
Book Review: Grounded Law: Comparative research on state and non-state justice in multiple societies by Chukwunonso Okafo, 2012, pp.521, United Kingdom: Wildfire Publishing House.

***Reviewed by Festus Obi
Texas Southern University***

Many parts of the world, especially the western world, see law and justice administration as government's responsibility and mandate. The understanding of the many has been that for law to be productive and for justice to be considered justly dispensed they must be ensconced, securely and comfortably, in the arms of officialdom. It has been argued, albeit unwittingly, that those systems of justice administration other than the state-endorsed and official system lack the juridical potentials to achieve or attain justice. This warped thinking is what ***Grounded Law: Comparative Research on State and Non-State Justice in Multiple Societies by Chukwunonso Okafo*** has set out to debunk.

This avant-garde scholarly presentation of analyses of both state and non-state justice administrations in different societies of the world shows that non-state models of justice administration and social control have proven to be very effective, to a greater degree more effective than state-endorsed justice system. It is a depiction of the foundational attributes of non-state justice models in meeting the contemporary judicial needs of the society. Grounded means original, unpretentious, realistic, stable and from the ground-up. It is a denotation that law in order to be effective must take into account the culture of the people for whom the law is intended. It presupposes that the imposition of a body of laws developed within the cultural frames of one society on another society with entirely different cultural frames is aberrant and amounts to an exercise in futility.

Indeed, this book presents a complete and impressive collection of astutely selected and deftly written chapters by a group of scholars, who approached state and non-state justice models from the vantage point of expertise and research. Additionally, ***Grounded Law*** is a book that is anthological and insightful in bringing to the fore the hidden golden nuggets of non-state judicial systems. It also is not a repudiation of state justice systems, but a complementary narrative of the consequential benefits of non-state justice apparatuses, especially alongside state justice models.

Divided into four parts, the book begins by x-raying the challenges of law through the concept of rule of law, law and justice through alternative social control, postcolonial return to indigenous justice in Africa, legal pluralism and harmonization with its attendant dilemma, and the challenges of criminal justice administration in Nigeria with Cesare Beccaria in mind. The book advocates that

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in many societies there are various rules that apply. There are the rule of law, the rule of personality, the rule of community, the rule of experts, the rule of custom and tradition, and the rule of religion. With so many rules existing in one society which rule is then more important than the others? How do we assign such eminence to one rule to the chagrin of other rules? The proper course of action should be a combination of all the appealing attributes in all the rules instead of the mantra that presents the western rule of law as one-size-fits-all justice model.

An eclectic archetype of all the rules of the society should form the legal framework that serves the justice needs of its citizens as well as of the state. ***Grounded Law*** aims to draw attention to the judicial disservice served by society's overreliance on state-foisted justice system. Before the western legal system got foothold in many countries of the world that were colonies of European colonizers, at some points in history those colonies had different rules that regulated conducts of its members. Sometimes, the countries created by the colonizers through amalgamation of different tribes were forced to supplant the aboriginal justice rules with the colonial rule of law that lacked the potentials to understand and serve the justice needs of the tribes. The result of this parochial enthronement of colonial rule of law is a total breakdown of justice administration. The book is enjoining different societies of the world to approach justice administration with holistic lenses because the rule of law is not the only rule produced through a legislative process. Other rules outlined above also went through time-tested processes of equity, fairness, and democratic involvement.

Part A of the book examined the question of traditional case management systems like the 'Ogwugwu Isiula' in Okija, Anambra State of Nigeria and their constant conflict of ambivalence with the English legal system that obtains in the same society. In a situation of legal pluralism as is the case in most colonized societies of the world, which justice system should reign over the others? This creates a quandary that cannot be resolved easily. African countries and many others are mired in this quandary; and believing that the European justice systems have all the answers to social and legal problems of the society is delusional. Nowhere in Africa has the European justice system failed like it has in Nigeria. The reason is not far-fetched. There is a problem in treating a malady with wrong medications. The English or European justice systems were products of the social and cultural norms of the people where they originated. Imposing the same system on people with different social and cultural contexts is judicially myopic and unwholesome. What experts in the book suggest is applying the relevant components of all the systems that serve best the justice needs of members of the society.

Part B examines the politics of law and its enforcement. This presupposes that there are intrigues in the enactment, or legislation, of law and also in its implementation or enforcement. This part comprises failed justice and political extremism, law enforcement in postcolonial Africa: interfacing indigenous and English policing in Nigeria, strategies for credible and effective crime control in Nigeria, dimensions of terror crimes in Africa and policing strategies for control,

and vigilantism in East Africa. This part underscores government's use of law enforcement agencies to enforce law on the lives of its citizens. The enforcement of law in a society that was once colonized creates a dilemma of direction and preference on which law should be enforced. Is it the state law bequeathed by the colonial master or the indigenous justice system that existed before the foreign influence? This Catch-22 breeds a fertile environment for mob justice as epitomized in vigilantism and disrespect for state laws. Since poverty has created strong apathy for formal law enforcement in many postcolonial societies, the book recommends a conflation of indigenous law enforcement model with the formal state-created law enforcement. Nigeria and East African countries are examples of societies where indigenous law enforcement has thrived unfortunately dishearteningly. With many parts of Africa becoming a haven for terrorism, law enforcement has to be re-engineered to deal with the scourge of low-intensity warfare, state terrorism, tribal schism, and xenophobia.

In Part C, ***Grounded Law*** analyzes the concept of plea bargaining in criminal justice, and asks if it is a way of negotiating away guilt or compounding offenses. It proposes a credible alternative to death penalty in 'life in prison with hard labor with no release' (LPHLNR) before natural death. The author argues that death penalty is a conundrum of moral ambivalence for any state to fall into. In this section also, a component of radical or critical criminology known as green criminology is highlighted with a view to emphasizing environmental crimes in Africa perpetrated by the agencies of environmental policy, industrialization, globalization, diplomacy, laws and treaties on the exploitation of minerals from the African soil with little or no regard to the negative impacts on the socio-economic and physical wellbeing of the ravaged lands. The book uses the environmental crimes going on in the Niger Delta region of Nigeria as an apt example for underscoring the invidious outcomes of environmental crime.

This part also looks at the roles played by poor governance, corruption, and absence of independent judicial systems as the main cause of economic depression in developing countries. Of high importance is the absence of independent judiciary in most developing countries that can handle cases of illegality and impropriety in addition to the failure of rule of law. In Singapore, for example, the story is different. Singapore has allowed social order to permeate its socio-political life that citizens do not have to be cudged into obedience. Citizens of the country are thought from early stage to understand that there are laws; and that the laws must be obeyed or the violator will face the negative consequences. In spite of being an over-crowded small country, Singapore's crime rates are among the lowest in the world. This is so because the criminal justice system is a combination of common law and community justice system. Community justice gives those affected by a crime ownership of its resolution and sanction, not with the intention of locking up the offender and throwing away the key, but to meet the needs of the victim, offender and community.

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Part D, which is the final section of the book, surveys case studies of alternative law, justice, and social control. It highlights the importance of African jurisprudence and the question of thoughts on control, law, and justice. In other words, African systems, law, ideas, and control processes work better than imported legal systems. The failure of rule of law in multiple societies across the world and the entronement of official corruption are enough reasons for those societies to revert to their indigenously brewed rule of law that had worked for them down the ages. The book has more than enough convictions for espousing the indigenous justice systems.

Anyone who wants to do research in alternative justice systems that abound around the world should read this book. It is not the idea of one head. There are many heads that ginned up this scholarly work. These heads are excellent heads in their various academic domains and are worth their onions. I have no reservation in recommending this book to law academicians, practicing lawyers and students of law. Criminology and criminal justice scholars and students, law enforcement and corrections personnel, and others vested in the administration of justice in any part of the world will find this book handy and resourceful.