the extent necessary to see to the demolishing of the church building and leave.

¹¹⁴ *Ibid.* Page 191.

By contrast, in response to the “crime” of destruction of property by the villagers, the colonial administrator invites the elders of the clan for a meeting to discuss the incident.¹¹⁵ These men, leading with good faith, organized themselves to attend the meeting with the D.C. At the venue of the meeting, the officer asks to hear the villager’s account of what happened:

Ogbuefi Ekwueme rose to his feet and began to tell the story.

“Wait a minute,” said the Commissioner. I want to bring in my men so that they too can hear your grievances and take warning. Many of them come from distant places and although they speak your tongue, they are ignorant of your customs. Jamesi Go and bring in the men.”

His interpreter left the courtroom and soon returned with twelve men. They sat, together with the men of Umuofia, and Ogbuefi Ekwueme began to tell the story of how Enoch murdered an egwugwu.

It happened so quickly that the six men did not see it coming. There was only a brief scuffle, too brief even to allow the drawing of a sheathed machete. The six men were handcuffed and led into the guardroom.

“We shall not do you any harm,” said the District Commissioner to them later, “if only you agree to cooperate with us. We have brought a peaceful administration to you and your people so that you may be happy. If any man ill-treats you we shall come to your rescue.

But we will not allow you to ill-treat others. We have a court of law where we judge cases and administer justice just as it is done in my own country under a great queen. I have brought you here because you joined together to molest others, to burn people’s houses and their place of worship. That must not happen in the dominion of our queen, the most powerful ruler in the world. I have decided that you will pay a fine of two hundred bags of cowries. You will be released as soon as you agree to this and undertake to collect that fine from your people. What do you say to that?”¹¹⁶

The officer as a representative of a foreign and hostile government prioritized the interests of regime-compliant Christians over the Indigenous social and legal order. In this sense, he demonstrates the features of colonial policing—a top-down approach to policing by a central government that is not constituted by or accountable to the community it governs. The policing agents under this regime are a special class of people outside the community’s social order who wield power to protect the interests of a special protected class (i.e. the British missionary and their adherents), and suppress the will, and values of the members of the community.

¹¹⁵ *Ibid.* Page 193 -194

¹¹⁶ *Ibid.* .

The arrested elders of Umofia were tortured in police custody for days until the clan gathered enough money to satisfy both the fine and the additional mark-up illegally imposed by the corrupt prison guards. Afigbo appropriately remarks that the British system of policing introduced via indirect rule, “marked the end of an era of justice...immediately the white men came, justice vanished.”¹¹⁷

What becomes clear in the law and literature approach adopted by this work is how literature can serve legal scholarship by illuminating aspects of lived experiences that can be, and have been, erased through exclusionary and imperialist accounts of history. Literary accounts can correct inaccurate representations of pre-colonial life, particularly legal norms, and supplement other historical narratives by offering a picture of pre-colonial life. Literature shows—and not just tells—the normative elements of the society under consideration. The writer of literary texts is not merely engaged in imaginative fictionalising but is drawing on oral history to enter the pre-colonial world and share in the lived experience of the people who inhabited that world.

5. Conclusion: Re-situating the history of police dysfunction

In TFA, Achebe offers a linear narrative of the history of Igboland, from pre-colonial to colonial governance, and captures the emotional experience of colonisation from the point of view of the Indigenous victims of the enterprise. This structure helps to emphasise that government-citizen estrangement in colonial times preceded police-community estrangement, and the latter is a consequence of the former.¹¹⁸ As told through the story of the people of Abame who recognised that “the strange man would break their clan and spread destruction among them,”¹¹⁹ the Indigenous communities, even before the introduction of colonial policing, already recognised the British as a hostile occupying force. Colonial policing evolved to ensure the effective subjugation of the communities under colonial rule, and the policing agents were rejected by the community because they represented the colonial enterprise.¹²⁰

For example, after the arrest and torture of the titled men of Umofia, as the villagers meet to discuss how to restore their society, the meeting is interrupted by a court messenger who orders it to a close on the authority of “the white man whose power you know too well.”¹²¹ In another

¹¹⁷ Onyeozili, *supra* note 21. Page 407.

¹¹⁸ Achebe, *supra* note 9. Page 93.

¹¹⁹ *Ibid.* Page 65.

¹²⁰ *Ibid.* Pages 55-61.

¹²¹ Achebe, *supra* note 9. Page 204.

part of the book, when Okonkwo, after being tortured in the colonial prison, suggests that the men would have been spared their harrowing experience if they had killed the white man, a messenger “rushes in” and asks, “who wants to kill the white man?” When none of the men answer, he subjects them to another round of physical torture; the messenger has interpreted his duty as preserving the authority and esteem of the British colonisers.¹²² Another example is offered when the head messengers threaten to bring the weight of the white man’s government against the village if they do not pay the fines that were assessed against the village for burning the church.¹²³ These colonial policing agents clearly inhabited the mandate of the colonial administrators and related to the communities primarily as agents protecting the colonial enterprise, its institutions, and administrators.

Through literature, we have access to a fuller account of history that captures the nuances that can be elided in non-literary narratives, and this fuller account can help contextualise our understanding of the country’s evolution, including its policing problems and steps that can be taken to address it. The literary account of history shows the proper order of the evolution of police dysfunction in the country, thus revealing that the colonial roots of police dysfunction is implanted, not in the policing institutions themselves but in the governance and political process.

While Nigeria has far evolved from its pre-colonial societies and no longer organizes itself around pre-colonial ideologies alone, history, as contained in literary accounts, offers a different path to police reform that gets to the root of police dysfunction, and thus stands a better chance of success than previous reform measures.

¹²² *Ibid.* Page 195.

¹²³ *Ibid.* Page 196.

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