You never know when you are going to find genius, but inside a canvas tent pitched under a baboon family’s hangout in Tanzania’s Serengeti seems especially unexpected.

Unless you have the remarkable good fortune to be speaking with Horace Naftal Nassari, the Liboni—leader—of the Mmeru tribe, the founder and director of a highly regarded environmental management school, and himself a guide with Tanzania Safari, that country’s most elegant and respected safari company. Horace, an icon in East Africa’s conservation and environmental education movements, restricts his services to TS because it is the only company that mirrors his own deep respect for the land and its people.

Owned by Francesco Pierre Nina, TS is unique in its deep knowledge of the natural history and contemporary world that make up East Africa’s “endless grasslands,” home to almost 3 million animals. Justice Ruth McGregor (now Chief Justice) vacationed on this trip, too, along with other close friends, including Marnie Guerrero (ASU 2003). So our perspective included both old and new private practitioners as well as an esteemed member of the bench. We were all fascinated by Horace’s role in the Mmeru justice system.

There are several thousand Mmeru, mostly living on the slopes of 15,000-foot Mt. Meru, which sits in the shadow of Mt. Kilimanjaro. Mmeru are closely related to Masai culture and traditions. The Masai are the frequently photographed natives of Kenya and Tanzania, a tall people whose bright robes and single spear emphasize their physical beauty and strength. But like all indigenous people who have somehow remained upright in spite of several centuries of colonial tromping on their lands and ways, the Masai and the Mmeru reach deeply into their spiritual world for the “true north” that allows them to prevail even as they adapt to the dynamics of emerging Africa.

Horace’s role as tribal leader is especially instructive to us as stewards of our country’s justice system. As Liboni he is judge, advocate, mediator, counselor, negotiator, religious leader and politician to his people. The amalgam of roles, so different from our very compartmentalized approach, offers us new thinking and perhaps solutions to some of the more troubling aspects of our own system.

He is elected, but only after a long “merit selection” process that involves months of review and discussion by a Committee of Elders to refine the choices.

Elections occur only when death or infirmity dictate the need for a successor. The former leader is revered and, if able, continues to offer his wisdom and experience. In other words, there are no retention votes; barring egregious offense, lifetime tenure is assured.

As with our judges, upon investiture Horace received symbols of his role: a blanket in place of a black robe and a black, hand-hewn club instead of a gavel. The club is the source of power, but not through violence. The consequence of not following a decision of the Liboni is that evil will befall you. While more metaphysical than our “three-strike” approach to repeat violations, the fear of a free-floating spiritual recompense springing from deep tribal beliefs is very effective. To avoid such a consequence, you may ask for forgiveness but first must humble yourself before the tribe and repent your mistakes. Such community accountability, in a public setting and with confession of your misdeeds, is more vital and connected than the elocution we expect in a criminal sentencing, for instance, but it seems to spring from the same well: a desire by the victims to know that the wrongdoer graphically understands the harm he has done.

Tanzania’s courts are still maturing. As a recently independent nation wrestling with critical development tensions (how to save the land, how to build the infrastructure, how to educate the population), the official courts know they cannot do their job alone. The ancient cultural heritage that placed dispute resolution within close-knit tribes and clans is therefore not ignored but rather incorporated into the fabric of Tanzania’s justice system.

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Except for rape and murder, most disputes between or within clans involve the Liboni as the head of a first-line trial “court.” Even with rape and murder, the Liboni is called as a witness to tell the police and the court what he knows about the problem, the people involved, the history between families, and so forth. There is no confidentiality rule to shield what he knows and thinks from the courts or from his people. Rather, his mandate is to know all and share what is important to resolve the problem with anyone who is a stakeholder.

When the Liboni sits as a formal adjudicator, he works with a standing committee whose members are selected by the clan or by the tribe’s elders. Only the Liboni sits on both the Elder Committee and the Adjudicative Committee it selects. By virtue of persuasion, not math, the Liboni’s vote carries the greatest weight.

The Committee fixes the date of the hearing, calls the witnesses, listens to the testimony, asks questions of all, and deliberates in private. The Committee can decide who is right and fix punishment, or it can rehear the case or ask for more testimony. But in all cases the real role of the Committee is to bring their knowledge of the people and problem into their deliberations. The idea of a judge or jury not knowing the people or the incident involved as a way to ensure impartiality is 180 degrees from the role of the Liboni and the Adjudicative Committee.

That Committee’s deep knowledge of the matter being tried is the key both to their reaching a fair solution and to having it accepted by the people they serve. “Truth” does not come from an adversary system, but from a caring and careful group of informed peers, selected for their wisdom, experience and familiarity with all the players.

This extended family system has due process elements. Its review court, for instance, might offer a low-budget alternative to the trappings of our appellate system. Under the shade of a Mbringabringa tree, twice a year the Liboni of many clans and tribes come together to review their bylaws and make whatever amendments are needed to deliver justice better.

What would happen if we brought the legislature controlling the courts’ purse strings and the judges together under a carob tree to talk until they resolved their differences, without any media or lobbyists? It could not be worse than the current system of entrenched territorialism nurtured by a media that thrive on conflict.

I fully realize that Horace, my guide through the nuances of a Liboni’s role, would be a noble judge in any culture, and hence my views of this system are colored by the sheer charisma of his intellect and compassion. But even if he is the Cardozo of East Africa, Horace’s explanation of a very different approach to official dispute resolution deserves consideration by us.

We have no lock on what works best, and certainly the staggering recidivism rates and the sheer volume of our courts’ work argue for diversion programs that more effectively prepare the transgressors’ return to their communities. Nothing about these proposals speaks to the most dastardly of crimes, or to career offenders. But for the many people in our system who do not need its heaviest hand, a process that is tied closely to community and family offers not just food but a true feast for thought.