

Premodern Systems of Punishment for Offences in Ikom Traditional Society, Cross River State, Nigeria

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Abstract

Crime is as old as society itself; and criminal acts range from minor household offences like theft, burglary, adultery to heinous crimes like murder, manslaughter and so on. Punishment for crimes range from flogging with the cane to hanging depending on the enormity of the offence committed. This paper has adopted the historical narrative approach to showcase various forms of criminal acts and punishment in the pre-modern Ikom society in the Cross River Region of Nigeria. The material for this paper largely derives from oral accounts of knowledgeable elders in the various communities. The paper debunks the pejorative references to pre-modern societies as barbaric and lawless. Indeed, the modern system of punishment for crime, the paper contends, is an adaptation from pre-modern forms.

Keywords

Offences, Punishment, Traditional Society, Oral Accounts, Pre-modern

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1. Introduction

In the context of this presentation, Ikom refers to Ekpache-Nkome traditional communities of Asenasen, Bokomo, Bisogho, Enoghi, Etayip, Isabang and Mgbagatiti, who speak “remu Ekpach-Ikom” or a common language which has been identified by Okon Essien (1990) as belonging to the Cross River variety. Others in this category are the Adijinkpor I and II and Agbokim Mgbabo all occupying the right bank of the Cross River from the Cameroun.

The Ekpache-Ikom, who trace their migration from two directions, the Oban forest and the Nigerian Cameroun border in the general areas of their present abode have long before the 1840s conglomerated at the right bank of the Cross River with an elaborate socio-political organization headed by *Okim Emang*, or the supreme head of their political organization. Other institutions of the people includes the *Okwa*, the judicial arm of pre-modern government, the *Mgbe*

which performed both executive and entertainment functions and social clubs like, *Ebrambi* and *Ikarum* all performing masculine societal functions. The Ikom are a semi Bantu stock (Talbot, 1969).

Traditionally, the Ikom are agricultural communities with kin and kith lineage groups spread across many political divisions in the upper part of the Cross River to the Cameroun republic. It is pertinent to note that what is today part of the republic of Cameroun share a common historical and cultural affinities with the people of upper Cross River (Sterk, 1988). The incidence of colonialism initiated the concept of border, a legal concept which demarcates sovereign nation-states. Pre-modern societies did not observe clear cut demarcations as we have them today. Borders are artificial creation of colonial regimes which interest undermined the socio-cultural and other connections which wielded pre-colonial peoples of Africa. The intensification of these affinities in colonial and post-colonial times as expressed in smuggling among other activities across borders

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seen as crime in recent times, was not so in pre-colonial times. The wealth and prosperity of Ikom which Harris (1972), was so impressed about came from Cocoa farming and trading activities with near and distant neighbors as far as what is today Cameroun Republic.

Hunting as a hobby, complemented agriculture and undertaken by men who made use of locally made guns for hunting. Local blacksmiths in Southern Nigeria made guns with comparative perfection as those acquired from foreigners through intermediaries, during the early years of European adventurism. (Njoku, 2001). The *Ikarum* or hunters club emerged from the activities of professional hunters. Membership of *Ikarum* was opened to males with requisite skills in marksmanship. Such men traversed the forests during the night to hunt for bush meat. A head lamp illuminated by a substance called “cabbard” helped the hunters to navigate their way through the thick and dark forest.

As society evolved from subsistence to exchange, entrepreneurial lads, nobles and chiefs took advantage of their geographical location at the junction of an old trade route which ran to Manfe and Bamenda in the Cameroun and the Cross River estuary to the South, to engage in trading, using both land and the Cross River. Prosperous traders established trading connections all around their near and distant neighborhood of Bansana, Ogoja, Obudu and Boki in the upper Cross River Region. (Harris, 1972). The Cross River emanating from cameroun mountains to the estuary in Calabar, was a major artery by which the upper and lower cross river peoples exchanged their surplus articles of trade which consisted of agricultural and forest resources from the upper parts or hinterland peoples. Articles from the upper region included smoked meat, timber, ivory, camwood, ebony, palm kernel and so on, were exchanged with items from the estuary such as jugs, canons, smoked fish, kerosene, gun powder, cloth items and so on usually acquired by the coastal traders from early Europeans who had contacts with them at the coast. The Efik, Agwagune and the Arochukwu of Igbo extraction were active middlemen in the trade of the Cross River.

The years before pacification of the region were usually precarious for riverine traders some of who faced competition and hostility from their rivals. At such times, the Efik of the estuary eager to make contacts with Ikom assessed a land route which cut across Oban country to Okuni, barely six miles away from Ikom. After pacification and the incorporation of the region into the British imperial orbit, traders could drive a direct trade from the estuary to the hinterland of the state. Trade items from the estuary were usually expensive when conveyed to Ikom because the journey upstream by canoe was arduous. Harris (1972) and

Latham (1971), both attested to the existence and use of the pre-colonial currency as a medium of exchange in the region. Brass rods, copper rods and Florentine check cloth were accepted in Ikom as a currency of trade.

In Ikom was a defined system of punishment for offences in the pre-colonial to the later days of colonial rule. This paper attempts to elaborate systems of punishment for offences as practiced in the pre-modern Ikom society. The material for this paper largely derives from oral accounts of knowledgeable elders of the various communities that conglomerated in Ikom Urban.

2. Offences and Systems of Punishment in Ikom

Offences range from minor theft of a yam tuber, picking a piece of meat from the family soup pot when one was not authorized to do so, harvesting crops from a neighboring farmland; to adultery, murder and so on. Different forms of punishment were meted out depending on the enormity of crime committed. Usually, in Ikom traditional society, the family unit presided by the most senior member of the family constituted the panel of enquiry, interrogated and sentenced the offender. Offences of grievous magnitude were passed on to the larger unit and to the community as the case may be. An example would suffice; a child who stole a piece of meat from the family soup pot (mothers pot of soup), was caught in the act by any member of the family and brought before the parents or family head. He was tried and found guilty with a sentence of twelve solid strokes of the cane. After taking the strokes, he was admonished never to engage in such an act. In most cases, he may be remanded in the senior uncle’s room from morning until evening. When questioned about what determines the number of strokes recommended for the offence, Ntundi (1986), responded that most children did not show remorse when sentenced for a dubious act. Children who were remorseful, according to Ntundi, humbly asked to be forgiven, and pleading the while, they undertook never to engage in such acts. Defiant children were never remorseful when sentenced; such children attracted more lashes of the cane, the least being twelve strokes for minor household offences as the aforementioned.

There was theft cases considered as taboo. A woman or man who covetously stole from a neighboring farmland and was caught in the process was not interrogated in the family unit but appeared before the community court paneled by elders and chiefs of the community. Theft of Okro, vegetables or yam tubers from a farm other than one’s own farm is a taboo. If found guilty, the culprit was smeared with charcoal and adorned with young palm frond round her neck, waist, wrists and paraded round the entire community on a busy day. With

a bell in her right hand, the age mates sang and danced with the offender who pauses intermittently to announce her theft and begs to be pardoned. The offender promises to be of good conduct. At the end of the parade, the age mates who felt betrayed by the conduct of their friend placed a fine of a goat and drinks on her. With the fine met, the offender is re-admitted to the committee of friends. The social stigma attached to this form of punishment deters many from community taboos in Ikom pre-modern society.

A member of Ikom society could be banished or ostracized from the community when he engages in acts considered to be rebellious, inimical or dangerous to the cooperate existence of members of the community. Disobedience to constituted authority or to judgment delivered by the elders and chiefs over a case brought against an offender, refusal to take part in community development projects or important meetings, attracts banishment.

A former member of a community so banished forfeits all rights and privileges hitherto freely enjoyed as a bonafide member of the community. The offender can be so banished by the *Mgbe* cult or by the *Ekpa*, a ritual dance by women in the community to evade danger, ostracize immoral, assuage difficult times or harsh weather conditions and so on. Period of banishment lasted between ten to twenty years within which most members of the community may have passed on or the offence forgotten. Offenders under this categorization according to Bojor Agboro (1986), could start up a new life in a distant land where the rules of settlement were favourable to new comers. Bojor Agboro remarked that in pre-modern times, individuals could, and more common with hunters, migrate and resettle far away from the aboriginal environment to constitute members of that community. Some founded new settlements which they named after themselves or a dear member of their family.

Exile was another form of punishment for more grievous offences like inciting external aggression against the offenders community and or divulging the community's secret discussions and plans against their warring neighbors; as for example, revealing plans and date fixed to attack their warring neighbor. Exile as punishment for crime was usually voluntary or forced. Voluntary exile was undertaken by an offender who accidentally commits a crime against his community or neighbor. For fear that there may be reprisal attacks against him; the offender decides to take voluntary exile.

Effa Asor (2000), illustrated the above form of exile with an incident which occurred in the dim past. A hunter accidentally shot and killed his colleague during a hunting expedition in an attempt to fire an animal. A stray bullet hit his colleague who died instantly. The offender had to proceed

on self-exile for fear that angry family members or friends of the deceased may carry out reprisal attacks on him.

Forced exile on other hand occurred when an offender was sentenced by the highest court of the traditional society – the *Okwa*, for either divulging community secret discussions or inciting external aggression against his community. *Okwa's* decisions were usually irrevocable and only heinous crimes involving life and death or exiles were brought before the *Okwa* council. Asor cited another case adjudicated by the *Okwa* council long before the colonial interregnum. A certain man committed adultery with his friend's wife and they were caught in the act and sentenced to a fine of copper rods equivalent to £3 each. Copper rods and brass rods were the currency in use in pre-modern Ikom society before colonial currency was introduced Latham (1971), Harris (1972). The fine was paid and handed over to the aggrieved husband.

When every member of the community thought the matter was over, the aggrieved husband trailed his wife to the farm, and killed her with his dane gun. He proceeded to his friend (the adulterer's) farm, and shot him after which he went into hiding. The crime was considered heinous thereby arousing the concern of the highest court of the land, the *Okwa*. The *Okwa* council immediately summoned the *Ikarum* or hunters club, of able bodied professional hunters. They were mandated to comb the forest and bring the offender alive to face judgment. The *Ikarum* set out and before sundown delivered the offender to *Okwa* council. The council handed death sentence to the offender by hanging. My informant remarked that offences relating to manslaughter, murder, war crimes abduction, armed robbery and so on were considered heinous. Such, could only be tried by the *Okwa* council and disposed of accordingly.

During the era of slave trade, war criminals and recalcitrant individuals in the society were sold out as slaves as the society abhorred trouble makers. The Ikom did not enslave one of their own. They actively participated in the trade as middlemen having been located at the junction of a trade route. Ikom slave merchants acquired slaves from Mamfe and Barmenda in the Cameroun and sold them out to the Agwagwune and the Arochukwu (*inokon*) slave dealers on the Cross River who also acted as middlemen to the coastal people of the estuary in Calabar. A society that earned wealth from trade definitely would not condone the breach of peace which could hamper trading activities.

Pre-modern systems of punishment in Ikom may be considered harsh; my respondents however did not see them as such. According to them, punishments were meted out for correction and mostly to serve as deterrence to others. Also punishments were corrective measures which molded the moral character of individuals. Punishment drastically

brought down crime rate, which encouraged progress, awareness and good conduct. Early traders and businessmen conducted their trade without fear of molestation or harassment. Respondents further maintained that pre-modern society was more disciplined than modern day societies where corrupt practices pervade dispensation of justice. Punitive measures as elaborated above reduced criminal acts to the barest minimum in traditional Ikom society. Harris, (1972) noted the difference between peaceful Ikom society which encouraged trade and wealth as avenue to prestige and affluence with their Yakurr neighbours who were noted for warrior and head hunting activities. For the Yakurr, prestige and affluence in society was acquired by head taking and warring activities.

3. Conclusion

This paper has examined pre-modern systems of punishment in traditional Ikom society. Offences as so elaborated above and punishment meted out range from minor household offences like theft, adultery, fighting to heinous crimes like divulging society's secret plans to outsiders, manslaughter, murder and so on, each with commensurate punishment. Ikom example has shown that pre-modern societies were not entirely brutish and lawless. High levels of discipline and control measures were observed in pre-modern Ikom.

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