

Chapter 1

Indigenous Conflict Resolution Mechanism as Reconciliatory and Therapeutic: Lessons From Ghana and the Caribbean

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ABSTRACT

This chapter explores the role of traditional methods of social control that deploy the power of the deities as a missing dimension of justice delivery. The authors present the rituals associated with deploying the traditional mechanism of control as both reconciliatory and therapeutic. Drawing on both historical and contemporaneous instances from Ghana and the Caribbean, the chapter contends that the continuous reliance on African spirit-based justice delivery method betrays not only the insufficiencies in the Western superimposed adversarial legal system but also a tacit and open rejection of this imported system. The chapter interrogates the prospects and pitfalls of indigenous Africa and its diasporan conflict resolution mechanism.

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INTRODUCTION

Despite the increasing incursions of state approaches to justice delivery, in Africa and its diasporan societies in the Caribbean, indigenous approaches that appeal to the power of the deities remain a fundamental means of seeking justice. On Sunday, January 2, 2022, for example, a video clip showing an aggrieved taxi driver, publicly identified as, Tamimu Yahaya, in the act of imprecating personnel of the Ghana Police Service gained prominence on social media (MyJoyOnline, 2022). The video shows Tamimu pouring libation with a bottle of hard liquor summoning the police to Ayensu, the river deity of his hometown. According to Tamimu, on that fateful day, he was driving to a nearby town when he was stopped by a police patrol team. The police, he said, accused him of possessing a dried substance believed to be Indian hemp in his car, leading to his unlawful assault and extortion. In summoning the police to the river deity, Tamimu complained that: “I don’t have the time to go to the court. My court is the river in my town, Nana Ayensu” (MyJoyOnline, 2022).

As is expected, this episode received mixed reactions from the Ghanaian populace with many saluting the man for resorting to a “swift justice” delivery mechanism rather than the slow-paced state justice system. In a matter of days, what can be referred to as the Tamimu affair moved the top police hierarchy to act. Subsequent to the circulation of the video and the public discussions that ensued, on January 6, 2022, the police hierarchy ordered the immediate interdiction of the personnel of the police involved in order to pave way for further investigations to go on (Modernghana, 2022). Public imprecation in Ghana has been framed as a culture given that the practice is so pervasive in the public domain (Tweneboah, 2014). The entire episode as narrated above forces us to ponder on some questions and to also pay attention to an irrefutable gap in justice delivery. In Ghana, what role does imprecation play in resolving conflict in society? How have imprecatory and other indigenous African spiritual appeals been employed in the African diaspora especially in the Caribbean? Are there forms of continuity between indigenous African justice delivery mechanism and the spirit-directing approaches to justice of the anglophone Caribbean? To what extent is it possible to bridge the gaps between the state and non-state, particularly individual approaches to justice delivery? Are these forms of reconciliatory and therapeutic justice? To what extent is it possible to bridge the gap between Caribbean spirit-directing reconciliatory and therapeutic justice systems and state judicial apparatus?

Drawing on both historical and contemporaneous instances from Ghana and the Caribbean, this chapter interrogates the intricate link between state and non-state justice delivery systems, paying attention to the extent to which these intersect with people’s spirituality. The chapter, therefore, examines the nature and scope of traditional methods of social control in societies that are constitutionally secular and

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