

Research Article

Indigenous Justice and Punishment in Traditional Nupe Communities of Nigeria

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Abstract

This study examines the concept, types, causes, and social functions of punishment in traditional Nupe society, highlighting how indigenous justice mechanisms contributed to order, peace, and communal cohesion prior to colonial legal impositions. Drawing on a qualitative research design anchored entirely on secondary data, the study analyses ethnographic, historical, and socio-legal literature to identify the nature and logic of punitive practices among the Nupe. Findings show that punishment was deeply restorative, with mechanisms such as gyara (reparation), mediation by elders, public apology, oath taking, community service, and ritual cleansing designed to repair relationships, restore harmony, and prevent future conflict. More severe sanctions-including corporal punishment, ostracism, banishment, and limited forms of capital punishment-were reserved for serious offenses like murder, witchcraft, or violations of sacred taboos. The study demonstrates that punishment in Nupe society functioned not only to deter wrongdoing but also to reinforce communal values, maintain spiritual balance, and ensure collective security. This aligns strongly with Restorative Justice Theory, which emphasises healing, accountability, and reintegration rather than retribution. The findings further reveal that traditional institutions such as elders, lineage heads, and the Etsu Nupe played critical roles in administering justice, lending legitimacy and moral authority to the process. Overall, the study underscores the sophistication of indigenous Nupe jurisprudence and highlights its relevance for contemporary justice reform. By drawing on decolonial perspectives, the research argues that integrating indigenous restorative practices into Nigeria's modern legal framework can strengthen community-based corrections, enhance social cohesion, and promote culturally grounded approaches to peace and security.

Keywords

Traditional Nupe Justice, Indigenous Punishment, Restorative Justice, Social Order, Decolonial Jurisprudence

1. Introduction

Punishment is as old as human society itself, emerging from the need to regulate behaviour, resolve disputes, and deter actions that threaten communal stability. Across civilizations, humans developed mechanisms for sanctioning wrongdoing not merely to inflict suffering but to protect order and reinforce shared moral boundaries. Traditional African

societies evolved restorative and reconciliatory approaches to justice rooted in custom, spirituality, and communal ethics [1, 2]. In these systems, wrongdoing was viewed as a disruption of social harmony requiring compensation, reconciliation, and ritual purification to restore balance [3, 4].

The Nupe people of central Nigeria developed one such

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sophisticated customary justice system. Their indigenous punitive structures-administered by lineage elders, village heads, community councils, and ultimately the Etsu Nupe emphasised dialogue, restitution, *gyara* (repair), reintegration, and moral correction rather than simple retribution [5]. Sanctions ranged from fines and shaming to corporal punishment, ritual cleansing, and banishment, each designed to repair the social rupture caused by the offence and reaffirm communal values. These justice practices were essential tools for maintaining peace, preventing deviance, and strengthening kinship cohesion.

Despite their historical effectiveness, Nupe justice mechanisms face diminishing influence due to colonial legal imposition, urbanisation, and shifts in socio-cultural values. The displacement of elder-mediated reconciliation and restorative sanctions such as *gyara* has produced gaps in conflict resolution, particularly in rapidly urbanised Nupe communities where formal courts struggle with delays, prison congestion, and limited cultural legitimacy. Although these indigenous systems possess significant potential for addressing contemporary challenges such as community conflicts, petty crime, and moral disputes their integration into Nigeria's formal legal structure remains limited and poorly understood [6].

A further challenge is the limited documentation of Nupe restorative justice practices. Much of the knowledge surrounding mediation, oath-taking, and peacebuilding remains embedded in oral tradition, making it difficult to scale or institutionalise within national peace and justice frameworks. Contemporary inter-communal conflicts, such as the Share-Tsaragi disputes, have demonstrated the continued relevance of Nupe conflict-resolution structures particularly the mediatory role of the Etsu Nupe hitherto these practices are rarely codified, studied, or incorporated into national policy.

Against this background, this study investigates the concept of punishment in traditional Nupe society with three interrelated goals woven into the inquiry. First, it identifies and analyses the different types of punishments historically employed in Nupe communities. Second, it discusses the causes of punishment in Nupe traditional society. Thirdly, it evaluates how these punishments functioned to maintain social order, deter wrongdoing, and reinforce communal values. Fourthly, it assesses negative effects of some of punishment approached in traditional Nupe society. In doing so, the study not only reconstructs the internal mechanisms of Nupe justice but also illuminates current challenges associated with preserving, documenting, and integrating these indigenous practices within modern Nigerian legal and peacebuilding systems.

2. Literature Review

Scholarship on African customary justice consistently shows that punishment in precolonial societies was primarily a social and moral instrument designed to repair relationships and maintain communal harmony rather than to execute

purely retributive logic. Classic ethnographies and contemporary comparative work situate indigenous sanctions within frameworks of restitution, public moralisation, ritual purification, and collective adjudication [1, 2]. This pattern is evident in the Nupe case: historical and ethnographic evidence indicates that Nupe punitive practices combined material compensation (*gyara*), public shaming, corporal correction, spiritual rites, banishment, and, in some contexts under later influences, corporal fines prescribed by Islamic or colonial law [5].

Early ethnographic treatment provides the most authoritative study of Nupe political and legal institutions. Nadel documents that the Nupe settled interpersonal and property disputes principally through compensation and arbitration administered by lineage elders and chiefs; these measures aimed at re-establishing *tar* (social peace) and the integrity of kin groups. Summaries in comparative ethnographic databases concur that “*gyara*” or reparative payment and mediated settlement were the default responses to minor and many moderate offences. More serious matters-those understood to threaten the lineage or sacred order (for example, bloodshed, severe sacrilege, witchcraft accusations) required ritual cleansing, public adjudication by the Etsu Nupe's council or specialised ritual agents, and sometimes exile to prevent contagion of social or spiritual pollution [5].

Across Africanist literature, restorative forms of punishment such as restitution and mediated reconciliation are shown to perform multiple social functions simultaneously: they compensate victims, reassert norms by making the breach visible, and provide a culturally legitimate pathway for reintegration of offenders. The Nupe system follows this schema. Compensation (*gyara*) repaired material loss and signaled the offender's acceptance of responsibility; public reprimand and apology re-established moral standing; and ritual cleansing addressed metaphysical anxieties that otherwise could fuel ongoing conflict or misfortune [5, 7]. Where Islamic influence entered (following Fulani incursions) or where colonial authorities imposed statutory penalties, punitive repertoires broadened to include lashing, fines payable to state actors, or custodial sentences; yet even then, local adjudicators continued to privilege reconciliation where possible.

Evaluations of effectiveness in the scholarly literature emphasise context: restorative sanctions tend to be effective at maintaining order in tightly knit, kin-based settings because sanctions are public, visible, and enforceable through social pressure. For the Nupe, elders' authority and communal enforcement made fines, shaming, and ritual highly credible - the threat of ostracism or spiritual sanction supplied strong social incentives for compliance [5]. Comparative studies in West Africa and contemporary policy analyses have similarly found that community-centred restorative measures often reduce recidivism for minor offences and prevent cycles of retaliation by substituting negotiated compensation for blood-feud escalation [8, 9]. Recent Nigerian legal scholarship also points to the promise of integrating customary re-

storative practices into formal systems-cautioning, however, that urbanisation complicate transferability [9].

The cultural logic underpinning Nupe punishment-like many African systems-rests on three interlocking premises: relationality, sacred reciprocity, and collective responsibility. Relationality means that persons are primarily seen in terms of their social ties; an offence therefore damages networks that must be repaired. Sacred reciprocity reflects beliefs that social disorder can provoke misfortune through offended ancestors or sacred power, making ritual remediation necessary [1, 7]. Collective responsibility situates enforcement in kin-group institutions (lineage heads, Etsu Nupe's council), which mobilise social sanctions in ways modern courts often cannot replicate [5]. Durkheimian structural-functional interpretations align with these observations: punishment reaffirms the collective conscience and restores solidarity when transgressions occur [10], while contemporary restorative justice theory echoes the indigenous aim of repairing harm rather than simply incapacitating offenders [11, 12].

Critical literature tempers romanticisation of customary punishment by noting limits and risks. Ethnographers and legal scholars warn that customary sanctions can reproduce inequalities, disadvantage women, or be co-opted by powerful lineages [13, 14]. Moreover, urbanisation, anonymity, and plural legal fields reduce the social levers that made traditional sanctions credible, thereby diminishing their standalone effectiveness in many contemporary settings. Scholars therefore advocate for careful, contextualised integration-documenting practices, protecting rights (especially of vulnerable groups), and creating hybrid institutions (community courts, ADR schemes) that combine customary legitimacy with statutory safeguards [8, 9].

In sum, the literature indicates that traditional Nupe punishments are part of a coherent restorative paradigm that historically succeeded in maintaining peace, deterring minor deviance, and reinforcing communal values through reparative material sanctions, public moralisation, and ritual cleansing. Their effectiveness derived from social cohesion, credible enforcement by elders, and cosmological beliefs that made spiritual sanctions meaningful. For modern policy and legal reform, scholars recommend documenting Nupe practices, piloting hybrid restorative institutions, and ensuring procedural safeguards that mitigate gendered or elite capture-thus preserving the peacebuilding strengths of indigenous justice while addressing contemporary human-rights and scalability challenges [7-9].

3. Theoretical Framework

Restorative Justice Theory provides the most appropriate theoretical lens for understanding punishment in traditional Nupe society because it aligns closely with the cultural values, social mechanisms, and indigenous philosophies that shaped justice administration among the Nupe people. Restorative justice is a paradigm that shifts focus away from punitive

responses toward repairing the harm caused by wrongdoing, restoring relationships, rebuilding social harmony, and reintegrating offenders into the community. It asks questions such as "Who has been harmed?", "What relationships must be restored?", and "What must be done to make things right?" rather than focusing solely on the violation of law or inflicting pain on the offender. According to restorative theorists, justice is fully achieved only when peace, dignity, and the moral balance of a community are restored [11, 12].

This framework strongly resonates with the Nupe worldview, in which wrongdoing is conceived as a disturbance of social and spiritual equilibrium rather than simply a breach of legal statutes. Nupe traditional justice systems historically emphasised *gyara* (repair or compensation), public acknowledgment of wrongdoing, mediated reconciliation through elders, and communal participation in restoring harmony. These principles reflect what restorative justice scholars highlight as core pillars of the model: accountability, restitution, victim healing, and community reintegration [12]. Among the Nupe, the aim of punishment was therefore not to isolate or permanently stigmatise the offender, but to mend broken relationships and strengthen communal cohesion.

Restorative justice also emphasises the role of dialogue and collective decision-making in conflict resolution. This mirrors the Nupe institution of conflict mediation led by family heads, village chiefs, and, when necessary, the Etsu Nupe's council, where disputes were resolved through negotiation, apology, and restitution. Like many African societies, the Nupe believe that justice must restore not only the victim and offender but also the wider social fabric, which explains why sanctions were often performed publicly and involved ritual or symbolic gestures intended to cleanse the community of moral imbalance [5, 7]. This collective participation reflects restorative justice's insistence that crime affects the entire community and therefore demands communal involvement in repair.

Another dimension of restorative justice that aligns with Nupe custom is the belief that healing is more valuable than retribution. Whereas punitive Western models often frame punishment as suffering inflicted to deter future crime, the Nupe system prioritised restoring peace (*lafiya*) and preventing cycles of retaliation. Even when corporal punishment or banishment occurred, these measures were designed to protect communal harmony rather than exact vengeance. Restorative theory argues that justice systems should aim to restore social bonds; this insight helps explain the social stability historically maintained under Nupe customary law [11, 12].

Furthermore, restorative justice theory recognises the importance of cultural context. Indigenous justice systems-such as that of the Nupe-operate on centuries-old moral principles and relational ethics that are deeply embedded in the community's worldview. Scholars in the field argue that genuine restorative practice must draw from local customs and indigenous models rather than impose foreign frameworks [15]. The Nupe example therefore not only aligns with restorative justice, but enriches the theory by illustrating how its princi-

ples have existed in African societies long before they were formalized in contemporary criminology.

In sum, Restorative Justice Theory provides a powerful interpretive framework for understanding the Nupe concept of punishment because it captures the essence of how justice functioned: as a culturally grounded process of healing, reconciliation, and moral regeneration. Through this theoretical lens, Nupe punitive practices emerge as sophisticated mechanisms designed to repair harm, stabilise relationships, maintain peace, and preserve the spiritual and communal integrity of society.

4. A Brief History of the Nupe People

The Nupe people also known as Nupencizhi or Nupawa are an indigenous ethnic group located in the Middle Belt region of Nigeria, primarily within present-day Niger State and extending into parts of Kwara and Kogi States. Their major settlements include Bida, Lapai, Agaie, Mokwa, and Kutigi, with Bida serving as the political and cultural headquarters and seat of the Etsu Nupe, the paramount ruler [5, 16]. With a population exceeding three million, the Nupe occupy a strategic position along the Niger River basin, a location that has historically facilitated trade, migration, and cultural exchange.

According to Nupe oral traditions and early anthropological accounts, the origins of the Nupe kingdom are closely linked to the legendary figure Tsoede (also called Edegi), who fled the Igala court at Idah in the 15th century and unified disparate Nupe-speaking clans into a loose but influential confederation [5]. Tsoede's leadership established the foundations of Nupe political identity, centralised authority, and expanded settlement patterns along the Niger. The kingdom's strategic position encouraged extensive interaction with neighbouring peoples such as the Yoruba (particularly the Oyo and Igbomina), the Gbagyi, the Igala, and later the Hausa-Fulani. These exchanges through trade, warfare, intermarriage, and diplomacy shaped Nupe cultural, linguistic, and political life over several centuries [17].

The 19th century marked a significant transition when the Fulani Jihad reached the Nupe area, resulting in the incorporation of the kingdom into the emirate system under Fulani influence. This period introduced Islamic legal and administrative norms, including aspects of Shari'a criminal law, which blended with pre-existing indigenous practices [16]. Nevertheless, the Nupe retained many of their indigenous customs, particularly in family law, land tenure, social regulation, and mechanisms of punishment and dispute resolution [7, 18]. Despite subsequent British colonial administration in the early 20th century, the Nupe traditional system remained resilient. Colonial authorities preserved aspects of the emirate structure and continued to recognise the authority of the Etsu Nupe and district heads as custodians of customary law. This dual influence Islamic reforms and British indirect rule co-existed with deep-rooted indigenous norms, producing the hybrid customary system that characterises contemporary

Nupe society [7].

Nupe society is known for its strong communal values, craft traditions (notably brasswork and glass-making), structured leadership systems, and enduring adherence to traditional morals and conflict-resolution methods. Their justice practices ranging from restorative rituals to elder-mediated reconciliation reflect a historical continuum shaped by indigenous philosophy, Islamic law, and colonial-era adaptations.

5. Research Methodology

This study explores the concept of punishment in traditional Nupe society by using a qualitative case study approach. Because the practices under review belong to a pre-colonial era and can no longer be observed directly, the research relied entirely on secondary data. Qualitative research was the most appropriate method because it allows for the interpretation of cultural beliefs, social norms, and indigenous ideas about justice that cannot be expressed in numbers [19]. Unlike quantitative designs, it focuses on meaning, context, and historical understanding rather than statistics or surveys [20].

All information used in this work came from written materials such as books, journal articles, online publications, and archival documents. Foundational works like Nadel's *A Black Byzantium* [5] and other scholarly studies provided detailed accounts of Nupe social life, leadership, justice systems, and methods of punishment. These materials were selected because of their credibility, relevance, and usefulness in describing how the Nupe maintained social order and corrected offenders before the arrival of modern courts. The study focused on the Nupe people of Niger, Kwara, and Kogi States, with major settlements such as Bida, Lapai, Agaie, Mokwa, and Kutigi forming the cultural base of the traditional justice system [16]. Since there was no fieldwork, the "population" consisted of existing literature on Nupe traditions, customary law, and social control [7]. Purposive sampling was used to select only materials that directly discussed traditional punishment, community discipline, and the role of elders and chiefs.

Data were collected through a desk review of academic sources accessed via libraries and online databases. Key search terms included "Nupe traditional punishment," "customary justice," and "indigenous correction." Qualitative content analysis was then used to interpret the data. The selected texts were read carefully, important points were highlighted, and common themes were grouped together such as reconciliation, spiritual consequences of wrongdoing, public judgment, and the role of punishment in maintaining harmony. This process made it possible to understand how punishment functioned as an early form of community-based correction in Nupe society. Because the study used only publicly available literature, no ethical risks were involved. The main ethical responsibility was to cite authors accurately and interpret cultural practices respectfully. Overall, this methodology

allowed the research to reconstruct how traditional Nupe punishment worked, why it was effective, and how it contributed to social and moral order in the community.

6. Presenting of Data and Analysis of Findings

6.1. Types of Punishment in Traditional Nupe Society

6.1.1. Punishment as Protection of Communal Peace and Security

The findings show that traditional Nupe society used a wide range of punishments aimed at protecting communal peace, securing social harmony, and preventing cycles of retaliation. Corporal punishment and, in rare cases, capital punishment were applied to serious crimes such as homicide or violent assault. As Nadel [5] notes, these sanctions reflected the belief that grave offenses threatened not only individuals but the stability of the entire community. This approach mirrors patterns found in other African societies, where severe sanctions protected the collective from further harm [13, 14]. Such measures align with African peace and security frameworks, which prioritise communal survival over individual autonomy.

6.1.2. Social Regulation Through Banishment and Ostracism

Banishment served as a major sanction for offenses that carried spiritual pollution or posed a continuing threat to communal safety. According to Nadel [5], offenders guilty of morally dangerous acts—such as sacrilege or persistent violence—could be expelled from the community. Ostracism, a milder variant, was used for kinship violations including incest or breaches of marriage norms. These exclusionary practices embodied the African belief that wrongdoing disrupts both social and spiritual equilibrium [1, 4]. By physically or socially removing the offender, the Nupe community sought to restore balance and avoid misfortune. This reflects Restorative Justice Theory's concern with repairing the moral order rather than purely punishing the individual.

6.1.3. Restitution (*Gyara*) and the Logic of Moral Repair

Restitution—known in Nupe as *gyara*—was the most widely used form of punishment. Offenders compensated victims through the return of stolen goods, payment in livestock, or provision of farm produce. This system reflects the core of Restorative Justice Theory, which emphasises repairing harm, restoring relationships, and reintegrating offenders [12, 11]. African legal scholars note that restitution is central to indigenous justice systems across the continent because it re-

stores dignity to victims and rebuilds trust [3]. Among the Nupe, *gyara* ensured that wrongs were corrected in ways that strengthened communal bonds rather than breaking them.

6.1.4. Community Service and Reintegration

For minor offenses, offenders performed community service such as cleaning communal spaces, repairing public structures, or assisting elders. This approach reinforced responsibility and encouraged reintegration rather than exclusion. Salihu [7] notes that Nupe elders applied such sanctions to strengthen the offender's sense of belonging and ensure that discipline contributed to community development. The practice also aligns with African philosophies of social cohesion, where correction aims to rebuild moral character through service to others.

6.1.5. Mediation, Arbitration, and Communal Conflict Resolution

Traditional Nupe justice relied heavily on mediation and arbitration by elders, chiefs, or family heads. Disputes were resolved through dialogue, apology, and consensus [5, 7]. This reflects broader African principles of conflict resolution in which social harmony is prioritised over litigation [21]. Mediation helped prevent escalation, preserved family relationships, and embodied Restorative Justice Theory's emphasis on inclusive decision-making. By involving the community in dispute resolution, the Nupe reinforced collective responsibility and strengthened the communal conscience.

6.1.6. Spiritual Sanctions and Divine Accountability

Many offenses were believed to offend ancestral or supernatural forces. Desecration of sacred objects or shrines invoked spiritual punishment unless rituals of purification were performed [5]. This spiritual dimension reflects African cosmologies where moral wrongdoing disrupts ancestral harmony and must be corrected through ritual [2, 22]. The pre-Islamic institution of *Ndakogboiya*, where a masked figure publicly exposed misconduct, combined spiritual power with social regulation [16]. The threat of divine punishment reinforced honesty and discipline, strengthening indigenous security systems by making moral behaviour a sacred obligation.

6.1.7. Oath-taking and Truth Verification

Oath-taking played a critical role in dispute resolution, especially in complex cases where evidence was unclear. Individuals swore before sacred objects, believing that falsehood would bring supernatural punishment. This mirrors practices documented in several African societies, where oaths serve as instruments of truth-verification grounded in sacred authority [4]. Among the Nupe, oaths helped resolve disputes swiftly and deterred false accusations, thereby enhancing community trust and stability.

6.1.8. Divination as a Tool for Resolving Hidden Crimes

When crimes such as theft could not be resolved through ordinary means, diviners were consulted. Acting as intermediaries between the physical and spiritual worlds, diviners identified offenders and clarified unresolved matters [5]. This practice reflects indigenous African jurisprudence in which spiritual insight complements social reasoning [13]. Divination strengthened communal confidence in justice systems and ensured that hidden crimes did not undermine peace.

Across these findings, traditional Nupe punishment emerges as a holistic system grounded in restoration, moral repair, and communal security. Restitution, mediation, community service, and spiritual sanctions all worked together to maintain harmony and prevent recurring conflict. This approach aligns closely with Restorative Justice Theory, which views justice as a process of healing, accountability, and reintegration [12, 11]. It also reflects African philosophies of peace, where justice is inseparable from spiritual balance, social cohesion, and collective well-being [1, 2].

The Nupe system demonstrates that African societies developed sophisticated and effective mechanisms for conflict resolution long before colonial legal systems were imposed. These findings affirm the value of indigenous justice models not only as historical traditions but as potential tools for contemporary peacebuilding and community-based corrections.

6.2. Causes of Punishment in Traditional Nupe Society

6.2.1. Preserving the Common Good and Social Stability

One of the central causes of punishment in traditional Nupe society was the safeguarding of the common good. Nupe communities operated on a deeply communal worldview where individual actions were believed to have ripple effects on the entire society. An offense was considered a disruption of *tswu-eba*—the collective peace and moral order—placing the wellbeing of all at risk. Nadel [5] notes that the Nupe perceived society as an interconnected moral organism in which wrongdoing by one member threatened the stability of the whole. This view mirrors the wider African philosophical position that emphasises the primacy of communal harmony and interdependence over individual autonomy [1, 2]. Thus, punishment emerged as a corrective response aimed at re-establishing order, protecting social cohesion, and ensuring that no individual's misconduct jeopardised collective survival.

6.2.2. Restoring Harmony After Social Infractions

Another major cause of punishment was the need to restore harmony following minor or moderate offenses. Theft, adul-

tery, fighting, and land disputes were seen as relational disturbances that fractured unity within families and lineages. Restitution—such as returning stolen items with additional compensation in goats, chickens, or local brew—served as a central restorative mechanism designed to mend broken relationships and remove resentment. Salihu [7] explains that compensation in Nupe land was less about economic value and more about symbolic restoration of trust. This practice aligns with broader restorative justice traditions in Africa, where compensation and reconciliation are used to repair social bonds and prevent cycles of retaliation [21, 12]. In this way, the cause of punishment was not merely the wrongdoing itself but the imperative to heal the social fabric disrupted by such actions.

6.2.3. Formal Judgment for Serious Moral and Spiritual Threats

Serious crimes such as murder, treason, sacrilege, and magico-religious offenses were punished because they posed existential threats to the moral and spiritual foundations of Nupe society. These acts were believed to provoke ancestral displeasure and potentially invite calamity upon the entire community. Nadel [5] documented that violations involving bloodshed, desecration of shrines, or attempts to manipulate spiritual forces were treated with utmost gravity, often requiring ritual cleansing or even capital punishment. This pattern closely resembles other African societies in which grave offenses are understood to pollute not just the social world but the spiritual universe, necessitating decisive communal response [4, 22]. Thus, the cause of punishment in these cases stemmed from the need to protect the community from metaphysical danger and restore spiritual equilibrium.

6.2.4. Property, Personal, and Public Conduct Violations

Everyday offenses against property, persons, and public morality were also major triggers of punishment. Theft disrupted trust and communal sharing and therefore required both restitution and public accountability. Fighting threatened inter-family relations and demanded symbolic compensation to reaffirm peace between rivals. Adultery violated marital and lineage boundaries, calling for livestock forfeiture to restore the injured party's dignity. These findings resonate with broader African legal norms in which offenses against property, marriage, and social etiquette are treated as threats to group cohesion rather than private disputes [23]. Thus, the motivation for punishment lay in preventing relational breakdown and maintaining moral discipline.

6.2.5. Land Encroachment and Protection of Lineage Rights

Land encroachment was a significant cause of punishment because land symbolised lineage identity, survival, and territorial legitimacy. Offenders were compelled to surrender the

disputed land and provide additional compensation to restore territorial harmony. Fortes [3] emphasises that in many African societies, land disputes endanger not only economic stability but lineage continuity. Among the Nupe, therefore, punishment for land offenses aimed to prevent inter-clan violence and preserve heritage boundaries. The underlying cause of punishment was the protection of ancestral land rights and the maintenance of long-term community stability.

6.2.6. Magico-religious Offenses and Fear of Spiritual Repercussions

Offenses involving sorcery, witchcraft, or spiritual manipulation represented some of the most serious triggers for punishment. These infractions were believed to carry hidden dangers that could unleash misfortune, illness, or death across the community. Scholars argue, witchcraft accusations often reflected deeper political tensions, social fears, and moral anxieties. In Nupe society, the cause of punishment in such cases was therefore twofold: first, to neutralise the perceived spiritual threat; and second, to reaffirm communal morality by demonstrating intolerance for practices viewed as destructive [5, 13]. Punishment served as a protective mechanism, shielding the community from unseen malevolent forces.

6.2.7. Africana Synthesis: Why Punishment Was Necessary

Across all categories of wrongdoing, the causes of punishment in Nupe society reflect foundational principles of Africana justice. Wrongdoing is understood as a disruption of relationships, morality, and spiritual order. Justice aims to repair these disruptions rather than merely punish the individual. In this sense, the causes of punishment were embedded in a cultural logic that prioritised:

- the protection of communal peace,
- the restoration of dignity and trust,
- the preservation of moral and spiritual balance, and
- the long-term security of the lineage and the community.

This is directly aligned with Restorative Justice Theory, which emphasises repairing harm, rebuilding relationships, and reintegrating offenders [12, 11]. Traditional Nupe punishment practices demonstrate that indigenous African justice systems were highly functional, culturally grounded, and organised around peace, social stability, and communal responsibility.

6.2.8. Effectiveness of Traditional Nupe Punishment

(i). Punishment as a Tool for Moral Instruction and Social Discipline

Punishment functioned effectively in traditional Nupe society because it was fundamentally educational rather than merely punitive. Each sanction—whether a fine, public apology, or corporal punishment—served to teach a lesson, deter future wrongdoing, and reinforce collective norms. Nadel [5] notes that the Nupe viewed misconduct as a moral failure that re-

quired correction through social mechanisms designed to realign the offender with communal expectations. Public shame, in particular, acted as a powerful internal regulator; disgrace before the community often carried more weight than physical pain. This emphasis on moral education aligns closely with the restorative justice principle that genuine reform occurs when offenders understand the harm they have caused and actively work to repair it [12].

(ii). Strengthening the Authority of Traditional Institutions and Elders

Traditional Nupe justice was highly effective because it relied on respected institutions that the community trusted. The family unit served as the primary site of correction, with elders mediating disputes and determining appropriate sanctions. At broader levels, village heads, district authorities, and the Etsu Nupe exercised considerable moral and political authority, ensuring that justice decisions carried legitimacy and broad acceptance [7, 16]. Elders were revered not only for age but for wisdom, fairness, and spiritual understanding. Their involvement ensured that punishment was not arbitrary but guided by cultural principles, communal values, and the goal of reconciliation. This institutional legitimacy reinforced social order by ensuring widespread compliance and preventing disputes from escalating into violence.

(iii). Restoring Harmony and Preventing Long-term Conflict

Punishment in Nupe society was not designed to humiliate permanently or exclude offenders but to restore harmony. Restitution, apologies, and mediated reconciliation aimed to repair damaged relationships and prevent cycles of retaliation. Scholars of restorative justice argue that such resolution-focused processes are more effective in preventing future conflict than punitive responses that may leave resentment unresolved [11]. In the Nupe context, compensation through livestock or local brew symbolised restored relations, while communal dialogue allowed grievances to be openly expressed and resolved. This emphasis on reconciliation ensured that peace was not only restored but strengthened.

(iv). Spiritual Protection and Social Security

A unique strength of the Nupe justice system was its integration of spiritual beliefs into sanctions. Offenses involving taboos, sacred spaces, or religious prohibitions required ritual cleansing to prevent misfortune from befalling the entire community. As described by Nadel [5], the Nupe believed that wrongdoing could provoke ancestral displeasure or spiritual disruption unless properly addressed. Such rituals ensured community-wide security and reinforced the idea that justice protected both the physical and spiritual dimensions of life. This holistic understanding of security—where peace involves harmony with both humans and the unseen world—is characteristic of Africana jurisprudence [2, 22].

(v). Public Accountability as Effective Deterrence

Punishment was often carried out publicly, serving as a communal lesson in acceptable behaviour. Public exposure, mockery, or forced confession not only corrected the offender but reinforced collective norms for all who witnessed the process. Research in African traditional justice systems show that public accountability often has stronger deterrent effects than imprisonment, because it directly affects one's social identity and communal belonging [23]. In Nupe society, the fear of community shame ensured that members internalised moral norms and avoided behaviours likely to tarnish their reputation or bring dishonour to their kin.

(vi). Reintegration and Long-term Social Stability

One of the clearest signs of the system's effectiveness is its commitment to reintegration. Once restitution was made or cleansing rituals performed, offenders were accepted back into the community without long-term stigma. This avoided the social exclusion that modern punitive systems often produce. Reintegration is a core strength of restorative justice models, which hold that stable communities are built through healing rather than alienation [12]. Among the Nupe, successful reintegration strengthened relationships, reduced recidivism, and reinforced social solidarity.

(vii). Relevance to Contemporary Community-based Corrections

The effectiveness of traditional Nupe punishments helps explain their continuity in contemporary times. Modern community-based corrections-probation, community service, and mediation-mirror the practices of restitution, social supervision, and reintegration that characterised Nupe justice [24, 25]. Both systems seek to keep offenders within their communities where they can repair harm, learn from elders, and contribute positively. The similarities reveal that what appears to be modern penal innovation is, in many respects, a continuation of indigenous African justice philosophy. This suggests that traditional systems remain relevant for Nigeria's contemporary justice challenges, particularly overcrowded prisons and increasing urban conflict.

The findings reveal that punishment in traditional Nupe society was highly effective because it operated as a holistic and culturally grounded system anchored in communal values. Its strength derived first from the social legitimacy of traditional institutions. Elders, lineage heads, community leaders, and the Etsu Nupe commanded deep respect, and their authority ensured that sanctions were accepted as fair and morally binding. This legitimacy fostered obedience and reinforced the stability of the justice process.

Equally important was the moral educational function of punishment. Sanctions such as public shame, apology, and restitution were designed to correct behaviour by appealing to the offender's sense of dignity and responsibility. The emphasis on moral instruction ensured that punishment did not

simply penalise but transformed the individual, reducing the likelihood of repeat offenses. Punishment was also effective because it prioritised the restoration of relationships. By requiring compensation and reconciliation, the system prevented cycles of revenge and ensured that disputes did not escalate into long-term hostility. This restorative ethic reinforced social cohesion and protected the delicate balance among families and lineages.

Another vital dimension was the spiritual function of punishment. Wrongdoing was believed to threaten not only human relationships but also the spiritual order, potentially attracting misfortune or ancestral displeasure. Ritual cleansing and taboos therefore served to protect the community from spiritual harm, adding a compelling metaphysical motivation for compliance with social norms. The public nature of many punishments further strengthened deterrence. Communal observation of sanctions reinforced shared values and reminded everyone of the consequences of deviance, contributing to a culture of accountability.

Finally, the emphasis on reintegration ensured that offenders were not alienated after punishment. Once restitution was made or cleansing rituals completed, individuals were welcomed back into communal life without lasting stigma. This approach reduced marginalisation and promoted long-term social stability. Together, these elements demonstrate that traditional Nupe punitive practices were highly sophisticated systems of peace-building, moral governance, and communal security. They reflect core principles of African justice and align closely with the restorative justice framework, emphasising healing, reintegration, and collective responsibility over retribution.

6.3. Negative Effects of Punishments in Traditional Nupe Society

6.3.1. Physical Suffering and Bodily Harm

Although traditional Nupe punishments were intended to maintain order and discipline, many practices carried significant physical risks. Corporal sanctions-such as beating, flogging, or forced physical restraint-could leave the offender with bruises, welts, and sometimes long-term injuries. More severe cultural practices, including punitive scarification such as *efidan*, often involved deep incisions made with unsterilised tools, exposing individuals to tetanus, severe bleeding, and life-threatening infections. These dangers became more pronounced in modern contexts, where traditional methods persist but without the ritual expertise or hygienic procedures that historically reduced risk. From a restorative justice perspective, such practices contradict the principle that sanctions should repair harm, not inflict further physical damage. Where punishment leads to bodily suffering, the justice process shifts away from restoration toward retribution.

6.3.2. Psychological and Emotional Consequences

The psychological impacts of harsh punitive measures are

equally significant. Fear-based discipline, public humiliation, and violent correction can create deep emotional trauma, manifesting in anxiety, depression, aggression, and chronic low self-esteem. Individuals subjected to public shaming rituals, especially children or youths, often internalised a sense of worthlessness or social rejection. In contrast to restorative justice principles, which emphasise healing and reintegration, such experiences can erode the offender's connection to the community and weaken trust in elders or authority figures. Instead of fostering reconciliation, the psychological burden may lead to long-term resentment or social withdrawal.

6.3.3. Health Risks and Complications

Traditional Nupe punishments sometimes involved the use of herbal substances or ritual incisions believed to cleanse spiritual impurity or ward off harmful forces. However, these procedures, when performed without sterile equipment, expose individuals to infections, renal complications, and blood-borne diseases. The modern health risks are amplified by the decline of trained traditional practitioners and the replacement of sacred ritual contexts with improvised methods. These outcomes reveal a tension between cultural continuity and contemporary health standards. From a restorative justice standpoint, punishment that endangers the offender's health contradicts the principle of promoting communal well-being and safety.

6.3.4. Reinforcement of Harmful Sociocultural Beliefs

Some punitive practices persist not because they remain effective, but because cultural beliefs around obedience, masculinity, and discipline reinforce their legitimacy. The normalisation of physical punishment as a corrective tool perpetuates cycles of violence, as younger generations internalise harm as a legitimate means of resolving conflict. This contradicts Africana philosophical traditions—such as ubuntu and *ijiriji*—which emphasise human dignity, communal belonging, and relational ethics. Restorative justice theory further posits that punishment should encourage dialogue and responsibility, not instill fear or reproduce violence. Thus, cultural norms that valorise pain as a teaching tool undermine restorative principles and weaken social trust.

6.3.5. Distortion of Traditional Practices in Modern Contexts

Some practices originally rooted in identity, protection, or spiritual symbolism—such as scarification—have become distorted when applied as punitive measures without their proper ritual context. Historically, such markings served as cultural identifiers or rites of passage. When repurposed as punishment using unsafe tools or by untrained individuals, these practices lose their meaning and become sources of harm rather than cultural pride. This erosion reflects broader shifts

where colonial disruption and modernisation weaken the ritual frameworks that once regulated indigenous justice. Restorative justice theory emphasises that cultural practices must align with human dignity and communal repair; once a ritual becomes harmful or coercive, it ceases to serve justice and becomes counterproductive.

6.3.6. Implications for Restorative Justice and Africana Peacebuilding

While traditional Nupe punishment was historically effective in maintaining order, its harmful forms highlight the need for critical re-evaluation within a restorative and Africana peacebuilding framework. The physical, psychological, and health-related risks show that not all customary sanctions align with restorative justice principles of healing, reintegration, and dignity. Moreover, harmful punitive norms undermine community cohesion—the very foundation indigenous justice seeks to protect. In line with Africana philosophies of moral repair, social harmony, and communal accountability, a restorative reinterpretation of Nupe punishment emphasises reconciliation, compensation, dialogue, and emotional healing rather than physical suffering. This aligns with contemporary peace and security frameworks that prioritise non-violent conflict resolution. Thus, while traditional Nupe justice contains valuable restorative elements, practices that inflict harm need transformation to meet modern human-rights standards and to remain consistent with the community-centered spirit of restorative justice.

7. Conclusion

The study reveals that punishment in traditional Nupe society was not an arbitrary exercise of power but a culturally grounded system aimed at maintaining harmony, restoring relationships, and safeguarding community peace. Guided by principles of reparation (*gyara*), arbitration, social shame, and spiritual accountability, the Nupe justice model functioned as a holistic mechanism that balanced individual responsibility with collective well-being. Rather than isolate or stigmatise offenders, traditional sanctions sought to reintegrate them into the community and repair broken social bonds. This aligns strongly with Restorative Justice Theory and broader Africana philosophies of social healing, relational balance, and communal ethics.

However, the study also highlights the harmful aspects of some punitive practices, particularly those leading to physical injury, psychological trauma, and health risks when enacted outside their original ritual frameworks. These distortions illustrate how colonial disruption, modernisation, and erosion of traditional authority have weakened the moral regulation that once governed indigenous practices. In this context, a decolonial lens becomes essential—not to romanticise the past, but to critically recover and refine traditional systems that promote peace, moral accountability, and social cohesion.

Decolonisation, in this setting, means restoring confidence in indigenous justice methods that were delegitimised under colonial rule, while simultaneously reforming harmful elements to align with contemporary human dignity standards. The Nupe system demonstrates that indigenous African justice is neither primitive nor obsolete; it offers sophisticated models of reconciliation and community governance that can contribute meaningfully to modern justice reforms. Reclaiming these traditions strengthens local identity, enhances community security, and fills the widening gaps left by over-stretched formal legal systems.

8. Recommendations

In light of the findings of this study, it is recommended that the restorative foundations of traditional Nupe punishment be revived and strengthened as part of a broader effort to decolonise justice practices in Nigeria. The principles of *gyara* reparation and restitution should be formally incorporated into contemporary conflict-resolution structures, as they offer humane and culturally grounded alternatives to imprisonment and other punitive measures. Emphasising dialogue, compensation, and reconciliation would help restore relationships and reduce the growing burden on Nigeria's formal justice system.

Another important step involves empowering traditional rulers and community elders, who historically served as custodians of peace and mediators of conflict. Providing them with training in modern mediation, restorative justice, and human-rights standards would enable them to address present-day disputes while preserving the integrity of indigenous knowledge systems. Strengthening these institutions not only restores confidence in traditional governance but also ensures that cultural values remain central to community justice.

A hybrid model that harmonises traditional and modern systems should also be pursued. Rather than replacing indigenous methods with colonial legal frameworks, a complementary approach—where minor civil disputes and interpersonal conflicts are handled traditionally, while serious crimes remain under formal courts—would provide a more balanced, efficient, and culturally sensitive justice process. This kind of integration reflects a decolonial mindset that respects local agency and recognises the legitimacy of indigenous governance philosophies.

At the same time, it is essential to reform aspects of traditional punishment that may be harmful or inconsistent with contemporary ethical standards, such as practices that risk physical injury or psychological harm. These reforms must be driven by communities themselves through consultations with elders, women, youth, and religious leaders to ensure cultural continuity while safeguarding human dignity.

The preservation and documentation of Nupe traditional justice practices should also be prioritised. Because much of Nupe customary law exists in oral form, systematic recording by scholars, cultural institutions, and community historians is

necessary to protect this knowledge from erosion. Such documentation would serve as a valuable reference for future justice reforms and help counter the historical marginalization of African systems of knowledge.

Finally, the promotion of community engagement and peace education rooted in Nupe cultural values is crucial. When communities actively participate in resolving conflicts and supporting restorative processes, social cohesion is strengthened and cycles of retaliation are reduced. These culturally grounded approaches demonstrate that sustainable peace is best built not through punitive measures alone but through shared responsibility, collective healing, and recognition of indigenous wisdom.

Author Contributions

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Conflicts of Interest

The authors declare no conflicts of interest.

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