



The Administrative, Legislative and Judicial Aspects of the Urhobo Consensus System of Government

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ABSTRACT

The Urhobo consensus system of government is built around certain social and political structures namely, gerontocracy and plutocracy. There exists different age-groups which include Ekpako, Ivwraghwa Otuorere, Ekwokweya, Emete, Emetogbe Otuorere and Imitete age-grades. For the purpose of administrative, legislative and judicial administration, each Kingdom is divided into the village and town levels. Also, each kingdom is divided into clans for effective administration. Each kingdom has a system of government that is similar to others. This paper attempts an analysis of the administrative, legislative and judicial aspects of the Urhobo consensus system of government. The aim is to show that the principle of consensus is an important aspect of the administrative culture of the people. The paper concludes that for effective administration and development of the Urhobo communities, there is the overriding need to continue to promote the doctrine of consensus in all matters and actions that confront the Urhobo people as a whole.

INTRODUCTION

The consensus system of Government of the people is erected on political structures. For the purpose of effective administration, there exist many levels of government. The village (town) and the clan (Kingdom) administrations are easily identifiable. Also, the kingdom is structured into units which include the Okpe, Agbon, Ogo and Ujevwe, clans amongst others. This means that each Kingdom is made up of clans which are composed of villages and towns. For example, Agbon clan is made up of the following towns and villages: Isiokoro, Kokori, Eku, Igun, Okpara Orhokpor and Ovu (interview with Okitiakpe Ogome, 13th June, 2007). Each clan has its own

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but related system of Government which revolves around the *Ovie*. This implies that each clan has its own natural ruler known as the *Ovie*.

The village or town governments are basically gerontocratic. There are two types of governments under the village administration namely the family and that of the community. Government at the family level represents the basic and one of the most effective political units of government at the grassroots where it enjoys the royalty and support of the family members and the villages or the community at large.

The *Ekugbe* is an important process for the actualization of the religious, social and political ideals of the individual, family, community and the society as a whole. An analysis of the structure of the *ekugbe* is therefore necessary for its importance for this thesis. It is important to note that there exist different types or genres of *Ekugbe*, each of which takes care of an aspect of the life of the Urhobo people. It should also be noted that there is no necessary uniformity among their modes of procedure. We may now discuss them one by one.

The Healing Ekugbe

This form of Ekugbe takes place formally where there exist cases of sick people in the community. In Urhobo traditional belief system, illness is taken to have a community dimension. For example reported cases of illness, are usually taken as signs of something wrong in the community which necessitates the convenance of the *Ekugbe* of healing. This can be convened by any member of the family, the sick person himself and the chief priest of the community. Illness is not taken as a matter for doctor and patient alone, it is an issue for the whole community in its two dimensions of the living and the dead.

The healing Ekugbe proceeds by means of dialogue. Admittedly, the dialogue is between the doctor and the sick patient if he is still capable of conversation or between any members of the family of the sick who is conversant with the history of the illness. This does not mean that any other member of the family or community is excluded from the *Ekugbe* meeting. Infact, it is open to all members of the family and the community who are willing to attend. There is no other requirement or qualification for attendance other than being a member of the family or community.

Like the Socratic dialogue, the process begins with a sequence of questions and answers by the doctor and the sick person respectively. Firstly, the doctor challenges the sick person not only to supply information about his illness but also, if need be to give an opinion about it (Bujo, 2001). In turn, the sick person gives background information about his illness. He may, for example, trace his suffering back to his own incorrect behaviour vis – a – vis a deceased member of the family. In this case, the sick person confesses his guilt and accepts his own responsibility. He is also willing to be reconciled with the family member whom he has hurt (Bujo, 2001). If the cause of the illness lies with any member of the family or community, such persons are

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made to confess their guilt in order for a permanent healing relationship to be established.

It should be noted that the healing Ekugbe can take a non – verbal form apart from the verbal one described above. This means that the communicative community implies also a nonverbal form of dialogue. Take for example, a patient who offends his deceased father and relates his concern at his grave by asking for forgiveness, may be interpreted to be carrying on a dialogue; for the grave is regarded as a symbol which represents the deceased father himself, and the nonverbal presence summons the patient to “Unload” the burden of his problems and thus come out of his shell (Bujo, 2001). The hidden presence of the deceased father makes the grave so living that its existence takes on the character of speech. Even in verbal dialogue, the gods and the deads play important roles in the healing process. Their hidden presence is necessary for a permanent healing to take place.

The Urhobo community in the process of healing bears the illness of any member of the community in common as brothers and sisters. The sick person is not abandoned in his suffering. The word that is exchanged between the doctor and the patient and the rites of reconciliation that follow the healing, are the real therapy and medicine which the patient needs for recovering. The word spoken has the power of life and death. Benezet Bujo was right when he says that in Africa, the word possesses such tremendous power that it can either create or destroy the community (Bujo, 2001). After the healing process, there are rites of reconciliation. This may take different forms. The person hurt, may utter words of forgiveness to the patient and this may be accompanied with bodily embrace of both parties or shaking of hands. Such words of forgiveness are therapeutic which establish real healing.

From the above analysis, it is clear that the form of dialogues that takes place between the healer and the patient involves a communicative community of both the parties concerned, the gods, the ancestors and generations yet unborn. It is the consensus generated from such dialogue that leads to effective healing. This implies that the dialogues are not dependent on the argumentative power of reason of participants as in the Akan society. Besides this form of *Ekugbe*, we have the family one.

The Family *Ekugbe*

This concerns the family life of the Urhobo people. Under the Urhobo traditional society, there is no distinction between nuclear and extended family systems. Family is understood to include both the two types of family. The nuclear family includes only the parents and their children while the extended family embraces more than the nuclear family.

The *Ekugbe* family meeting is convened by the family head on varied agenda which includes contraction of marriage, division of inheritance, installation or deposition of a family head, conduct of wars, resolution of family conflicts, intra – family matters and other issues which ensure the common good of the

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family. The family head invites representatives of the extended family to the *EKugbe* meeting when any of such situations occur. But attendance is not exclusive of all other members of the family who are not officially invited by the head. The representatives are mostly elders and wise persons, men and women who have sufficient experience of life and who are conversant with the history of the family tree. Their main function is the recollection of events of the family past.

The meeting is presided over by the family head. He invites participants to speak with a view towards the resolution of issue(s) on the agenda. But it should be noted that the meeting is not aimed only at the resolution of issues at stake but also looks for ways towards the reinvigoration of the vital force which animates the extended family of the living and those that have gone beyond. This means that the conversation which takes place include the invisible community which include the dead ancestors who are consulted on matters affecting the community. This is done to save and preserve the family community. Thus, participants are conscious of the seeming presence of the ancestors. Their concerns, “voices” and experience are often expressed by participants who challenge them to ask and discuss issues that will augment life of the family community. The meeting attempts to deal comprehensively on any matter on the agenda for discussion such that recourse to appellate judicial authority is precluded. This implies that once a decision has been reached consensually by the *Ekugbe*, there is no right of appeal. This is partly because the extended family is a miniature judicial authority of its own from which the *Ekugbe* derives its judicial mandate. This further implies that the *Ekugbe* is the extended family personified.

At this juncture, it is necessary to outline the advantages of the family *Ekugbe*. One of its goals is to keep firmly the family together and to give it a new lease of life. This means that the stability of the family community is very important in its mind and not just the strict adherence to tradition per se. For example, an *Ekugbe* about marital issue of a couple which involves one of them in adulterous relationship with another person, does not aim at saving the marriage couple alone or the institution of marriage as a whole in line with the “whishes” of ancestors but to act under the changed circumstances in the “spirit” of the ancestors, since what is at stake is the well – being of all the members of the marriage covenant, which embraces both the extended families, the husbands and the wives.

The *Ekugbe* which may last one or several days ends with one form of celebration or the other. This includes informal get together with a lot of food and drink to eat and drink respectively. There are instances where rites of reconciliation are performed especially where a conflict or quarrel has been resolved. Thus, the *Ekugbe* is a place where peace is re – established and promoted. A place where people of the same family are formally brought together for the cultivation of healthy and harmonious relationship within the community. From this, they learn the art of listening to one another, cultivate the virtue of tolerance and forgiveness and embrace a new style of

relationship. Like, the healing Ekugbe genre, it has a healing potential in addition to the above functions.

Origin and Sources of Law in the Urhobo Traditional System

The origin of law in Urhobo traditional society is uncertain. However, according to Chief Umukoro Amos, law in Urhobo land is as old as the Urhobo society itself (interview with Umukoro Amos 3rd May, 2006). It may therefore be argued that other forms of social regulations and customary laws are as old as the Urhobo civil society itself.

The traditional Urhobo society is communalistic. There is one fundamental assumption in Urhobo land that the average Urhobo person is a man of activity and action. Since the people live in communities, they engage in one form of economic and political activity or the other. From this, competition is bound to occur. The result may be uneasiness and clashes of interest, which may, portend dire consequences for the individuals and the entire community. The traditional society decides to have some body of rules in place to take care of this.

From the perspective of the desire of men as the state of nature of Thomas Hobbes depicts, they form civil societies and live in groups and form the companionship of his fellow citizens. Aristotle once remarked that man by nature is a political animal and this is true of the Urhobo traditional political society where the people tended to form groups or society for the purpose of self – preservation, for the common good of the group or as a result of mere social instinct and other related prudential reasons. With the formation of groups, it becomes imperative to put in place system of rules or norms to regulate the behaviour of man in the group that are newly formed. This is primarily meant to ensure social order such that they can live and work together in an orderly and peaceable way in sharp contrast to the Hobbesian state of nature.

The Urhobo world view is peopled by invisible and visible forces. This means that it is made of the living, the dead and those yet unborn. It is a cosmogony in which all these forces interact. They play important roles in the sources of laws in Urhobo Kingdom.

Customs and traditions are the two main sources of law in traditional Urhobo society. For the Urhobos, customs originated with the ancestors, perhaps through a conscious need for a choice between two or more competing actions. For example of a particular course of action is chosen instead of the other, then it becomes customarily binding on anyone in the society. Thus most actions including social, economic and political relationships are regulated by customary rules. Deviants are punished. Sanctions come in various forms which include fear of public reprehension or a kind of supernatural penalty. The ultimate aim of saction is not to punish the offender but to rehabilitate and bring him back to the community (Ekili, 2005).

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The council of elders is a body constituted to help interpret the customary laws. In this process, like the position of modern legal realists, they make new rules from time to time which are automatically binding on the people. These rules complement the existing ones. Thus, the council of elders is an important organ of law making in the Urhobo traditional society.

The Urhobos are familiar with the dictum, *E Liu iri ki iwho, o de hu who vwo ki rii*, which means “law is made for man and not man for law”. This shows that without the activities of man and his social nature law would seem to be non – existent. This communal solidarity is captured by Steve Biko (1978) when he wrote;

We regard our living together not as an unfortunate mishap warranting endless competition among us but as a deliberate art of God to make us a community of brothers and sisters jointly involved in the quest for a composite answer to the varied problems of life. Hence, in all we do, we always place man first and hence all our action is usually joint community oriented action rather than the individualism...

The social, cultural, political, economic and religious dimensions of man which are depicted above by Steve Biko form partly the sources of law in Urhobo traditional society and they are essentially the main purpose of law, which is to secure and promote peace, order and harmony which are ingredients for the progress of the society “writ – large”.

Having discussed the origin and sources of law in traditional Urhobo society, we may now turn attention on how laws are actually made in the traditional society.

Law – Making Process in Traditional Urhobo Society

Law – making process in traditional Urhobo society is done first at each village level. It involves all the Lineages and requires the political participation of all male adults. This means the village government is the business of all male adults. The village is autonomous in its affairs and accepts no interference from any other group.

The male adults meet in adhoc general assembly called *Ekugbe*. At such meeting public issues are thrown open for deliberation. Every villager who can contribute to the discussion is given a chance to speak. In fact, every adult male is given a right to speak, the people applauding popular proposals and shouting doom unpopular ones. The village *Ekugbe* was considered the birth right of the Urhobo man which guarantees his rights and shields him against oppression. When the matter has been thoroughly discussed or deliberated upon, the leader from each lineage in the village retires for *Ume* (consultation).

At the level of consultation, only the *Olorogun* (title holders) who are the representatives of each family, participate. All the *olorogun* title holders form the traditional council of Elders. These are men and women who have distinguished themselves in one way or the other in the service of the community and the village in general. They are believed to possess wisdom

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and “scholarship” to understand and interpret the various issues raised with a view to reaching a consensus which may be acceptable to the *Ekugbe* meeting when they are later presented. The council of Elders is presided over by any member chosen by the council.

At the conclusion of consultation by the council of Elders, any of the *Olorogun* title holder appointed for this purpose, announce the decision of the council to the *Ekugbe*. This is either accepted or rejected by the general acclamation or shouts of derision respectively. This process shows the limited powers of the council of elders and gives credence to the egalitarian nature of the Urhobo society. Infact, the Urhobos are conscious of their legislative authority and not prepared to subordinate or delegate it to the council of elders as such.

One of such decisions as narrated by Chief Umukoro Amos was about the payment of money by each lineage in the village to take care of the environment. At Okpara village, during the raining season, because of its peculiar terrain, was always flooded and overgrown with weeds. At that time, there were more women than able-bodied males. The few males available from year to year were inadequate to take care of the situation. There was then, the need to “hire” men from the neighbouring village, Ovu, who must be paid to do the job of cleaning the village during raining seasons. This was brought to the village *Ekugbe* for deliberation. *Omowho*, a male member of the *Ekugbe* was given opportunity to speak thus: *Eya Ve Eshare na e jo hi se lui iluelu a tan a. A Vwa le vhi igo la ka wha Eja da fen a whi igho nau*” meaning “all women and the few males can do the jobs we don’t have money to pay”. We can source such money from the wealthy amongst us”. While others including *Edafe* were of the view that *Avwale ejo bi se whio who na I whi ejo bi sa ikpan uje* meaning that all of them cannot do the work and as a result, we are suggesting the payment of money to bring people to do the work.

The matter was exhaustively deliberated upon by the council of Elders and the whole *Ekugbe* before decision was reached to the effect that all lineages in the village should pay a specified amount of money yearly.

As soon as such decisions received the popular acclamation of members of the village *Ekugbe*, they become law. Thereafter, they are given a “ritual binder” by the *Olorogun* title holders who invoke the following words; *Iri na na eje I neo ma lo ro ijobi re I who myoho ka iri na. I who li myoho ki iri na I ka lioja* meaning “the laws are made in accordance with our customs and have received the blessings of the ancestors. They must be obeyed. Those who refuse to obey the laws may be punished by the gods. Each time, the native chalk is sprinkled on the ground which is usually done in three consecutive times. The number three is very significant in Urhobo epistemology. For most Urhobos, it is a symbol of unity, success and stability. After the law has been given a binding, the entire *Ekugbe* assents with the acclamation of *ise* (meaning amen). Thereafter, it becomes the sole responsibility of every family head or adult male and householder to explain

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the details of the legislation to the members of his family and to see to it that the law is respected and obeyed always.

Law and Sanctions in Urhobo Traditional Society

In the Urhobo traditional society, laws are not enacted mainly for penal purposes. They see law as one of the means of expressing and inculcating the values enshrined in traditions and customs. In other words, sanctions are the means whereby the customs are protected by making sure that any infringement of them is punished. Sanctions range from those believed to have been imposed by the deities and ancestors to those imposed by nature which includes epidemics, death, famine, draught, floods, accidents and other natural disasters. Sanctions also include those imposed by the community on its erring members, which include death, sales into slavery, banishment, ostracism and ritual blockade.

0The Judicial Aspect of Ekugbe

This concerns the life of a larger group other than the families or clan communities. It serves both as an appellate court and a court of first instance. This involves where a community *Ekugbe* has failed to resolve a case satisfactorily and an appeal is made to it by the dissatisfied party or where a completely new case is instituted before it.

Unlike the previous *Ekugbes* where the doctor, the family head and community chief preside, the *Ovie*, a chief appointed by the *Ovie* or a member of the council of elders preside. The agenda of the *Ekugbe* is prepared by the *Ovie* or any of the chief or members of the council of Elders. The agenda may include resolution of matter referred to it from the community *Ekugbe*, wars and conflicts between communities. It is therefore, a reflection of the cases previously adjudicated upon or new ones from the *Ovie* or any member of the public.

Attendance is open to all males and females of the public who can contribute towards the effective resolution of any of the matters on the agenda. This includes members of the village or council of elders who are delegates of the various communities. They act as counselors of the *Ovie*, a chief or member of the council of elders. Verbal notices of meeting are set by the *Otota* on the directive of the *Ovie* and this is communicated to the public by the town criers or the *Ovies's* special messengers (*Iboyi*).

The *Ekugbe* proceeds with the presiding officer inviting the parties to open their cases. This involves the asking of questions and counter questions as in previous *Ekugbes*. One important feature here is the use of proverbs, parables and fairy tales to convey information or messages. In fact under the Urhobo culture, proverbs are the "palm oil with which words are eaten". Proverbs are not accepted unless they are immediate by confirmed or supplemented by further proverbs by members of the council of elders who are highly experienced in the tradition of the people.

For example, there was a particular case between a woman and her husband that was adjudicated upon by the judicial *Ekugbe*. The story was narrated by Chief Umukoro Otejiri thus;

The *Ekugbe* process is like a journey of exploration of ideas. For example, a woman who feels that her husband is neglecting her might complain as follows: "He refuses to buy me clothes and furnish my house... I have nothing at all at home". Only when demonstrating that the house of his wife is not all empty, will she go one step further in her statements and states as follows: "I'm not talking about things in the house – but I don't have any nice clothes" (Bujo, 2001). A counter question is then posed as follows: "But you are wearing beautiful clothes even in this *Ekugbe*, aren't you?" She replies thus: My husband didn't buy these beautiful clothes, I bought them myself. From this series of questions and answers, the truth and specific accusation against the husband would come to light.

In some occasions, in between the meeting, tensions may rise and the use of humour, songs, dances, allegories, pantomimes and narratives help to reduce them. This calms "doon" excited and exuberant participants and parties alike, thus creating a conducive atmosphere in which discussions are brought to a close. As pointed out in the healing and family *Ekugbe*, the meeting ends with a ceremony of reconciliation in which a privileged place is given to dead members of the community. This has a therapeutic effect for the whole community because of the avoidance and settlement of the tensions which could have made the community members sick.

The Urhobo community enjoys life through interaction as seen from the *Ekugbe*. There is the communal spirit of promoting life together. This is exemplified in the *Ovie* or his chiefs who are the custodians of the traditions and as links between the gods or ancestors and the living members of the community. One important feature of the *Ekugbe* is that it is conducted with the principles of justice which includes equality and impartiality as the guiding idea. Infact, there is no respect of persons in the *Ekugbe*. Any *Ovie* or chief who incurs the guilt of the community can be sanctioned or deposed by the people. The people are intolerant of any *Ovie* or chief who behaves arrogantly or in an authoritarian manner in or off the *Ekugbe*. Thus, the *Ekugbe* promotes good leadership as an ideal of political life. This makes dictatorship to be a rare phenomenon in the Urhobo traditional political system.

CONCLUSION

We have examined the administrative, legislative and judicial aspects of the consensus system of government of the Urhobo traditional political system of government. We find that the principle of consensus is an important feature of the administration of the Urhobo people. The principle of consensus has the potential for promoting the common good of the kingdoms. We suggest therefore, that the doctrine of consensus should be cultivated always in other

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to achieve sustainable cultural and political development of the Urhobo people.

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