

Performing Justice or Alienating the People? Cultural Symbols, Courtroom Rituals, and Justice Delivery in Nigeria.

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Abstract

The aim of this study was to examine how courtroom symbols, rituals, language, and procedures influence public perceptions of justice in Nigeria, particularly within the context of the country's plural legal and cultural environment. Drawing on the theories of legal pluralism and critical social analysis, the study explores the extent to which inherited colonial courtroom practices affect public engagement with the justice system and whether culturally responsive alternatives can enhance perceptions of fairness and legitimacy. The research was conducted at Delta State University, Agbor, and involved participants from six ethnic groups in Delta State: Urhobo, Itsekiri, Ijaw, Isoko, Ukwuani, and Anioma. Using an experimental and participatory approach, performing arts students, assisted by law students, staged three mock courtroom models representing colonial, hybrid, and indigenous systems of justice. Community members observed the performances and provided feedback on their experiences and perceptions. The findings indicate that courtroom design and legal performance significantly shape public attitudes towards justice. The colonial model, characterised by wigs, robes, formal English, and rigid procedures, was generally perceived as distant, intimidating, and culturally alienating. In contrast, the indigenous model was viewed as more accessible, participatory, and culturally meaningful, generating stronger perceptions of trust and fairness. While the hybrid model was positively received for combining formal legal standards with local customs, participants noted that it retained some exclusionary features associated with colonial legal traditions. The study concludes that justice delivery in Nigeria can be strengthened through the incorporation of culturally familiar practices, local languages, and community-responsive procedures. Such reforms would promote a more inclusive, accessible, and legitimate justice system while preserving fundamental legal principles.

Keywords: Justice Reform; Courtroom Symbols; Cultural Legitimacy; Indigenous Legal Systems; Procedural Fairness; Nigeria

1. Introduction

Courts are commonly perceived as institutions in which legal disputes are resolved through the objective application of rules and precedents. However, contemporary jurisprudence increasingly

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recognises that litigation is also a process of narrative construction. Legal disputes are presented to adjudicators as competing stories, each carefully crafted to establish a particular version of facts, responsibility, and justice. As James Boyd White observes, law is fundamentally a rhetorical enterprise in which meaning is created through language, persuasion, and interpretation rather than through rules alone.³ Likewise, Robert Cover argues that legal systems derive their authority from the narratives that give normative meaning to legal texts and institutions.⁴ Litigation, therefore, is not merely a contest over legal principles but also a contest between narratives seeking acceptance and legitimacy. The narrative character of law is particularly evident in jury-based systems, where lawyers must construct persuasive accounts capable of resonating with jurors drawn from diverse social, cultural, and educational backgrounds. The process of jury selection itself reflects the recognition that perceptions of credibility, truth, and fairness are shaped by lived experience and cultural identity. Consequently, legal advocates often adapt their presentation of facts to audiences whose understanding of justice extends beyond formal legal doctrine. Amsterdam and Bruner describe this process as the strategic construction of legal stories designed to make particular interpretations of events appear both plausible and compelling.⁵

Although Nigeria operates predominantly under a judge-centred system, courtroom proceedings remain deeply performative. Judges, lawyers, litigants, and witnesses participate in a ritualized setting structured by inherited symbols, language, and conventions.⁶ Judicial wigs, robes, formal English, and ceremonial procedures continue to serve as markers of authority within the Nigerian legal system.⁷ This issue assumes particular significance in Agbor, Delta State, where the coexistence of Urhobo, Itsekiri, Ijaw, Isoko, Ukwuani, and Anioma communities create a culturally diverse social environment.⁸ In such a context, the legitimacy of

³ J B White, *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law* (University of Wisconsin Press 1985) 168–172.

⁴ R M Cover, 'Nomos and Narrative' (1983) 97 *Harvard Law Review* 4, 4–11.

⁵ A G Amsterdam and J Bruner, *Minding the Law* (Harvard University Press 2000) 110–145.

⁶ N C Onuorah, 'Colonial Heritage and the Contemporary Nigerian Legal System: A Critical Appraisal' (2019) 10 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 1.

⁷ C Okpaluba, 'Symbolism and Legitimacy in African Courtrooms: A Postcolonial Reading' (2018) 5 *African Journal of Legal Studies* 45

⁸ O Omoigberale 'Beyond the Rhetorics of Participation: Deconstructing Power and Social Justice in Localised Development Interventions in Nigeria' (2025) 1, 7.

legal institutions may depend not only on the correctness of judicial outcomes but also on whether courtroom rituals and symbols resonate with the cultural experiences of court users.⁹

2. Literature Review

2.1. Understanding Law as a Performance

When people think about law, they often see it as a set of written rules and statutes. However, many scholars now view law as something that is not only written but also performed. This perspective comes from performance theory. One of its leading thinkers, Judith Butler, introduced the idea of “performativity” to explain that identities, such as gender, are not fixed but are created and reinforced through repeated actions. This concept has since been applied to law, showing how legal processes are performed through the actions of those involved. Courtrooms, for example, can be seen as theatrical spaces where judges, lawyers, and litigants each play defined roles.¹⁰

Richard Sherwin describes the courtroom as a stage where the legal process is dramatized.¹¹ He suggests that legal arguments, cross-examinations, and even the way evidence is presented are part of a theatrical display designed to convey legitimacy and authority. Peter Goodrich goes further to argue that law uses emotional performances to assert its power.¹² In Nigerian courtrooms, especially in places like Agbor, this performance is often rooted in colonial legacies that may not match local customs, making the whole legal process feel alien to the average person. Erving Goffman’s work on social interaction gives us useful tools for analysing this. He believed that everyday life is like a stage, and people behave based on the roles they play.¹³ In the courtroom, the judge is expected to perform neutrality, lawyers act as aggressive orators, and even litigants play the role of respectful participants. The physical design of the courtroom, the scripted way lawyers speak, and even where people sit, all contribute to this legal drama. In Nigeria, these imported performances sometimes clash with local values and traditions - creating a disconnect between the law and the people it is supposed to serve.

⁹ Ifeanyi A Chukwudebelu, ‘Reconciling Cultural Values with Legal Principles: Traditional African Justice Systems in Contemporary Context’ (2024) 4(44) *Journal of Legal Subjects* 12, 18.

¹⁰J Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990).

¹¹ S Richard, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (University of Chicago Press 2000).

¹²P Goodrich, *Law in the Courts of Love: Literature and Other Minor Jurisprudences* (Routledge 1996).

¹³E Goffman, *The Presentation of Self in Everyday Life* (Anchor Books 1959).

2.2. Role of Rituals and Symbols in Courtrooms

Symbols and rituals form a major part of legal performance. In many courts, including those in Nigeria, judges wear wigs and robes, lawyers bow, people stand when the judge enters, and formal language is used. These are not just empty traditions. Scholars like Pierre Bourdieu argue that such rituals help law maintain its power by reinforcing respect and authority. In his view, people accept the law's legitimacy partly because of the way it presents itself through these rituals.¹⁴ This supports the view that legal rituals create a sense of sacred order and procedural formality that elevates the judiciary above everyday life.¹⁵ However, these rituals can also make people feel excluded. Marianne Constable points out that the language of the law formal, complex, and often archaic can create a distance between the legal system and ordinary citizens.¹⁶ This concern is especially relevant in multilingual societies where legal English becomes a barrier rather than a bridge. Bernard Hibbitts, similarly explains that legal rituals, such as the wearing of wigs and use of Latin phrases, carry historical meanings that may no longer resonate with the people subject to them.¹⁷ In Nigeria, many of these symbols were inherited from colonial rule and do not reflect the everyday realities of Nigerian society.¹⁸

The persistence of British-style court attire, for example, has been criticised as symbolic of the state's detachment from its people.¹⁹ Sheriff Bojang's article shows that the language used in courts, especially legal English, makes it difficult for many Nigerians to follow proceedings.²⁰ Even in lower courts where English is loosely applied, formal procedures still alienate ordinary users. Courtroom attire and practices often seem out of place, especially in rural and multi-ethnic areas like Agbor. People who do not understand the rituals may view the courtroom as an intimidating and foreign space, leading to a sense of powerlessness and

¹⁴B Pierre, 'The Force of Law: Toward a Sociology of the Juridical Field' (1987) 38 *Hastings Law Journal* 814.

¹⁵J Resnik and D Curtis, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (Yale University Press 2011) 8–12.

¹⁶M Constable, *The Law of the Other: The Mixed Jury and Changing Conceptions of Citizenship, Law, and Knowledge* (University of Chicago Press 1994) 20–21.

¹⁷B J Hibbitts, 'Coming to Our Senses: Communication and Legal Expression in Performance Cultures' (1992) 41 *Emory LJ* 873, 894.

¹⁸J A Yakubu, 'Colonialism, Customary Law and the Post-Colonial State in Africa: The Case of Nigeria' (2005) 30(4) *Africa Development* 201, 201–220.

¹⁹K Daniel, 'Wig and Gown in the Nigerian Legal System: A Necessity or Vestige of Colonialism' (Medium, 1 October 2021) <https://medium.com/@kodjovid/wig-and-gown-in-the-nigerian-legal-system> accessed 10 July 2025.

²⁰S Bojang Jr, 'Wigging Out: Africa's Last Wigs: Colonial Fashion in Modern Courts' *The Africa Report* (29 October 2025) <https://www.theafricareport.com/395925/africas-last-wigs-colonial-fashion-in-modern-courts/> accessed 10 July 2025.

disconnection.²¹ Recent media and public commentary have amplified calls for reform to make courts more culturally accessible.²²

2.3. Impact of Colonialism on Nigerian Law

Nigeria's legal system did not develop organically from local traditions. It was imposed during British colonial rule. As scholars like Falola and Heaton have shown, colonial authorities replaced indigenous dispute-resolution systems with their own court structures, laws, and legal language.²³ These changes were not neutral they were meant to control local populations and assert British dominance. Before colonialism, communities in Nigeria used various local systems to settle disputes. These included village councils, family elders, and customary courts. According to T.O. Elias, colonialism disrupted these traditional practices by imposing foreign legal norms.²⁴

This meant that after independence, Nigeria was left with a legal system that was not built around its people's values, languages, or customs. Mahmood Mamdani's work shows how colonialism created a dual legal system.²⁵ There were formal colonial courts for the elite and informal native courts for the rest. This division still affects Nigeria today, where modern courts continue to operate based on outdated colonial practices. Sally Engle Merry calls this process "legal modernity," where developing countries adopt Western laws that are seen as modern, even if they don't work well in local contexts.²⁶ This colonial legacy continues to shape the legal environment in Nigeria. The persistence of wigs, Latin terms, and British-style courtroom behaviour shows how deep this influence runs. These symbols may have worked in Britain, but in Nigeria they often seem alien and confusing, especially to people in places like Agbor, who come from diverse ethnic and linguistic backgrounds.

²¹ A Ochojila, 'Debate over Traditional Wig Wearing by Judges, Lawyers' *The Guardian* (Abuja, 28 March 2023) <https://guardian.ng/news/debate-over-traditional-wig-wearing-by-judges-lawyers> accessed 10 July 2025.

²² S A A Safo, 'How African Courts Glorify Colonialism with Wigs and Gowns' (Face2Face Africa, 9 June 2019) <https://face2faceafrica.com/article/how-african-courts-glorify-colonialism-with-wigs-and-gowns> accessed 10 July 2025.

²³ T Falola and Matthew Heaton, *A History of Nigeria* (Cambridge University Press 2008).

²⁴ T O Elias, *The Nature of African Customary Law* (Manchester University Press 1956).

²⁵ M Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton University Press 1996).

²⁶ S E Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (University of Chicago Press 2006).

2.4. When Law Feels Foreign to the People

When people feel that the legal system is distant or does not represent their values, they experience what scholars call cultural alienation. Carol Greenhouse has argued that law feels foreign when it is disconnected from the local community.²⁷ According to Chidi Odinkalu, when people see courts as being only for the elite, they lose faith in the system and may resort to informal or even violent means to resolve disputes.²⁸ This is dangerous because it undermines the rule of law and can increase social tensions. Hazel Genn's influential empirical study challenges the assumption that formal courts naturally constitute the primary avenue through which citizens seek justice. Drawing on extensive research into how ordinary people respond to legal problems, Genn found that many individuals perceive courts as expensive, intimidating, time-consuming, and procedurally complex institutions. As a result, disputes are frequently resolved through informal means such as negotiation, mediation, community intervention, or are simply abandoned altogether. Her findings suggest that access to justice depends not merely on the formal availability of legal institutions but also on how those institutions are perceived by the public. In this regard, courtroom rituals, symbols, language, and ceremonial practices may contribute to a sense of distance between courts and the communities they serve, thereby discouraging engagement with the formal justice system.²⁹

However, the proposition that courtroom formality necessarily alienates citizens is contested. Scholars of procedural justice and judicial legitimacy argue that legal rituals and symbols perform important institutional functions. Tyler contends that public acceptance of legal authority depends significantly on perceptions of fairness, neutrality, dignity, and respect during legal proceedings rather than solely on the outcomes reached.³⁰ From this perspective, courtroom formality may enhance confidence in the justice system by communicating impartiality and reinforcing the perception that disputes are resolved according to established legal principles rather than personal discretion. Judicial robes, formal modes of address, and ceremonial procedures may therefore serve as visible manifestations of the rule of law rather than barriers to participation.

²⁷C Greenhouse, *Law and Community in Three American Towns* (Cornell University Press 1994).

²⁸C A Odinkalu, 'Poor Justice for the Poor in Nigeria' (2004) 1 *Human Rights Law Review* 17.

²⁹H Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart Publishing 1999).

³⁰T R Tyler, *Why People Obey the Law* (Princeton University Press 2006).

Similarly, Resnik and Curtis argue that judicial architecture, iconography, and ceremonial practices embody and communicate fundamental democratic values, including equality before the law, impartiality, and public accountability.³¹ Empirical research by Gibson, Lodge, and Woodson further suggests that symbols of judicial authority can increase public willingness to accept judicial decisions, even where those decisions are unfavourable to individual litigants.³² Consequently, while critics regard courtroom rituals as potentially exclusionary and culturally alienating, defenders maintain that such practices help preserve the dignity, legitimacy, and authority of the judicial process. The debate therefore raises an important question for contemporary justice systems: whether judicial symbolism functions primarily as a barrier to access or as a necessary mechanism for cultivating public trust in the administration of justice.

2.5. What People Think About Justice in Diverse Communities

Justice is not only about winning or losing a case. It is also about whether people feel they were treated fairly. Tom Tyler's research shows that people value fair procedures even more than the outcome of a case.³³ However, fairness is not a one-size-fits-all idea; it depends on culture, language, and how people are treated in the legal process. In Nigeria, studies have shown that minority groups often feel marginalised by the legal system. Akin Ibidapo-Obe found that these groups sometimes feel that the court does not understand or represent them.³⁴ Language barriers, unfamiliar legal customs, and the use of colonial symbols all contribute to this problem.

In a place like Agbor, where there are multiple ethnic groups such as the Urhobo, Itsekiri, and Ijaw, this sense of exclusion can be even stronger. Oko Otu's research in southern Nigeria found that many people associate court rituals such as the judge's wig and the use of Latin, with colonial oppression.³⁵ This can make people suspicious of the court's neutrality. In such a context, the legal system becomes less effective because it is not seen as legitimate. In summary, when legal rituals and symbols are out of touch with local culture, they can alienate

³¹J Resnik and D E Curtis, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (Yale University Press 2011).

³² James L Gibson, Milton Lodge and Benjamin Woodson, 'Losing, but Accepting: Legitimacy, Positivity Theory, and the Symbols of Judicial Authority' (2024) 58 *Law & Society Review* 1.

³³ T R Tyler, *Why People Obey the Law* (Princeton University Press 2006).

³⁴ E Brems and C deKok, 'Human Rights Enforcement by People Living in Poverty: Access to Justice in Nigeria' (2010) 54(2) *Journal of African Law* 258.

³⁵R K Sherwin, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (University of Chicago Press 2000).

the people they are meant to serve. For justice to be truly accessible in Nigeria, especially in diverse communities like Warri, the legal system needs to reflect the cultural realities of the people.

2.6. When Courtroom Attire Becomes Masquerade

Masquerades occupy a central position within many African cultural and religious traditions. Far from being mere theatrical performances, they often function as visible manifestations of spiritual authority, ancestral presence, communal identity, and social regulation. Across numerous African societies, masks and masquerade performances serve as mediating institutions between the physical and spiritual worlds, embodying values, beliefs, and norms that guide communal life. In Nigeria, masquerade traditions such as the Yoruba *Egungun*, the Igbo *Mmanwu*, and the Efik *Ekpe* are deeply embedded within indigenous conceptions of authority and spirituality. Among the Yoruba, *Egungun* masquerades are widely regarded as symbolic representations of ancestral spirits whose periodic appearance reaffirms the continuing relationship between the living and the dead.³⁶ Their elaborate costumes, ritual performances, and public processions communicate the presence of ancestral authority and communal memory. Similarly, *Mmanwu* masquerades among the Igbo are associated with spiritual power, social control, and the enforcement of customary norms, while *Ekpe* institutions in the Cross River region historically combined ritual symbolism with political and judicial authority.³⁷

The significance of masquerades often evokes awe, reverence and fear, because they are perceived not merely as performers but as embodiments of forces that transcend ordinary human existence.³⁸ Consequently, courtroom attire such as wigs and gowns, inherited from the British legal tradition, may be interpreted through indigenous cultural frameworks rather than solely through their historical English origins. Within several Nigerian traditions, distinctive ceremonial dress often signifies the presence of authority that transcends ordinary social interactions. Traditional masquerades such as the Yoruba *Egungun*, the Igbo *Mmanwu*, and the Efik *Ekpe* are not merely performers or entertainers. They are embodiments of communal values, ancestral authority, and social regulation whose appearance often evokes awe, reverence, fear,

³⁶R Kalilu, 'The Role of Sculptures in Yoruba Egungun Masquerade' (1991) 22(1) *Journal of Black Studies* 15–29.

³⁷ O Asuquo, 'The Present Day Relevance of Ekpe Society/Masquerade to the Efiks of Nigeria' (2020) 7(2) *Journal Sosialisasi* 112–118; U Okpevra, 'The Mmonwu Masquerade of the Isoko and Ukwuani People: A Religio-Ritual Factor of Contact in the Western Niger Delta of Nigeria' (2018) 2(1) *Int. Review of Humanities Studies* 57–73.

³⁸ Max Gluckman, *Politics, Law and Ritual in Tribal Society* (Blackwell 1965) 119–134.

and respect. As Wole Soyinka notes, when how the law looks becomes more important than what it does, justice turns into “a masked ritual impressive, but inaccessible.”³⁹ Viewed through this cultural lens, the appearance of judges and lawyers in elaborate wigs and gowns may evoke similar associations. To many observers, legal officers may appear not simply as public officials but as custodians of a specialised and somewhat mysterious authority whose legitimacy derives from ritual, symbolism, and institutional tradition.

This symbolic resemblance raises important questions about the relationship between courtroom ritual and public perceptions of justice. One perspective suggests that the ritualised character of judicial proceedings may inadvertently alienate citizens from the legal system. Genn's empirical study demonstrates that many people perceive formal legal institutions as intimidating, inaccessible, costly, and procedurally complex, often preferring informal methods of dispute resolution or abandoning claims altogether.⁴⁰ In the Nigerian context, where visual symbolism carries significant cultural meaning, courtroom attire, formal modes of address, and elaborate ceremonial practices may reinforce perceptions of social distance between judicial institutions and ordinary citizens. The courtroom may therefore be experienced not merely as a civic space for the resolution of disputes but as a highly ritualised environment whose procedures appear opaque to non-lawyers. Such perceptions are particularly significant during election litigation, where public confidence depends not only on the correctness of judicial decisions but also on whether judicial processes appear accessible, transparent, and comprehensible to the wider public.

Conversely, the symbolism of the masquerade may not necessarily support a narrative of exclusion. In many African societies, masquerade institutions historically served important adjudicatory and regulatory functions. Their authority was not derived solely from fear or mystery but from their recognised role in maintaining communal order, resolving disputes, enforcing norms, and protecting collective values. Consequently, the comparison between judges and masquerades may be understood in a different light. Rather than symbolising alienation, courtroom ritual may represent a culturally intelligible form of legitimate authority. Legal anthropologists have long argued that ritual and symbolism are essential components of legal

³⁹Wole Soyinka, *Beyond Aesthetics: Use, Abuse, and Dissonance in African Art Traditions* (Cambridge University Press 2020).

⁴⁰ H Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart Publishing 1999).

institutions because they communicate continuity, authority, and legitimacy.⁴¹ Gluckman observes that ritual helps transform social conflict into structured adjudication, while Moore demonstrates that symbolic practices distinguish legal processes from ordinary social interactions and reinforce institutional authority.⁴² This alternative interpretation finds further support in Tyler's theory of procedural justice, which suggests that public acceptance of legal decisions depends less on substantive outcomes than on perceptions that legal authorities act fairly, impartially, and according to established procedures.⁴³ Judicial attire therefore performs an important constitutional function by separating the office from the individual and signalling that judicial decisions are governed by law rather than personal preference.

Similarly, Resnik and Curtis argue that legal symbols, architecture, and ceremonial practices communicate democratic values such as impartiality, equality before the law, judicial independence, and public accountability.⁴⁴ From this perspective, the resemblance between courtroom attire and traditional masquerade symbolism may enhance rather than diminish legitimacy because both rely upon visible representations of authority that command public respect. The relationship between courtroom symbolism and public trust is therefore inherently complex. The same wig and gown that one observer interprets as an exclusionary relic of colonial legal culture may be viewed by another as a necessary symbol of authority, neutrality, and institutional integrity. In the Nigerian context, where ritual symbolism remains deeply embedded within social life, courtroom attire may simultaneously generate perceptions of mystery and legitimacy, distance and trust, alienation and respect. The challenge for contemporary judicial institutions is therefore not whether symbolism should exist, but whether the symbols they deploy continue to resonate with the democratic aspirations and cultural experiences of the people in whose name justice is administered.

2.7. The Impact of Value-Detached Laws on Public Disconnection from Justice

A significant body of literature suggests that the legitimacy and effectiveness of a legal system depend not only on procedural fairness but also on the extent to which legal rules resonate with the moral values and social expectations of the communities they govern. Scholars of sociological jurisprudence, particularly Eugen Ehrlich, argue that the "living law" of a society

⁴¹S F Moore, *Law as Process: An Anthropological Approach* (Routledge & Kegan Paul 1978).

⁴²M Gluckman, *Politics, Law and Ritual in Tribal Society* (Blackwell 1965)

⁴³T R Tyler, *Why People Obey the Law* (Princeton University Press 2006).

⁴⁴J Resnik and D E Curtis, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms*

often exerts a greater influence on behaviour than formal legislation because it reflects the norms and values that people actually observe in their daily lives.⁴⁵ Similarly, legal pluralist scholars contend that in plural societies such as Nigeria, law derives much of its authority from its congruence with indigenous normative systems and customary practices.⁴⁶

In Nigeria, this debate is particularly relevant because statutory law frequently operates alongside customary and religious legal orders. Diala argues that non-state normative systems continue to enjoy considerable legitimacy because they are perceived as reflecting local values and social realities more effectively than some state laws.⁴⁷ Consequently, where formal legal rules appear detached from prevailing communal values, citizens may view the legal system as alien, externally imposed, or insufficiently responsive to their lived experiences. This perspective is often illustrated through the legal treatment of adultery. Under Nigeria's criminal law, adultery is generally not recognised as a criminal offence, except within certain contexts governed by Islamic law in some northern states. Yet many customary communities continue to regard adultery as a serious moral and social transgression capable of undermining family stability, communal trust, and social harmony. Historical studies of customary law in Nigeria demonstrate that adultery was traditionally treated as a wrong against both the family and the wider community, often attracting sanctions intended to restore social equilibrium.⁴⁸ The divergence between statutory law and customary perceptions has led some scholars to argue that the legal system occasionally fails to reflect values that many citizens consider fundamental to social order.

However, this position is strongly contested. Legal positivists reject the notion that the validity of law depends upon its conformity with prevailing moral values. Hart famously argued that there is no necessary connection between law and morality and that the validity of a legal rule depends on its recognition through accepted legal institutions rather than its moral content.⁴⁹ From this perspective, the legitimacy of Nigerian law should not be assessed solely by its consistency with customary beliefs but by its conformity with constitutional and statutory requirements. The debate was further developed through the Hart–Devlin controversy. Devlin

⁴⁵E Ehrlich, *Fundamental Principles of the Sociology of Law* (Walter L Moll tr, Harvard University Press 1936).

⁴⁶ John Griffiths, 'What is Legal Pluralism?' (1986) 24 *Journal of Legal Pluralism and Unofficial Law* 1.

⁴⁷ J C Diala, 'Normative Authority of Non-State Laws within Legal and Institutional Pluralism in Nigeria' (2020) 38(3) *Journal of Contemporary African Studies* 459.

⁴⁸ T O Elias, *The Nature of African Customary Law* (Manchester University Press 1956) 55–68.

⁴⁹ HLA Hart, *The Concept of Law* (3rd edn, Oxford University Press 2012).

maintained that society is entitled to use law to protect shared moral values because social cohesion depends upon a common moral foundation.⁵⁰ Hart, however, warned that allowing majoritarian morality to determine legal rules could threaten individual liberty and encourage the suppression of minority viewpoints.⁵¹ These competing perspectives remain influential in contemporary discussions concerning the relationship between law, morality, and social legitimacy.

Constitutional and human rights scholars similarly caution against measuring legal legitimacy exclusively by reference to community morality. Dworkin argues that legal systems must be guided by principles of justice and individual rights rather than fluctuating popular sentiments.⁵² In the Nigerian context, Oba notes that while customary and religious norms continue to play an important role in social regulation, they must operate within the framework of constitutional supremacy and fundamental rights guarantees.⁵³ Excessive reliance on customary values may therefore legitimise practices that conflict with constitutional protections of equality, dignity, and non-discrimination. The literature therefore reveals a fundamental conflict: On one hand, legal pluralists emphasise that laws detached from community values may struggle to command public respect and voluntary compliance. On the other hand, positivist and constitutional scholars maintain that the authority of law ultimately derives from its legal validity and consistency with constitutional principles rather than from popular moral approval. Nigeria's plural legal system illustrates this tension vividly, as statutory, customary, and religious norms continue to compete for legitimacy and influence within the administration of justice.⁵⁴

The failure to recognise and legally account for such culturally significant wrongs can alienate citizens who perceive formal law as irrelevant or even antagonistic to their value systems. This alienation can lead to a greater reliance on customary courts, religious tribunals, or even vigilante justice, especially in communities where statutory legal protections are seen as insufficient or culturally tone-deaf. For justice to be fully inclusive and legitimate in Nigeria, lawmakers and judicial institutions must engage more seriously with African jurisprudential thought, where law is not just about state authority but also about preserving social equilibrium,

⁵⁰ P Devlin, *The Enforcement of Morals* (Oxford University Press 1965).

⁵¹ HLA Hart, *Law, Liberty and Morality* (Oxford University Press 1963).

⁵² R Dworkin, *Law's Empire* (Harvard University Press 1986).

⁵³ A A Oba, 'Religious and Customary Laws in Nigeria' (2011) 25 *Emory International Law Review* 881.

⁵⁴ A O Enabulele and B O Bazuaye, 'Validity and Enforceability of Customary Law in Nigeria: Towards a Correct Delimitation of the Province of the Courts' (2019) 63(1) *Journal of African Law* 79.

communal identity, and moral accountability.⁵⁵ Ignoring these traditional principles can undermine public trust and foster long-term disillusionment with formal legal processes.

3. Methodology

This study adopted a mixed-method empirical research design. It combined both quantitative and qualitative techniques to explore how courtroom rituals especially those inherited from British colonial traditions affect people's feelings, understanding, and trust in the justice system. We used ethno drama, which is a type of performance-based research. Here, courtroom processes were acted out as mock trials to allow participants to observe and respond naturally. This approach draws inspiration from Erving Goffman's performance theory⁵⁶ and Judith Butler's idea of performativity.⁵⁷ The main focus was to see how symbols like wigs, gowns, courtroom language, and courtroom arrangement shape the way justice is perceived. The research was carried out at the University of Delta, Agbor. This institution was chosen for two major reasons. Firstly, the university is home to a diverse student population representing the six major ethnic groups in Delta State: Urhobo, Isoko, Itsekiri, Ijaw, Ukwuani, and Anioma. This diversity made it suitable for studying how people from different cultural backgrounds interact with courtroom rituals. Secondly, the university's Department of Performing Arts has a fully functional theatre hall, which made it possible to stage realistic mock trials. The theatre created a perfect setting for simulating courtroom experiences and collecting feedback from student participants.

Sampling Techniques

We used a combination of purposive and stratified sampling. Purposive sampling helped us select students who were not studying law, to avoid professional bias. Stratified sampling ensured that each ethnic group in Delta State was represented fairly. A total of 90 students were selected and divided into three equal groups of 30. Each group watched one of the three different courtroom scenarios: (A) Colonial, (B) Hybrid, and (C) Indigenous. To act out the trials, 12 students from the Department of Performing Arts were recruited. They played the roles of judges, lawyers, litigants, and witnesses. All actors followed the same legal storyline, but the courtroom symbols, language, and attire were varied for each scenario. The authors employed three main

⁵⁵O Adewoye, *The Judicial System in Southern Nigeria, 1854–1954: Law and Justice in a Dependency* (Longman 1977).

⁵⁶E Goffman, *The Presentation of Self in Everyday Life* (Anchor Books 1959).

⁵⁷R Schechner, *Performance Studies: An Introduction* (Routledge 2013).

tools for data collection: structured questionnaires, participant observations, and semi-structured interviews. The questionnaires were designed using a 5-point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree). Participants rated how clear, comfortable, and trustworthy each trial scenario felt to them. During the performances, researchers observed students' reactions including body language, attention level, and emotional response. After each session, ten students from each group (30 total) were interviewed to get deeper personal views about what they experienced and felt.

Data Analysis Methods

Quantitative data from the questionnaires were analysed using simple statistics like averages and percentages. This helped us summarise trends across the three groups. Qualitative responses from interviews were analysed thematically using NVivo 12 software. Responses were grouped under key themes such as emotional comfort, clarity of language, connection to culture, and sense of fairness. By combining numbers and narrative insights, we could better understand not just what participants felt, but why they felt that way.

Ethical Considerations

Ethical approval was granted by the University of Delta's Research Ethics Committee. All participants gave informed consent after being briefed on the purpose of the study. Participation was voluntary and students were allowed to withdraw at any stage. Interviews were anonymised using pseudonyms. We also consulted cultural experts from the Department of Cultural Studies to ensure that traditional elements in Scenario C were respectful and appropriate.

4. Results and Discussions

4.1. Quantitative Analysis

Participants rated each courtroom scenario in terms of language clarity, personal comfort, and trust in the process. The table below shows the distribution of positive responses across the three scenarios.

Table 1: Participants' Ratings by Trial Scenario (n = 90)

Scenario	% Clarity of Language	% Felt Comfortable	% Trusted the Trial
Colonial (A)	42%	38%	41%
Hybrid (B)	66%	71%	68%

Indigenous (C) 82%

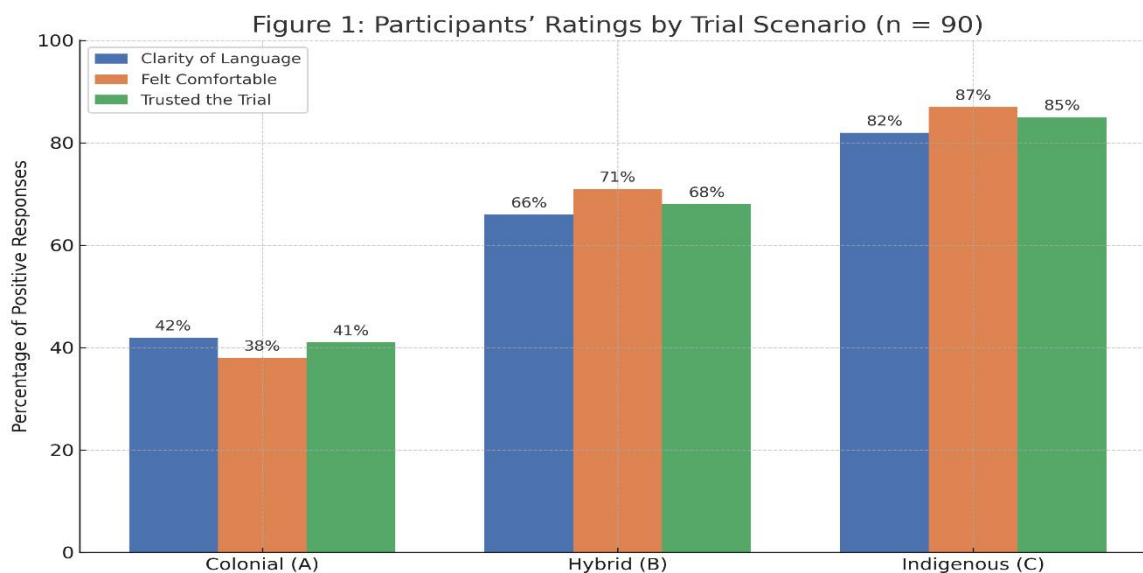
87%

85%

Scenario C: The Indigenous courtroom recorded the highest approval across all categories. This suggests that symbols and language familiar to local participants positively influenced their perception of justice.⁵⁸

Figure 1: Ratings by Scenario

The bar chart below presents a visual comparison of the ratings from Table 1.



As shown in Figure 1, the Indigenous courtroom (Scenario C) recorded the highest approval across all three metrics, while the Colonial scenario (Scenario A) had the lowest. This pattern highlights the positive effect of familiar courtroom symbols and language on participants' perceptions of justice.

Qualitative Themes

Emotional Comfort and Safety: Students described Scenario A as "too formal" and "alienating." Many said the attire and language created distance. Scenario C was viewed as familiar, warm, and respectful. One participant said, "In that trial, I felt like they were speaking to me, not above me."⁵⁹

⁵⁸ R Schechner, *Performance Studies: An Introduction* (Routledge 2013).

⁵⁹E Daly, 'Between Punitive and Reconstructive Justice: Customary Law and the South African Truth and Reconciliation Commission' (2002) 14(1) *Netherlands Quarterly of Human Rights* 33, 45; P Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field' (1987) 38 *Hastings LJ* 805, 819.

Clarity of Language: The language in Scenario A confused many students. Legal jargon was seen as too complex. Scenario C used simple, local expressions. Students said they could follow everything and felt included. An Isoko student noted, “They used our way of speaking; I wasn’t lost.”⁶⁰

Cultural Identity: Scenario A was seen as foreign. Wigs and gowns were described as “costumes from England.” In contrast, traditional attire and local greetings in Scenario C made students feel seen and respected. Elements like kola nut rituals and community greetings built a stronger emotional connection.⁶¹

4.2. Comparative Group Outcomes

The table below shows how students emotionally connected with each scenario based on post-performance interviews.

Table 2: Participant Connection by Scenario (n = 30 interviews)

Scenario	% Felt Disconnected	% Felt Neutral	% Felt Strong Connection
Colonial (A)	70%	20%	10%
Hybrid (B)	25%	45%	30%
Indigenous (C)	5%	10%	85%

These findings show that indigenous courtroom rituals helped students feel more connected and respected. The hybrid model had moderate effect, while the colonial model produced feelings of exclusion and discomfort.

Summary of Key Findings

⁶⁰A Sanni, ‘Language and the Administration of Justice: The Nigerian Experience’ (2000) 3 *Journal of African Law* 85, 88; H Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart Publishing 1999) 17–19.

⁶¹Merry, *Human Rights and Gender Violence*; Mamdani, *Citizen and Subject*.

- i. Courtroom rituals significantly shape people's comfort and trust in the legal process.
- ii. Local cultural symbols increase understanding and emotional connection.
- iii. Indigenous practices make courtrooms feel more relatable, human, and inclusive.

In diverse cultural settings like Delta State, adapting courtroom rituals to reflect local identities can make justice more accessible and trustworthy.

4.3. Interpretation of Findings

The above findings reveal a profound disconnect between inherited colonial courtroom symbolism and the lived cultural experiences of Nigerian citizens. As Goffman has argued, performance settings shape human interaction and power dynamics.⁶² In this study, courtroom symbolism acted not just as decor but as a gatekeeping mechanism that influenced participants' comfort, comprehension, and trust. Judith Butler's theory of performativity also clarifies how legal rituals materialise power structures by highlighting how class distinction is enacted through performance, which challenge and subvert traditional norms.⁶³ Butler argues that the way individuals behave and express themselves, including through legal rituals shapes their class identity and reinforces social expectations. By performing law in a particular way, individuals can assert their identity, while also contributing to the perpetuation of oppressive power dynamics.⁶⁴ The colonial courtroom reinforced a narrative of distance and authority, while the Indigenous model allowed participants to co-perform justice in a shared, culturally fluent space. Legal pluralism theorists such as Merry⁶⁵ and Elias⁶⁶ provide further support for the claim that legal legitimacy is enhanced when local symbols and processes are respected. What emerged from the data is not a rejection of legal process but a desire for that process to reflect the community's values and language.

The findings suggest that justice reform in Nigeria must move beyond doctrinal and procedural concerns to embrace cultural competence as a core component of effective justice delivery. Current judicial practices continue to reflect colonial forms, symbols, and modes of communication that many citizens perceive as distant and inaccessible. If public trust in the

⁶²E Goffman, *The Presentation of Self in Everyday Life* (Anchor Books 1959).

⁶³ Butler, *Gender Trouble*.

⁶⁴ Ibid.

⁶⁵ Merry, *Human Rights and Gender Violence*

⁶⁶ Elias, *The Nature of African Customary Law*

judiciary is to be strengthened, reforms must recognise that law operates not only through rules and institutions but also through language, symbolism, and social performance. Accordingly, future reforms should seek to align courtroom practices more closely with the lived realities of Nigerian communities, promote meaningful engagement with indigenous legal traditions, and encourage collaboration between formal and informal justice institutions. The evidence from this study indicates that cultural familiarity often enhances perceptions of fairness, legitimacy, and inclusion. Justice reform should therefore aim not simply to preserve procedural formality but to ensure that legal processes are intelligible, accessible, and socially meaningful to the people they serve.

5. Recommendations

Based on the findings of this study, the following recommendations are proposed to enhance justice delivery in Nigeria and promote greater public confidence in the legal system.

1. Promote Culturally Responsive Courtroom Design and Procedure

The administration of justice should reflect the cultural realities of the communities it serves. Courtrooms in culturally diverse jurisdictions should incorporate appropriate indigenous symbols, local greetings, proverbs, and culturally recognised practices such as kola nut presentation where these do not conflict with constitutional guarantees, due process requirements, or fundamental rights. The findings demonstrate that participants experienced greater trust, comprehension, and engagement when legal proceedings reflected familiar cultural norms. Courtroom symbolism should therefore be viewed not merely as a matter of aesthetics but as an important component of procedural legitimacy and public confidence in justice administration.⁶⁷

2. Reform Language Use in Legal Proceedings

Language remains one of the most significant barriers to meaningful participation in the justice process. Courts should adopt plain and accessible language in judicial proceedings, judgments, and public communications. Where English is used, interpreters should be trained not only in linguistic translation but also in cultural interpretation to ensure that legal concepts are

⁶⁷ Hibbitts, 'Coming to Our Senses'; R K Sherwin, *When Law Goes Pop: The Vanishing Line Between Law and Popular Culture* (University of Chicago Press 2000) 31–39; P Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field' (1987) 38 *Hastings LJ* 805, 820–823.

communicated accurately and respectfully. Greater use of indigenous languages, particularly in customary and lower courts, would improve comprehension, reduce alienation, and strengthen access to justice for ordinary citizens.⁶⁸

3. Introduce Community-Responsive Legal Education and Judicial Training

Law schools, judicial institutes, and continuing legal education programmes should incorporate courses on legal semiotics, legal pluralism, indigenous justice systems, and cultural competence. Legal practitioners should be trained to recognise how courtroom rituals, attire, language, and symbolic practices shape public perceptions of fairness and legitimacy. Such training would help judges, lawyers, and court personnel deliver justice in ways that are both legally sound and culturally responsive.⁶⁹

4. Strengthen Collaboration between Formal Courts and Community Institutions

The Nigerian justice system should embrace legal pluralism as a resource rather than a challenge to state authority. Government institutions should work more closely with traditional rulers, community leaders, customary courts, and other recognised local dispute-resolution mechanisms. Existing constitutional and statutory recognition of customary institutions provides an appropriate framework for such collaboration. Strengthening these relationships can improve accessibility, enhance public trust, and ensure that justice delivery remains connected to community values while maintaining constitutional safeguards and human rights protections.⁷⁰

5. Pilot Hybrid Justice Models and Expand Public Engagement

The hybrid courtroom model examined in this study demonstrated considerable potential for improving public participation and perceptions of fairness. Pilot programmes should therefore be established in selected jurisdictions to explore the integration of formal legal procedures with

⁶⁸ Sanni, 'Language and the Administration of Justice'; H Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart Publishing 1999) 19–23; M Constable, *Just Silences: The Limits and Possibilities of Modern Law* (Princeton University Press 2005) 104–110.

⁶⁹ P Goodrich, *Legal Discourse: Studies in Linguistics, Rhetoric and Legal Analysis* (Palgrave Macmillan 1987); Butler, *Gender Trouble*.

⁷⁰ S F Moore, 'Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study' (1973) 7 *Law & Society Review* 719; A Allott, *Essays in African Law* (Butterworths 1960) 151–153; B de Santos, *Toward a New Legal Common Sense* (2nd edn, Butterworths 2002) 180–185; Constitution of the Federal Republic of Nigeria 1999, s 315.

culturally familiar practices. In addition, government agencies, judicial bodies, and civil society organisations should expand civic education through community forums, multilingual media programmes, and public legal awareness initiatives. These efforts would help demystify court processes, improve legal literacy, and strengthen citizens' confidence in formal justice institutions.⁷¹

Conclusion

This research explored how courtroom rituals and symbols inherited from British colonial traditions affect public experience of justice in Nigeria, particularly in the multicultural city of Warri. Using mock trials as a research method, the study revealed a powerful insight: symbols such as wigs, robes, Latin phrases, and rigid courtroom hierarchy do more than maintain order they shape whether people feel connected to justice or excluded from it.⁷² The Indigenous courtroom model, which used local language, attire, and cultural rituals, was overwhelmingly preferred by participants. It felt familiar, respectful, and fostered trust. In contrast, the Colonial model, replicating British traditions, left many participants feeling confused, disconnected, or intimidated.⁷³ These findings align with global research that shows when legal systems ignore local cultural expressions, they risk alienating the very communities they are meant to serve. In post-apartheid South Africa, courts have increasingly included indigenous languages and traditional norms in dispute resolution to enhance legitimacy and access.⁷⁴ Similarly, China maintains a unique blend of formality and cultural symbolism in its courts (such as red emblems and Confucian rhetoric) that resonates with public expectations of justice.⁷⁵ Thus, the conclusion is clear: justice is not only a legal process but a performance that must connect emotionally and culturally with its audience. When people do not understand or relate to courtroom symbols, they are less likely to engage with the legal system and more likely to resort to informal or even

⁷¹Odinkalu, 'Poor Justice'; UNDP, *Access to Justice Assessment for Nigeria*; H A Salihu and H Gholami, 'Perceived Unfair Procedural Justice, Distrusted Legal Institutions and Re-Emergence of Indigenous Restorative Justice Administration in Apata Aje Community, Nigeria' (2022) 54 *Legal Pluralism and Critical Social Analysis* 297.

⁷² Bourdieu, *The Force of Law*.

⁷³ Bernard J Hibbitts, 'Coming to Our Senses: Communication and Legal Expression in Performance Cultures' (1992) 41 *Emory LJ* 873, 894–902.

⁷⁴M Maré and Adu Plessis, 'Language Rights in Post-Apartheid South African Courts' (2018) 15 *Stellenbosch Law Review* 102.

⁷⁵Jianfu Chen, *Chinese Law: Towards an Understanding of Chinese Law, Its Nature and Development* (Hong Kong University Press 2008) 67–69.

violent alternatives.⁷⁶ A truly democratic and inclusive justice system must reflect the culture, language, and values of the people it serves.⁷⁷

⁷⁶Abiola Sanni, 'Language and the Administration of Justice: A Nigerian Perspective' (2005) 2(1) *Journal of African Law* 56, 58–60.

⁷⁷Sally Moore, 'Law as Process: An Anthropological Approach' (1978) 42 *Journal of Legal Education* 383, 390.