JURISPRUDENCE IN TRADITIONAL IGBO SOCIETY AND THE COURT OF SOCIAL MEDIA: A COMPARATIVE ANALYSIS

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Abstract

The sustainability of any society hinges on the preservation of social order, which serves as the structure that prevents societal collapse into chaos. This social order is upheld by-laws that regulate the actions of individuals within the community. Accountability for violations of these laws ensures that order is maintained. In pre-colonial Igbo society, long before the arrival of colonial influences, mechanisms were in place to hold individuals accountable, thus reinforcing social control. Offenders were held responsible for their actions, regardless of their social status, and appropriate punishments were meted out. This system operated with the welfare of the entire community in mind, fostering the just society for which the Igbo people became known. In contemporary times, the rise of Information Communication Technology (ICT) has introduced new dynamics in maintaining social order. The widespread use of communication platforms, particularly social media, has given rise to a new form of public accountability, especially in Nigeria. It is encapsulated in the terms "Dragging" or "Call out." Through these practices, social media has taken on the role of a virtual court of arbitration. This paper seeks to explore the jurisprudence surrounding crime in traditional Igbo society. It delves into key questions: What is crime and punishment in Igbo traditional society? How did the Igbo people call out offenders and make them accountable for their offenses? What is the end goal of calling out offenders? How is the wrong addressed and justice served? What is a social media court? How are people held accountable in this context? With these questions in mind, the paper undertakes a critical comparative analysis of traditional Igbo systems of accountability, described as jurisprudence, and the modern "social media court" of justice. Relying on secondary sources such as online journals, internet resources, and social media posts, the paper concludes that although both systems address wrongdoings, they differ in terms of methods, aims, and processes.

Keywords: Jurisprudence, social media, Dragging, Call out, social control, social order.

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Introduction:

Societies around the world are sustained by the principles of law and order. It is the presence of law and order that regulates the behaviour of individuals, ensuring social control and fostering social order. These structures also promote justice, safeguarding the rights of all members of society and preventing intimidation or abuse. The awareness that every offence carries corresponding consequences helps to maintain discipline and prevents society from descending into chaos. This environment fosters accountability, as individuals are held responsible for their actions and are confronted whenever they transgress.

In traditional Igbo society, this system of accountability was highly functional. Contrary to the common Western stereotype that Africa was lawless before colonial intervention, Igbo society had well-established systems of law, order, and punishment. Though these laws were passed down through oral tradition and were largely unwritten, they effectively prevented societal disorder. Established institutions such as the council of elders, the general assembly, the Umunna, age grades, and the Umuada played central roles in ensuring that individuals were held accountable. These groups called out offenders, imposed punishments based on the nature of the offence, and restored order within the community. No one, regardless of their social standing, was exempt from facing the consequences of their actions. This system was grounded in the Igbo belief in a moral universe, where offenses disrupted the moral balance, and appropriate punishments served to restore equilibrium. The penalties imposed were designed not only to correct the offender but also to deter others from committing similar transgressions. This structure contributed to the creation of a just society in which everyone was held accountable for their actions. The philosophy behind these laws, the maintenance of order, and the punishment for offenses can be classified under the broader concept of jurisprudence.

In modern times, rapid advancements in science and technology have transformed the world into a global village. With the ubiquity of communication tools such as social media, individuals can now interact easily, regardless of geographical boundaries. Along with this new form of connectivity, a novel method of holding individuals accountable for their wrongdoings has emerged. Social media platforms have become digital courts of arbitration, where people are publicly tried, judged, and, if fortunate, acquitted. In Nigeria, this form of justice activism is commonly referred to as "Dragging" or "Calling out." Similar to the traditional Igbo system, individuals and social issues are called out publicly on social media, regardless of the offender's status. Social media has thus evolved into a comprehensive court of arbitration, leaving no one beyond its reach.

This paper examines the jurisprudence of crime in Igbo traditional society. It is informed by the following key questions: What is crime and punishment in Igbo traditional society? How did the Igbo people call out offenders and make them accountable for their offenses? What is the end goal of the calling out of offenders? How is the wrong addressed and justice served? What is a social media court? How are people held accountable within this context?

With these inquiries in mind, the paper presents a critical comparative analysis of the systems of accountability in traditional Igbo society, codified as jurisprudence, and the modern social media court of justice. Drawing from secondary sources such as online journals, internet resources, and social media posts, the paper highlights that while both systems aim to address wrongs, they differ in their methods, objectives, and processes.

Clarification of Terms

Jurisprudence

The word "jurisprudence", from the Latin term "jurisprudential", that is, "knowledge of, or skill in a matter", is understood in modern jurisprudence as the "study, knowledge, or science of law" broadly associated with the philosophy of law (Wigwe, 2013). Jurisprudence is an aspect of law that concerns itself with the study of general theoretical and fundamental questions about the essence and ends of law, narrowing into the nature of law and legal systems, the relationship of law to justice and morality, as well as the social nature of law (Agbo, 2018). Haris (1980) gives an apt description of jurisprudence when he notes that it is like a rag bag that houses the different paraphernalia of law. In his words, jurisprudence is:

> A rag-bag; into it are cast all kinds of general speculations about law and its functions. It asks questions about the value of law, how is it to be improved; whether is it dispensable; who makes it and where do we find it? What is the relation of law to morality, justice and social practice? (p.78).

Summarily, jurisprudence can be conceptualized as the backbone upon which the different aspects of the law are built. It is like a repository that contains every aspect of law, its manner of function and its enactment within a particular jurisdiction. In other words, it is the general study and analysis of law, its systems, principles and theories and its application within a society. It is in this light that the term is used in this paper with particular reference to the Igbo traditional system of crime and punishment.

Punishment

Punishment is a consequence authoritatively imposed on an offence committed. When someone goes against the regulation governing a particular group or culture, that person will be subjected to suffer for his or her actions. In this case, punishment serves as a curative measure where someone will be deterred from committing the same offence (Akpa, 2022). In further elaboration, Akpa (2022) notes that when a sanction is given to someone for a crime committed either to serve the public or to leave the community, the person has been punished. Punishment can also be seen as a penalty for wrongdoing, especially for crime. It can involve an imposition of a burden, deprivation, denial or withdrawal of some benefits. There can never be punishment without a crime. It is a crime that results in punishment because no one can be punished for doing what is right. From the foregoing, one can easily glean the fact that punishment is not incidental or accidental harm, it is always imposed or an authorized act. It is imposed by a competent authority on someone who acted wrongly or whose actions contravene laid down laws of a community or society enacted to maintain social order.

According to Omeregbe (2010), the retributive theory and the utilitarian theory serve as justifications for punishments. The retributive theory claims that there is a moral order which is part of the constituents of the world. So, from the inception of the Universe, there has been a harmonized system which is sumptuously part of the world and when a crime is committed this moral order gets upset but can still be kept right once punishment is inflicted on the culprit. Omeregbe stated that "when the balance of moral order is put right again by an appropriate punishment,

justice is restored" (p.116). This is pure African belief. The Africans have the conception that punishments put things right and if this is not done in this world, it will be done in the world to come. So, with this theory offenders should be punished because that will bring national integration and societal cohesion. The second theory of punishment is the utilitarian theory, this theory sees punishment from the perspective of gain and pleasure. According to this theory, for punishment to be justified, it must serve some useful purposes, 1. The purpose of punishment is to curtail people from toeing the same route as the offender and this must be done with kindness and love. So, the theory of punishment stands to serve two purposes: to deter people or future criminals from committing the same kind of offence and to reform the already known offenders or criminals (Omeregbe, 2010).

Crime/Offence

The term crime is derived from the Latin word "crimen" meaning offence and also a wrongdoer (Sowmyya, 2011). Crime is a behaviour that is punishable for contravening the public good (Akpa, 2022). In a public law system, crime is seen as any act or omission that is deserving of a punishment. Some crimes are 'mala prohibits', that is, they are prohibited by law but they are not evil themselves while some are 'mala in se', because they are evil by themselves. This second evil is considered inherently evil under the general laws of the community and society. It is an act of offence which violates the law of the state and is strongly disapproved by the society. Crime is defined as acts or omissions forbidden by law that can be punished by imprisonment or fine. Murder, robbery, burglary, rape, drunken driving, child neglect and failure to pay taxes are examples of crimes. According to Opp crimes are defined as actions or non-actions that violate the criminal law. Examples are theft, trafficking, or tax evasion. An example of non-action is not intervening if one could prevent a murder (Karl, n.d, in Akpa, 2022). Crime is considered as an anti-social behaviour. In the context of this study, crime is construed as offence, wrongdoing and social ill.

The Igbo traditional society and their socio-cultural outlook

The Igbo constitute one of the three major ethno-linguistic groups in Nigeria. The people live in what is today known and referred to as the 'South East geo-political zone', which is one of the six geo-political zones in Nigeria. The South-East geo-political zone consists of Abia, Anambra, Ebonyi, Enugu and Imo States. These five states are the traditional home of the Igbo in present-day Nigeria (Igbo & Ugwoke, 2013). Apart from these five states, there are large populations of the Igbo in the Delta and Rivers States of Nigeria. Ifemesia (1979) described the modus vivendi of traditional Igbo society as based on 'humane living'. This refers to "a way of life emphatically centred upon human interests and values, a mode of living characterized by empathy, consideration and compassion for human beings" (p.16). This is reechoed by Ekwuru (1999) who reaffirmed that "the social order and character of traditional Igbo society guaranteed honest living and maximum security of life and property" (p. 7). Going further he notes that it was the advent of British colonialism that usurped this humane living and enthroned 'the rule of the jungle'. The mode of living became "homo homini lupus (man being a wolf unto his fellow man)" (p.7).

Before the advent of colonialism in Nigeria, the Igbo had in their tradition, an elaborate organizational structure in which their social life was anchored, and upon which their philosophies of life were propagated. Through this structure, the institutional arrangements aimed at regulating the conduct of the members of the society were operated (Igbo & Ugwoke, 2013). Aguene (1998) buttresses had rightly observed that in a traditional society, the absence of any organized system of public control does not imply that such a society had no form of social control in which their laws were enforced. He further maintained that, in those societies, all their institutions, patterns of social interactions, and customary practices served to regulate the relationship between the members of the society and thus, maintain law and order. There were adequate institutional mechanisms that served the social life of the people (Isichie, 1976; Basden, 1921, in Igbo & Ugwoke, 2013). In other words, the traditional Igbo society was well governed through their inherent traditional mechanisms.

The traditional Igbo people were basically 'republican' in nature because most of them had no centralized system of government. This is what Afigbo (1973) refers to as a "village republic" (p.15) as against the "presidential monarchy" in the communities which share boundaries with the Bini or Igala Kingdoms. While there may be variations in traditional nomenclatures in different parts of Igboland, the philosophies, methodologies and outcomes in achieving social order were always the same. The basic organizational unit in traditional Igbo government is the village administration which consists of the oldest members of each family or lineage group as the representatives in the village government. In this regard, the Igbo government has sometimes been called a gerontocracy (Isichei, 1976, in Igbo & Ugwuoke, 2013). This is known as government by the 'council of the elders' ("ndi ichie" or "ndi okenye"). Titled men and traditional priests in some places constituted part of this council of elders, hence they were also regarded as "senior citizens" by virtue of the spiritual and social positions they occupy in the society. Most of the time, the council of elders performed the functions of the three arms of the government: the legislature, the executive, and the judiciary (Isichei, 1976, in Igbo & Ugwuoke, 2013).

Given the republican and democratic disposition of traditional Igbo society, the Council of Elders were known not to be autocratic. Depending on the circumstances, the council sought the opinions or participation of some interest groups like the youth and women organizations before deciding on sensitive issues as a way of carrying people along (Igbo & Ugwuoke, 2013). Like any other society, traditional Igbo society has various mechanisms by which it regulates the behaviour of human beings in the society. This is what is generally referred to as "social control". Social control focuses on "those various means (or mechanisms) by which a society exercises its authority over its members and enforces conformity to its norms" (Otite and Ogionwo, 1979, in Igbo & Ugwuoke, 2013, p.161). Belief systems, rather than specific laws, guide what people do and universally serve to control behaviour (Ross, cited in Adler, Mueller, and Laufer, 1995:160, in Igbo & Ugwuoke, 2013). In short, social control aims at preventing deviant behaviour by human beings in society (Schaefer, 2005). Put simply, it is a general term that involves the prevention and control of both criminal and non-criminal behaviour.

Jurisprudence in Igbo Traditional society

The traditional Igbo criminal jurisprudence is deeply embedded within the broader framework of the legal system. The very concept of a legal system suggests an understanding or knowledge of the collective institutions that pertain to law within a given society. This encompasses all aspects of legal institutions and the administration of justice in that society. It includes the entire process of law-making, enforcement, and administration (Ikenga).

Rooted in a socio-religious worldview, the Igbo justice system is structured around the eternal objectives and social destiny of the Igbo person. In Igbo society, the law, referred to as "Iwu," is primarily aimed at maintaining both spiritual and social harmony. From these socio-spiritual goals, the sources of Igbo law can be more clearly understood (Ikenga).

The laws in traditional Igbo society are not codified but are transmitted through oral tradition. Despite efforts by some contemporary Igbo scholars to codify customary laws into manuals, these attempts are seen as efforts to mould an oral-based culture into the literary framework of the English legal system, which may lead to a loss of important cultural values. Such a transformation risks forcing the fluidity of Igbo customary law into a rigid structure that does not fit its inherent nature. Therefore, it is more accurate to describe Igbo laws as unwritten but comprehensive and widely accepted. Despite their oral transmission, the Igbo people recognize that their legal system follows an ordered hierarchy and draws from multiple sources (Ikenga).

Crime and Punishment in Igbo Traditional Society

In Igbo traditional society, any behavior that contravened the community's cherished norms and values was promptly addressed, with the transgressor facing appropriate sanctions. Crimes or offenses could range from minor to serious, depending on the specific circumstances. Akpa (2022) explains that in Igbo culture, crimes are categorized into two main types: social crimes and religious crimes. In his words:

> The first category is crimes that are directly against the individuals which ultimately upset the harmony in the society. Among such crimes are willful arson, adultery by a wife (not by a husband), theft of domestic fowls especially a hen or her hatching pot where she can easily be taken along with her eggs, theft of any kind committed by an ozo titled man, deliberately cutting the succulent tendrils of yams in another's farm, a widow having sexual relationships while still in the period of mourning her dead husband, a husband deliberately breaking or throwing away his wife's utensils. The second category is spiritual or religious crimes. This phase of these crimes is viewed with their seriousness for their spiritual undertones. That is to say, such crimes primarily affect the gods and goddesses with consequences visited upon the entire community. This crime is not directly against the individuals of the community purse but essentially an invitation to the wrath of the gods or goddesses. Most of the crimes under this category include Homicides, incest, suicide, poisoning someone with the intent to take his or her life, secretly altering land boundaries, especially during the night, divulging the identity of the masquerade especially if the offender is a woman, a woman breaking confinement by cooking and serving meals during her menstrual period especially if the husband is an ozo titled man, deliberately killing or eating any totem animal, etc. (p. 130).

Igbo (2007) identifies three primary categories of offences or crimes in traditional Igbo society: offences against individuals, offences against the community, and offences against the gods or spirit world. Offences against individuals include acts such as assault, theft, murder, and significant breaches of trust. In these cases, victims and their families often sought retribution, which could result in a cycle of retaliation, including killings and counter-killings (commonly referred to as blood feuds) between families or even entire communities. Offences against the community involved acts of sabotage, such as aiding enemies, engaging in witchcraft, murder, adultery, or incest—actions believed to bring catastrophic consequences not only upon the individual but also the entire community. These offences were met with severe punishments due to the belief that they threatened communal well-being.

Offences against the gods or the spirit world included actions believed to anger the gods or ancestors, with serious repercussions for the living. These transgressions, which often overlapped with community offences, included the desecration of sacred sites and shrines, or the killing of sacred animals associated with the earth goddess and other deities (Igbo, 2007). Supporting this classification, Akpa (2022) provides a comprehensive analysis of serious crimes in Igbo traditional society and their respective consequences, thus:

Murder: Is considered one of the gravest offenses. In Igbo cosmology, life is viewed as a divine gift from the gods, and it belongs to them alone. No individual has the right to take another's life, as it constitutes an abomination before the gods, particularly the earth goddess. The consequences for murder vary among communities; in some cases, the perpetrator is subject to communal justice, while in others, the murderer may meet a mysterious death if they fail to confess. It is believed that if a murderer does not admit to their crime, the gods will bring calamity upon the individual's family or descendants. This belief underscores that even if the offender evades human detection and justice, they cannot escape divine retribution.

Incest: Defined as engaging in sexual relations with a close family member, is considered a grave abomination in Igbo culture. This act is viewed as a profound violation of societal and spiritual norms, provoking the wrath of the earth goddess. In Igbo cosmology, humans are believed to share a deep spiritual affinity with the gods, and any act of sexual immorality, particularly within the family, is seen as a direct affront to this moral order. From a cultural standpoint, familial relations are sacred, and since intermarriage among close relatives is prohibited, sexual relations between them are even more taboo. Elders strongly condemn incest as it defies the moral standards set by the ancestors and the gods. The punishment for incest in traditional Igbo society is severe and depends on the age of the culprits. For teenagers found guilty, the consequences involve ritualistic purification. They are required to offer a white fowl each, which is used in rituals to appease the gods of the land and restore harmony. In cases involving adults, the repercussions are more extreme. Offenders are banished from the community for two years, after which they must perform elaborate rituals for appeasement before being reintegrated into society. The chief priest dictates the specific items needed for the ritual, which vary by community. In certain regions, such as Onicha Igboeze, the required offerings for appeasement may include a white fowl, a basket of yam, chalk, and a basket of cocoa yam. These items are believed to placate the anger of the gods, who are thought to punish the community collectively for the disruption of the natural and spiritual order caused by incestuous acts.

Adultery: In Igbo land, a woman is regarded not as public property but as the rightful possession of her legally married husband. The formalization of marriage involves the husband engaging with the woman's family and paying her dowry, which

culminates in the ceremonial presentation of a cup of palm wine. This ritual serves to usher the husband into the woman's family, solidifying their marital bond. Once this legal process is completed, the woman is expected to maintain exclusive sexual relations with her husband. In contrast, men in this culture are typically permitted to take multiple wives, reflecting the polygamous nature of Igbo society. While a man may marry several women, each wife is culturally obligated to remain faithful to her husband and is not permitted to engage with other men unless a divorce occurs. If a married woman is discovered to be engaging in secret relationships with another man, she is considered to be committing adultery. Consequently, she may be sent back to her parents' home until specific rites are performed. For example, in certain cultures, such as those in Imo State (Uzuakoli), the woman is often required to leave her husband's household for a month. Upon returning, she must come accompanied by her parents and elders, bearing a pot of palm wine, a basket of cocoa yam, and a live fowl as offerings for apology and appeasement. If her apology is accepted, she will take a new vow of obedience and chastity before her husband and kin.

For the male counterpart involved in adultery, the consequences are also severe. If he holds any titles, he risks losing them and being regarded as a disgrace. In communities like Onicha Igboeze, a woman who has committed adultery may be barred from participating in communal gatherings and forced to wander the marketplace as a form of social ostracism. If she dies before confessing, she will be denied the customary privileges and honours typically accorded to the deceased, including music at her funeral. Her body will be buried outside her husband's compound, often discarded in a forest, with her children forbidden from any contact with her remains. In the case of a male adulterer, the repercussions are similarly harsh. He will lose his rights and be relegated to the status of an outcast. On the day of his burial, he is typically interred behind his house with his face turned downward. In many instances, he may not even be buried with a casket, and his funeral will lack traditional music and food offerings in his memory.

Unmasking of Masquerade: The Igbo society holds masquerades in high esteem, considering them as manifestations of divine and ancestral spirits. These masquerades are not a common occurrence; rather, they appear selectively during significant festive events. In Onicha Igboeze, masquerade displays take place during the New Yam Festival (Iri Ji Ohuru), the Orie market preceding this festival, the Nkwo Festival, the Aju Festival, and burial ceremonies—particularly for revered figures such as kings or respected elders within the community. In Igbo culture, women are traditionally prohibited from viewing masquerades, especially those that appear at night. A woman who deliberately encounters an unmasked masquerade faces dire consequences. If pregnant, she risks spontaneous abortion for having ventured out to see the masquerade. Women may observe the masquerade from a considerable distance but must never approach closely. The act of unmasking a masquerade is considered a grave abomination, akin to killing an ancestral spirit. Such an act can bring catastrophic repercussions, including famine affecting the entire village and hindering the land's prosperity. Consequently, anyone who dares to unmask a masquerade may face violent retribution, potentially leading to lynching. The body of the offender is typically discarded in the evil forest, and the offender's family may be exiled from the community. The husband of the culprit is subsequently required to

present offerings—such as cola nuts, a basket of yams, and two white fowls—for cleansing rituals after two years.

Igbo society is characterized by a strong commitment to justice, where punishments are not handed down lightly. Substantial evidence must be presented to establish that an offence has been committed before any punitive measures are enacted. Thus, before imposing penalties or holding offenders accountable, a thorough investigation into the crime is conducted. This procedural integrity leaves little room for hasty judgments or unwarranted condemnation. Understanding the nature of punishment and crime within Igbo traditional society sets the stage for a deeper examination of the processes involved in criminal investigation.

Crime Investigation in Igbo Traditional Society

Igbo and Ugwuoke (2013) emphasize that in traditional Igbo society, it was not always the case that a criminal was apprehended in the act, which would obviate the need for evidence against them. Consequently, various mechanisms existed to demonstrate proof, either in favor of or against individuals or groups who denied the allegations made against them. The authors discuss several investigative methods employed in many Igbo villages to ascertain guilt or innocence regarding alleged offenses. One prominent method was the trial by ordeal, a proof system designed to validate criminal accusations within traditional Igbo society. The specific procedures for trial by ordeal varied across different communities. For instance, in the Nsukka area, concoctions were prepared and administered to the accused. If the individual exhibited signs of an allergic reaction to the concoction, it was interpreted as an indication of guilt. Conversely, if the accused showed no such reaction, it was taken as evidence of their innocence regarding the charges brought against them. In other regions, similar methods were employed, such as having accused persons inhale herbal smoke, which produced effects akin to those observed with the concoction. Trial by ordeal served as a means of adjudicating criminal allegations, ranging from minor offences, such as the theft of firewood, to more severe crimes, including murder (Igbo & Ugwuoke, 2013).

Oath-taking constituted a significant aspect of the trial by ordeal in traditional Igbo society. In instances where the perpetrator was unknown and no specific suspect had been identified, adult members of the community could be subjected to oath-taking, utilizing a feared oracle or charm to ascertain their innocence or expose their guilt. The duration of this test period varied depending on the severity of the alleged offence and local customs, typically ranging from seven Igbo native weeks (28 days) to one year. During this period, if the accused experienced any severe misfortune, the community would assume their guilt as alleged. Conversely, if the individual remained unharmed, it was interpreted as a declaration of innocence.

In many regions of Igboland, stringent measures were in place to guard against frivolous criminal allegations. When a suspected wrongdoer was required to take an oath, the principal witness who raised the accusation was first mandated to swear an oath, invoking the wrath of the juju against themselves should the claim be false or malicious. This oath was taken in good faith before the accused had their turn. The application of trial by ordeal served primarily to ascertain a person's culpability regarding the offence, regardless of the potential hazards posed to the accused. If an individual was found guilty through this method, they would face sanctions in accordance with the prescribed penalties relevant to the offence committed. However, if the accused were exonerated, it often

prompted celebrations of thanksgiving for the honour restored and the avoidance of possible stigmatization. Such methods of proof within traditional Igbo jurisprudence were widely practised throughout Igboland in pre-colonial times, serving crucial roles in crime investigation and control.

One of the principal methods employed in the investigation of crime within traditional Igbo society was divination, which involved consulting oracles and supernatural forces to elucidate past events or forecast future occurrences. In pre-colonial Igbo villages, this practice was regarded as a supernatural means of uncovering mysteries associated with criminal activities. Notably, there existed esteemed diviners who specialized in resolving ambiguous circumstances and unraveling the enigmas surrounding unexplained offences. These diviners commanded great respect within their communities and were renowned for their disciplined lifestyles. However, diviners were not ubiquitous across all Igbo villages; the most prominent ones were often summoned as professionals from distant locations to provide their services. The methods employed by diviners varied significantly among individuals and regions. Utilizing their expertise, a diviner could identify a fugitive criminal, provide clues for the recovery of stolen property, and ascertain the innocence or guilt of accused individuals. The verdicts rendered by diviners were typically accepted by the community, underscoring their authority in matters of justice.

In addition to divination, another approach to crime investigation involved invoking the gods of the land. In cases where suspects denied their involvement in alleged offences, the community could compel them to take an oath in the name of a feared juju. If necessary, the community would petition the gods to pursue the perpetrators of specific crimes, particularly when the identity of the offender remained unclear. As noted by Ifemesia (1979:24), "if the facts of a case were not clear, the Igbo had recourse to an oracle or divination" to illuminate the underlying circumstances. In such instances, any misfortune experienced by an individual or household was interpreted as retribution from the spiritual realm for wrongdoing. Villages sometimes resorted to invoking the wrath of the gods against unidentified offenders, especially when confessions were lacking. This practice instilled a sense of trepidation among the accused, who would live in fear of being afflicted by debilitating diseases or mysterious deaths as punishment for their alleged crimes.

An eminent Igbo jurist, Oputa (1975), also underscored the significance of traditional methods in Igbo jurisprudence, noting that grave suspicion constituted a prima facie proof of guilt. In instances of murder, customary law stipulated a trial period, typically lasting twelve months. Should the suspected murderer die within this time frame, it would be interpreted as confirmation of guilt by the gods. Conversely, if the individual survived this trial period, it would be taken as evidence that even the gods were satisfied with the person's innocence, thus pronouncing them "not guilty." This framework suggests that "a guilty man may die by sheer auto-suggestion or by qualms of conscience" (Oputa, 1975:11).

These three methods—divination, trial by ordeal, and oath-taking—functioned as socially potent mechanisms for crime investigation and control in Igbo society. They enabled communities to address and manage criminal issues, facilitating the determination of guilt or innocence for accused individuals. However, the act of accusing someone and subjecting them to these proofing methods inflicted a significant stigma on both the accused and their family. Consequently, individuals took deliberate measures to evade such investigations, recognizing that involvement in these proofing processes could lead to severe psychological trauma, scandal, and societal ridicule. As a result, these traditional methods served as strong deterrents, compelling individuals to steer clear of circumstances that could entangle them in such distressing and shameful situations (Igbo & Ugwuoke, 2013).

Moral police and Justice administrators in Igbo traditional society.

Prior to colonial rule, traditional Nigerian societies had developed both rudimentary formal and informal policing systems. Law and order were upheld by militant village youths organized by the council of elders (amala), while criminal investigations were conducted through soothsaying, oath-taking, and the involvement of sorcerers (Iyamagba, 1998). In traditional Igbo society, multiple entities functioned as justice administrators and agents of crime control, including families, councils of elders, vigilante groups, age grades, militant youth organizations, traditional priests and diviners, deities, and secret societies. This discussion will focus specifically on the roles of vigilante groups, the institution of deities, and secret societies due to their distinctive characteristics.

The Institution of Deities: Certain villages possessed powerful deities believed to disrupt both internal and external enemies and deter potential mischief. In traditional Igbo society, community deities were feared due to the belief that they could perceive individuals' thoughts and punish them for even harbouring malicious intentions, regardless of whether any anti-social or criminal acts were committed. Consequently, misfortunes experienced by individuals or groups were often interpreted as divine retribution for their wrongdoings. This pervasive belief in the influence of deities, along with their priests or messengers, significantly shaped the mindset of the community, deterring serious misconduct and serving as a formidable barrier against crime (Igbo & Ugwuoke, 2013). Deities were also invoked to adjudicate disputes and allegations involving criminal behaviour, including fraudulent land ownership claims. A notable example is the "Ibinukpabi" oracle, commonly known as the "Long Juju" of Arochukwu, which was regarded as the "highest court of appeal" and the ultimate religious and judicial authority among the Igbo in the Niger and Cross River basins (Dike & Ekejiuba, 1990:130).

Other significant deities included the 'Igwe ka Ala' of Umunoha in present-day Mbaitoli Local Government Area of Imo State, the 'Agbala of Awka,' the 'Onyili-Ora' near Nri, and the 'Ogba Ogbunike,' all of which were feared oracles where individuals dreaded being summoned for crime-related matters (p. 131). In addition to village deities, some individuals sought the services of 'medicine men' to protect them from criminal victimization and related threats. The abilities attributed to these medicine men were believed to confuse criminals, preventing them from locating their intended targets or rendering them more susceptible to capture.

Secret Societies: One of the most significant agents of social and crime control in traditional Igbo society was the secret society. Members of these societies typically operated at night, concealed by darkness and often wearing masks to hide their identities. They functioned as supernatural beings or spirits, tasked with denouncing or attacking offenders (Igbo & Ugwuoke, 2013). The anonymity of their members, coupled with their supernatural aura, rendered these societies effective mechanisms for deterring crime

(Isichei, 1976:23). They played a crucial role in maintaining law and order, detecting crime, penalizing culprits, and enforcing harmony within the community (Njoku, in Ifemesia 1979:80). As a result, individuals were mindful of their behaviour and sought to avoid incurring the wrath of these societies.

In traditional Aro society, for example, the 'Ekpe' (for men) and the 'Iyamba' (for women) were particularly renowned for their crime control functions. The Ekpe, named after the leopard, the king of beasts, required its members to take an oath of secrecy, obedience, and loyalty to their leaders. The society had the authority to beat and coerce both members and non-members, imposing interdiction on offenders that prevented others from trading or engaging with them. Furthermore, the Ekpe had the power to seal off a person's property, arrest, detain, fine, or even kill offenders (Dike & Ekejiuba, 1990:288). The 'Iyamba' served as a secret association for Aro women, with a leader in every ward exercising quasi-judicial powers. This leader could invoke misfortune on an offender through the supernatural forces associated with Iyamba cult objects or convene senior women of the ward to collectively punish wrongdoers. Even married women who committed adultery faced punishment, while errant men could be subjected to a 'ritual ban' (Dike & Ekejiuba, 1990:190). Beyond Aro society, other secret societies included the 'Odo' and 'Omabe' in the Nsukka region, the masquerade or 'spirit mask' (Mmuo or Mmanwu) among the northern Igbo, and the 'Egbele' in the Afikpo area, as well as the 'Oshereji' of Oguta and the 'Okonko' of Ngwa (Ifemesia 1979:79). Collectively, these societies functioned as vital agents of social order and crime control in traditional Igbo society.

The Vigilante: The use of vigilante groups is not a new phenomenon in Igboland. During pre-colonial times, various Igbo communities organized night-watch parties aimed at securing and protecting their villages from thieves and other undesirable elements. These vigilante groups were composed of able-bodied men who actively engaged in the fight against the breakdown of law and order, whether from internal or external threats. In those days, enemies often exploited the cover of night to invade their target communities, committing numerous atrocities, including head-hunting, kidnapping for rituals or slavery, the rape of women, and vandalism (Igbo & Ugwuoke, 2013). In the traditional setting, which was typically homogeneous, the close, face-to-face relationships among village inhabitants fostered a sense of solidarity and self-regulation that was not conducive to criminal behaviour (Oputa, 1975). Age grades—often referred to as "age groups" or "age sets"—along with other militant youth groups, were the primary participants in the vigilante system throughout much of traditional Igbo society. They undertook various public duties, which included executing the laws and decisions of the council of elders and the lineage or village assembly, collecting dues and fines, and punishing crimes (Ifemesia, 1979:81).

Crime control and Punishment on social media: The social media court
In the contemporary world, characterized by advanced technologies, the globe has transformed into a global village. The ease of communication, facilitated by the widespread use of smart phones and social media platforms, has enhanced interconnectivity among individuals. Social media has emerged as a melting pot for people from diverse tribes, ethnicities, and socio-cultural backgrounds, particularly with the rise of platforms like Facebook, Twitter, and WhatsApp. Beyond merely providing an interactive interface, social media platforms—especially Twitter and Facebook—have evolved into a sort of virtual courtroom where social ills, misconduct, and transgressions are openly addressed. While this phenomenon is observed globally, its prominence is particularly notable in Nigeria. On Nigerian social media platforms, there is a burgeoning trend of calling out social injustices and the misconduct of individuals. This emerging culture, which involves attempting to try and convict people in a virtual court absent a formal judicial process, is commonly referred to as "dragging" or "calling out." It has become a significant tool for promoting accountability in the Nigerian social media landscape.

An exploration of Dragging and Calling out as agents of the social media court
As the term suggests, "dragging" or "calling out" can be understood as the act of highlighting someone's misdeeds, effectively bringing them to the forefront of public attention. This process involves reporting the perceived wrongdoing of an individual or organization on a social media platform, followed by the vilification of the accused by the accuser and their network of friends and acquaintances. While this phenomenon is prevalent across various popular social media sites in Nigeria, it is particularly dominant on Twitter (Ezeama & Umejiaku, 2022; Udanor & Anyanwu, 2019, Oni et al., 2023). Given the widespread use of social media, calling out and dragging has emerged as a significant aspect of popular culture among Nigerian youths (Ebim, Fatuase, Okune, & Agbor, 2022; Udanor & Anyanwu, 2019, in Oni et al., 2023). The increasing internet connectivity and the relatively easy access to smartphones have further facilitated the use of various social media platforms—such as Facebook, Instagram, TikTok, Threads, and Twitter (now known as X)—which young people increasingly employ to call out and drag individuals online.

Despite the growing acceptance of this practice among younger social media users, empirical research focused specifically on calling out and dragging remains limited (Oni et al., 2023). Nevertheless, an investigation by Oni et al. (2023), which included interviews and questionnaires administered to undergraduate students at the University of Ibadan, sheds light on their perceptions of these concepts. The findings capture the students' thoughts on the practice of calling out and dragging, providing valuable insights into its implications and significance in contemporary social interactions:

> I feel calling out and dragging means tagging certain sets of people based on what they have done, either misbehaviour or misconduct. It is like getting them to correct things that they have done that are not too good or things that are considered unacceptable by the norms of society. Calling out or dragging is when you publicly humiliate someone for the nonsense or stupid thing you think they have done or what you consider stupid behaviour. You bring up the issue online so as to show everyone that it is stupid behaviour. Basically, it means taking action when there is an error in someone's behaviour or when there is something controversial which is against one's belief. Something that is contrary to what I believe in or what is against the normal morality of the society. When people are being insulted online for something they might have said or done. Dragging is like insulting people whether they deserved it or not for something they did or failed to do. Calling out is like calling someone out for the purpose of letting

them know that what they have done was wrong (p.59-60)

In summary, Oni et al. (2023) observe that undergraduates at the University of Ibadan perceive calling out and dragging as mechanisms for exposing and humiliating individuals for their alleged misdeeds. The findings suggest that this practice carries a moralistic tone, primarily aimed at vilifying and ridiculing individuals rather than genuinely seeking to correct their alleged transgressions. Consequently, social media platforms function as informal courts where individuals can be charged without prior notice and convicted without the opportunity for a fair hearing.

While calling out may sometimes aim to rectify wrongs, its execution often leads to dehumanization, as it frequently relies on public shaming rather than fostering a constructive resolution to social issues. Although this practice predominantly occurs on social media, Twitter has emerged as the most utilized platform for calling out in Nigeria due to its growing popularity as a space for discussing urgent social matters and analyzing public affairs among the youth (Dambo, Ersoy, Auwal, Olorunsola & Saydam, 2021, in Oni et al., 2023). While individuals who engage in dragging often achieve their desired outcomes, the repercussions can be severe. The practice can expose innocent individuals to long-lasting socio-economic consequences, including job loss, deprivation of future employment opportunities, forfeiture of rights, abandonment by significant others, and strained interpersonal relationships (Herzog, 2018; Ng, 2020; Palmer, 2020, in Oni et al., 2023).

Moreover, the public shaming and cyberbullying that often accompany the act of calling out and dragging can inflict significant emotional and mental distress on the accused individuals, potentially leading to depression and suicidal ideation. For instance, in January 2019, a Twitter user from Lagos, Michael Asiwaju, tragically committed suicide by ingesting a poisonous substance in his hotel room after being accused of raping a woman. This act followed his attempt to refute the allegation in a tweet (Hanafi, 2019). Similarly, Nigerian entrepreneur Izuchukwu Madubueze took his life in July 2020 after being persistently dragged on Twitter for an alleged act of rape (Folarin, 2020). These cases illustrate a critical issue: the victims were denied the opportunity for a fair hearing. The social media court resembles the archaic practices of public stoning and execution, as described by Manning (2020), where individuals have no chance against the multitude of online mob judges. Once one is dragged, it becomes a battle against the vastness of the internet, often without any hope of defense.

The risks and adverse consequences associated with calling out and dragging on social media are gaining recognition worldwide (Ng, 2020; Palmer, 2020; Shackelford, 2016, in Oni et al., 2023). According to Pickard and Yang (2017), the phenomenon of calling out and dragging is rooted in a culture of online activism that social media platforms have fostered. However, Shackelford (2016) notes that although this practice originated from internet activism, it has devolved into a counterproductive method wherein celebrities and other community members are often victimized and ostracized rather than educated. Chiou (2020) highlights the dual nature of calling out and dragging, suggesting that while it can serve as a mechanism for accountability, it also embodies a form of digital vigilantism. Mueller (2021) points out that those targeted or "cancelled" on social media frequently face accusations of various transgressions, including bullying, sexism, racism, and homophobia, among others.

Mueller (2021) asserts that the practice of calling out and dragging on social media is increasingly utilized as a tool to silence marginalized voices, evolving into a form of censorship that is intricately shaped by existing power dynamics. Manning (2020) draws a parallel between this practice and archaic methods of public stoning and execution, suggesting a reversion to punitive measures in public discourse. Norris (2020) further contextualizes calling out and dragging within a framework of 'mob rule,' where groups quickly engage in collective judgment to oust individuals from their positions or tarnish their reputations. Herzog (2018) highlights that this practice often curtails any meaningful dialogue, as the accused is branded before they have an opportunity to present their side of the story. Pearson (2021) notes the heightened risks associated with this practice, especially given social media's capacity to amplify messages viral and evoke swift collective responses from large audiences.

Mitrofan (2020) identifies various detrimental effects of being subjected to calling out and dragging, including mass unfollowing on social media, disruptions to professional relationships, online harassment, doxing, and even suicidal ideation. Roos (2020) characterizes those who engage in this behaviour as 'justice warriors,' whose primary objective is to police the actions of others while imposing their value systems. Dimitrakaki and Weeks (2019) argue that calling out and dragging embodies an "ideological conflict," as the associated language is inherently negative. Chiou (2020) contends that the practice is rooted in a morally righteous mentality, where individuals feel a social obligation to denounce and vilify those they deem morally inferior, thereby deserving public censure.

Norris (2020) indicates that the legitimate criticism and goodwill that once characterized calling out and dragging have devolved into the enforcement of hate speech, often aimed more at destruction than constructive intervention. Hooks (2020) further posits that the links between calling out and dragging to doxing and online harassment dilute any initial goodwill associated with the practice. Duchi (2019) observes that some individuals engage in unnecessary call-outs as a means to gain notoriety for themselves. Mueller (2020) argues that calling out and dragging are fundamentally linked to harmful behaviours such as extortion, intimidation, blacklisting, and self-righteous indignation. In light of this comprehensive examination, it becomes crucial to transition to the concluding section of this paper, which will offer a critical comparative analysis of jurisprudence in Igbo traditional society and the contemporary social media court.

A CRITICAL COMPARATIVE ANALYSIS

An overview of our discussion thus far reveals that both traditional Igbo society and the social media court hold individuals accountable for crimes, wrongdoings, and misconduct, irrespective of their status. However, a significant distinction arises in the procedural fairness afforded to the accused. In traditional Igbo settings, individuals called out for wrongdoing are granted an opportunity to defend themselves, whereas the social media court often lacks this essential element of due process. Once accused in the realm of social media, individuals find themselves in a precarious position, where the prevailing sentiment is a presumption of guilt regarding the alleged misconduct. The cases of the two young men previously mentioned, accused of rape, illustrate this well; they were not allowed to present their side of

the story, and even when they did, they were largely ignored as public opinion had already formed against them.

In traditional practices, the primary objective of holding offenders accountable is to restore moral balance and promote the common good. Punishments are meted out, but they are designed to rehabilitate offenders and reintegrate them into society. In cases like adultery, the focus is on addressing the offence while allowing for the possibility of reintegration. In contrast, the social media court often aims not only to hold individuals accountable but also to publicly humiliate them, effectively cancelling both the individual and the alleged offence.

Moreover, in traditional settings, there are specialized groups or institutions responsible for adjudicating offences, ensuring that not everyone can act as a judge. This controlled approach fosters order and coherence in handling cases. Conversely, the social media court resembles a battleground where everyone assumes the role of judge, leading to biased and often prejudiced outcomes. Once dragged into this arena, the accused is subjected to what resembles a public execution by a mob of judges, all ready to condemn them based on limited or no evidence.

The lack of neutrality in the social media court exacerbates the injustice. The accuser, rather than remaining impartial, often takes on the role of judge, bypassing the need for a fair hearing. Any attempts to challenge the established narrative are met with backlash, punishing those who dare to oppose the majority viewpoint. This is starkly different from traditional practices, where a neutral body, unrelated to either party, adjudicates the matter, allowing for diverse perspectives and minimizing bias. In Igbo traditional jurisprudence, specific methods exist to verify accusations and ascertain their validity, ensuring that justice is served. However, in the social media court, accusations often go unverified, becoming accepted as truth without scrutiny. This phenomenon is particularly evident in the frequent targeting of celebrities, where accusations can arise from a desire to vilify rather than seek accountability. Accusers often exploit the sentiment that the public will side with them in a narrative framed as the weak versus the strong, leading to a culture where unverified claims can significantly damage reputations.

Furthermore, the social media court primarily highlights cases brought forth by the accuser, with little to no systematic approach for identifying wrongdoing beyond these claims. This results in a platform that tends to victimize individuals and facilitates public vilification without genuine intentions of rectifying wrongs. In contrast, the Igbo traditional system emphasizes a more comprehensive approach to detecting crimes, focusing on the collective rather than targeting specific individuals for humiliation.

Despite its flaws, the social media court does demonstrate a capacity for swift action in delivering justice or compelling accountability. For example, the #BringBackAfikpolight campaign in August serves as an illustration of how social media can mobilize public attention and demand action. Spearheaded by Mr. Alumeze Collins, this initiative successfully brought to light the prolonged absence of electricity in Afikpo, Ebonyi State. The campaign garnered significant attention, prompting local politicians to respond, including the governor's office, which made promises for restoration. This instance underscores the efficiency of the social media court in mobilizing collective action and demanding accountability, contrasting with the more time-consuming processes of traditional Igbo methods that often rely on

diplomatic engagements. Overall, while both traditional and contemporary systems seek to hold individuals accountable, the differences in procedure, fairness, and intent underscore the complexities and implications of each approach. The nuances of these systems invite a deeper examination of their impact on justice, morality, and societal values.

Conclusion

In this discourse, we have thoroughly examined the systems of crime and punishment as they operate within traditional Igbo society and the virtual landscape of social media. A prominent distinction between the two systems is their respective approaches: the traditional system is characterized by a diplomatic, open, and tolerant methodology, while the social media court, driven by the mechanisms of dragging and calling out, is often more radical, closed off, and confrontational. Despite these differences, both systems fundamentally aim to address wrongs and hold individuals accountable for their offences. While they employ contrasting methods and face their unique challenges, their overarching objectives align in seeking to expose misconduct, combat social ills, maintain social order, and deter future offenders. Ultimately, this exploration highlights the complexities of justice in both traditional and modern contexts, emphasizing the need for a nuanced understanding of how different cultures and platforms navigate the delicate balance between accountability and fairness.

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