

# The Dispensation Of Justice And Conflict Resolution In The Banyang Polity: The Role Of The Courts And Secret Societies

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**Abstracts:** This article titled, The Dispensation Of Justice And Conflict Resolution In The Banyang Polity: The Role Of The Courts And Secret Societies, is a narration, description and analysis of the role of customary agencies in the dispensation of Justice and resolution of conflicts in the Banyang area. The article is the outcome of data collected from both published and unpublished sources. It reveals that the Banyang created courts at different levels to ensure Justice in the community. It also reveals that secret societies played an important role in the resolution conflict

## 1. Introduction

In most African societies, aspirations for justice and peace led to the development of standardization techniques aimed at avoiding or at least curbing conflicts and violence. With regard to the Banyang community, there were several cultural proclivities that provided the basis for governance and subsequently avert conflicts. These included various types of customary courts, checks and balances, religious rites, and secret societies. The main secret societies that ensured justice and resolved disputes among the Banyang were ekpe or mgbe, obasinjom and mfam. While mgbe dealt with inter-chiefdom conflicts, obasinjom and mfam dealt with interpersonal disputes.

## 2. Types of Courts in the Banyang Polity

The problem of maintaining law and order is a universal phenomenon. Every human society must have the coercive institutions that help in the control of the behaviours of its members. Whether a society is segmented, acephalous or centralised in its political organisation, it must have the means to maintain social order within its political framework. As a people with a segmented traditional political system, the Banyang put in place local traditional courts to ensure justice, law and order, and resolve conflicts in the community. There were four types of traditional courts in the Banyang community. The first was the sub-lineage court. The court was composed of members of extended families. It handled disputes and matters concerning families as well as disseminated laws and information to members of the sub-lineage. The second was the lineage court. It was made up of heads of families of quarters and its sessions were presided over by a quarter head who represented the quarter in the chieftdom. This court settled disputes and matters within the lineage. The third was the village court. It was made up of all quarter heads of the chieftdom. It was known as the etok (community). It was like the House of Representatives or parliament. All the people in the chieftdom were represented by their selected quarter heads. It was the highest court in the chieftdom. It served as a court of appeal. Members of this court acquired the right to their position in varied ways, but the most usual qualification was age. Certain persons were usually entitled to sit in this court. These persons, who most often acted as spokesmen, were generally eloquent and outstanding in the society. They were generally popular among the people. The village leader or chief acted as Chief Judge and presided over the court. Cases

tried by this court included theft, slander, sorcery (witchcraft), adultery, land disputes, debts, assault, divorce, and succession disputes, just to name a few. The fourth was the clan court. It was the highest court in the Banyang polity. It was made up of the chiefs of all the chieftdoms in the clan. It played an advisory role. It was therefore a consultative body as far as political decisions were concerned. The clan head was actually the oldest chief among all the chiefs in the clan. This is because the Banyang regarded age as a source of wisdom. The position of clan head rotated from one chieftdom to another. Cases brought before the village court followed certain procedures. The plaintiff verbally initiated a formal complaint to one of the prominent members of the court (most frequently the leader or oldest quarter head). The plaintiff gave a jug of palm wine and a chicken as summons fee. Thereafter, the defendant was summoned by the court messenger called in Kenyang Dikaba. In the absence of the chief, the court was presided over by the oldest quarter head, who was the vice chairman of the village council. During the court session both the plaintiff and defendant were given the right to bring their witnesses. Formal respect was always shown to the court. A person addressing the court always did so while standing. The plaintiff stated his case and where necessary witnesses were heard. Court members cross-examined both the plaintiff and the defendant. Upon the provision of evidence (and after deliberations among court members) the court passed a judgement. If the case involved a debt, the debtor was asked by the court to repay the money. In case of theft, the stolen article was refunded or money paid, as well as a fine. Adultery was heavily fined. Fines depended on the nature of the offence.

## 3. Secret Societies that Ensured Justice and Conflict Resolution

Other informal agencies in the Banyang polity that ensured justice and resolved conflicts were the secret societies. They had specific rules and regulations controlling the activities and discipline of their members and non-members. The most prominent secret society was ekpe or mgbe. Mgbe literally means Leopard (in Kenyang nkwo). It was the most powerful, most feared, and most respected secret society in the Banyang community. It was considered as the main arm of the Banyang traditional administration. The Banyang got it from their Ejagham neighbours, who also got it from the Batanga of Ndian Division. Its first appearance in Banyang land dates back to the 1880s. It was brought by one Ebot

Aya, a former leader of the Tetukenok hamlet of Besongabang, who got it from the Keaka of the Ejagham. From Besongabang it spread to the other Banyang chiefdoms such that before the establishment of German rule in the Banyang area in 1902 the secret society had been acquired by all Banyang chiefdoms. Mgbe or ekpe was divided into grades based on age and rank: ekare-mgbe, eyong-mgbe; nkanda and bekundi were stages to go through ekpe education (knowledge of the basic ekpe principles). The main leaders of ekpe were called sessekos. They were closely followed by the chiefs of ekpe. People could move up from one grade to another. Before and during the colonial period membership into ekpe was opened only to the Banyang “free borns”. Today membership is open to all Banyang and non-Banyang indigenes who can afford the requirements. Enrolment was done by consulting the leaders of the secret society in the chiefdom concerned. That is, anybody who wanted to join ekpe met the sessekos in his chiefdom and presented a jug of palm wine and kola nuts. These were items brought to meet the sessekos in order for the person to make known to them his intention of joining the secret society. The actual requirements for membership included a goat, a “head” tobacco, palm wine, eight kola nuts, two bottles of whisky, and a piece of loin cloth. Thereafter, the aspirant was taken to the mgbe initiation forest called etememgbe, where he was initiated in the mgbe house called ochame mgbe. All the chiefdoms in the Banyang polity had their respective mgbe initiation forests. These forests were selected and reserved for the purpose of initiation. Such forests could not be penetrated by anybody except by ekpe or mgbe leaders. After the initiation phase, the aspirant was admitted into the junior rank of ekpe (nkanda and bekundi). The importance of ekpe or mgbe among the Banyang cannot be over emphasized. Such importance, as earlier mentioned, stemmed from the executive, legislative, judicial, and religious functions which it played in the Banyang polity. As an agency of conflict resolution, it dealt with cases that arose either from inter-personal disputes or directly from offences against the community, in particular by transgressing a community law, but more generally by acting in violation of community authority or good order. It equally handled cases between individuals (its members) from different chiefdoms, as well as inter-chiefdom conflicts, especially land conflicts. As regards inter-chiefdom conflicts, generally ekpe was notified by the plaintiff chiefdom with the presentation of a crate of beer, “1-by-20”, and a jug of palm wine. These constituted the summons fee. Special formalities were usually observed in a place where ekpe sat for its session. Ekpe members who came for the session greeted with their heads bowed down and clapped their hands before the leaders (sessekos). The leaders of ekpe (sessekos and ekpe chiefs) greeted while sitting down, while the junior members greeted as mentioned above. The sessekos greeted by making the following pronouncements—bare, debo, mutabe, hé. Ekpe chiefs greeted in this manner—bare, debo, mutabe. The third class of ekpe members greeted as such—bare, mutabe or debo, mutabe. The fourth group did not greet. Those who did not greet were those who had not stood before sumy mgbe (the ekpe flag). The various greetings were referred to as voices. Thus the sessekos had four voices, ekpe chiefs three voices, the third class of members had two voices, and the last or fourth class had no voice. Once the members had sat down in the ekpe hall, kola nuts and drinks (beer and whisky) were

served to the members and non-members attending ekpe sessions. The serving of drinks followed a hierarchical order, beginning with the sessekos down to the last group. The sessekos picked their own split kola nuts directly from the plate, while the other members were served by the dikabas(messengers). One dikaba poured the drink in the glass, while the other served the drinks to the people. All the people drank from the same glass. This, ekpe members intimated, was a symbol of unity or oneness. Hearing began after the kola nuts and the drinks were served. Ekpe members sat according to their grades or ranks. The plaintiff and defendant sat on a long bench in front of the sessekos. Both the plaintiff and defendant presented their arguments before the ekpe members. The dikabas crossed examined the conflicting parties. The other members were also allowed to cross examine them. The plaintiff and defendant were given the opportunity to cross examine each other. With regard to inter-chiefdom land and boundary conflicts, the ekpe members of the two conflicting chiefdoms attended the hearing. The two chiefdoms presented a jug of palm wine each. They also sponsored the ekpe members that visited the disputed area. The sponsorship involved paying for their transport fare to the disputed site, in case the area was far and could be reached by a vehicle. If not, the members visiting the disputed area had to trek. Besides the delegates from the two conflicting chiefdoms, four ekpe members accompanied the delegates to the disputed area, including the ekuni, who was an eye witness of ekpe, and the manginya, who was the bearer of the ekpe injunction. In case a compromise could not be reached by the two conflicting chiefdoms, the ekpe injunction was placed on the disputed area. The main ekpe injunction was the yellowish part of a palm front. It was designed like a cross and tied on two special sticks. That is, it was designed in the form of a multiplication sign, an “X” sign, tied on two special sticks and placed on the disputed area. The injunction was meant to calm down the tension existing between the conflicting chiefdoms. It was also meant to halt any activity taking place on the disputed area. Once the injunction was placed on a disputed area, both chiefdoms in conflict over the land could no longer use the land until the conflict was resolved. It should be pointed out that in case of inter-chiefdom land and boundary conflict, ekpe did not pass judgment as to which of the chiefdoms owned the land. Ekpe’s role was to ensure that peace and order reigned in the Banyang community. Thus when there was a thorny issue in the Banyang community, like a land and boundary conflict between two chiefdoms, ekpe came in to calm down the tension and create a convenient atmosphere for a solution to be found. No chiefdom violated an ekpe injunction because of the heavy sanctions that were involved. It was because of the fear of the sanctions that once an ekpe injunction was placed on a disputed area, none of the chiefdoms concerned violated the injunction. Today, in case of violation, the chiefdom concerned paid the following items to all the “houses” of ekpe members in both chiefdoms: a goat, a jar of palm wine, a crate of beer “1-by- 20”, a bunch of plantains, a bottle of palm oil, a cock, a “head” of tobacco, and kola nuts. Due to these demands therefore, nobody could violate, and nobody has ever violated, an ekpe injunction. There were instances in the Banyang polity where ekpe intervened in conflicts in order to create an atmosphere for a peaceful resolution. For instance, during the Egbekaw-Mamfe boundary conflict of 1948 an ekpe injunction was placed on

the disputed area around the Government Primary School yard, pending judgment by the native court. Also, during the Bakebe-Tinto land conflict of 1983 an ekpe injunction was placed over the disputed land around the Mbu River. Similarly, during the conflict between Eyanchang and Nchang over the use of Friday by the former as its market day, which was also the Nchang market day, an ekpe injunction was placed on the new Eyanchang market site, near the Bako stream, pending a decision from the Mamfe Central administration. Further, an ekpe injunction was placed on the land around the Mfi River disputed by Tinto and Tali in 1993. Another secret society involved in the resolution of conflicts in the Banyang polity was obasinjom. It detected and exposed witchcraft activities through divination. It performed its task of divination by means of a dance. On these occasions obasinjom was said to have “come to earth” and to have manifested itself in the gowned dancer who wore the “head”. The quick and rhythmic drumming which was characteristic of the obasinjom was started and the gowned figure, spoken of as obasinjom itself, began a gliding dance, followed by its attendants. The gowned figure could move anywhere within the chiefdom (including inside houses) or its immediate neighbouring bushes in its ostensible search for witchcraft or for the places in which witchcraft medicines were hidden. At various times the gowned figure returned to where the drummers and group of spectators were. When the drummers stopped playing the drums, the gowned figure started speaking. The speech was an incoherent jumble of sounds which was listened to and then interpreted publicly by an interpreter called mu esanenjom. Persons who had suffered from or who had been implicated in witchcraft were called, past events recounted, the cause of misfortune stated, and the procedure to prevent or atone for it prescribed. The power of obasinjom to see and speak the truth was always stressed. Although the statements of obasinjom were sometimes elliptic, there was little attempt to elicit information by interrogation. Messages of obasinjom were conveyed as statements of fact. The next secret society was mfam. It usually conducted fearful ordeals which involved, most often, the swearing of an oath for a person accused of witchcraft to prove his innocence. These fearful ordeals deterred people from committing certain crimes, especially witchcraft. It should be noted that divination was the last resort when injustice was seen to have been done. The divination process was imprecatory oath taking and trial by ordeal processes. Under imprecatory oath the accused and plaintiff were made to attest to or appeal to the gods of the land. The administering process was done by the priests. While trial by ordeal had an instantaneous consequence, this was administered with the recounting of previous consequences which earlier victims had suffered as a result of it.

### Conclusion

From the analysis above, the article has pointed out that the Banyang polity was well organized politically. Justice, law and order reigned. These were ensured by the sub-lineage, lineage, village, and clan courts. The village court was the highest judicial body in the chiefdom, while the clan court was the highest judicial body in the whole clan. Both the courts and the secret societies played an immense role in ensuring peace in the community through conflict resolution. The outstanding functions performed by these courts and secret societies in the Banyang community explain why they

have been able to stand the tests of times and the presence of modern structures of governance and conflict resolution. Many aggrieved persons feel justice is more seen through these customary courts and secret societies than through modern methods of justice.

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