Ordeals as the basis for maintaining order and social cohesion in pre-colonial Northern Cameroon.

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Abstract: This article aims to contradict the view that pre-colonial Africa had no normative system. It evaluates the evidence and the veracity of ordeals. Its purpose is to ascertain that Africa in general and Northern Cameroon in particular was able to maintain order, peace and social cohesion through various ordeals. To carry out this task, oral information was collected through direct interviews with traditional leaders, elders, patriarchs and assessors met in the courtyards of chiefdoms and in the customary courts of the divisions of Mayo Kani, Mayo Tsanaga, and Mayo Sava in the Far North Region of Cameroun. Written information was gathered from University libraries and the Internet. Pictorial information has also been resorted to. It includes the photographs of the objects used for oath in the area under investigation, namely the idol of the customary court of Mokolo, the magic broom, the black goat and the sacred stones. It is clear from this research that security, peace, justice and social cohesion were ensured in precolonial Northern Cameroon by the ordeals. Those ordeals play among others, the role of criminal justice, the role reconciliation of litigants and the role of social reintegration. The tragic fate that befalls false swearers attest to the unmistakable veracity of ordeals.

Introduction:
Security, justice and peace in pre-colonial Africa are areas of research which, although rich and important, received little attention from social scientists. This created a scientific vacuum that could lead to think that pre-colonial Africa had no system of social regulation. Yet the institutions in charge of maintaining order and justice have been existing a long time ago. Ordeals stand out as one of the various forms those institutions took. Understood as a procedure by which a criminal is identified from a group of suspects, ordeals were in pre-colonial African societies what the police, justice and prison represent in present day societies. In their masterpieces, many European authors like Lucien Lévy-Bruhl1, have debunked the veracity of the outcome of a trial by ordeals and denigrated the effectiveness of the normative systems of pre-colonial Africa. It is to go against this denigration that we have asked the following the questions: Can the outcome of a trial by ordeals be given credence? What are the roles played by ordeals in maintaining order, security and peace in the pre-colonial Northern Cameroon? The data that buttress this work are collected in three divisions of the Far North Region of Cameroon namely the Mayo-Sava division, Mayo Tsanaga division and the Mayo Kani division. Most of the informants are traditional chiefs, notables, assessors and patriarchs met in the courtyards of chiefdoms and in customary courts. This work is divided into three parts. The first part is devoted to the presentation of the tools used in the area to carry out an ordeal trial, the second part demonstrates the transparency and the veracity of such trial and the last section presents the social roles of ordeals.

I - Tools used for ordeal trials and rituals

In Northern Cameroon, the tools used for carrying out ordeal trials are multiple. Those tools are either man-made, located in nature or extracted from animals. Five of them have caught our attention. These are the idol of the customary court of Mokolo, the magic broom, the black goat, the fores and the sacred stones.

1 - The idol of the customary court of Mokolo: The Guilmalaguedjéo.

Guilmalaguedjéo (the head of Malaguedjéo) is a bundle of miscellaneous elements with the main being Malaguedjéo’s skull. Malaguedjéo was a notorious criminal who negatively marked the people of Mayo Tsanaga in general and the Mafa tribe in particular. He was a native of Koza subdivision and born in Mbouzao village. According to our informants, his reputation, charisma, bravery and career earned him the title of the biggest criminal that Mafa people have ever known. Being a gangster who distinguished himself by his cruelty, his name is subject to a gloomy and bitter story whose nostalgic narration under the stars moves some patriarchs to sigh these words in horror: “He is bloodthirsty, a brigand, a cruel. He slaughtered many members of our forefather’s families. Attack, theft, rape, murder were his leisure and the object of his profession. The mere mention of his mane was an abomination in those days. Man, woman, big, small, rich or poor, he sees any person he comes across as a wolf does a prey. That is what our parents told us about him.” He has been elusive for years, thanks to his strength that helped him break free and his ability to change like a chameleon to fit into the crowd, when he is tracked down. It is only when He grew weaker which age that he was captured and beheaded in his early old age, at a time unknown to our informants. After his
decapitation, his skull and other parts of his bones were recovered to form the main constituents of the idol below, used up to date for animist oath at the customary court of Mokolo.

**Picture1: the idol of the customary court of Mokolo**

Dekane Emmanuel, © May 2013.

Idols used for swearing have always been made up of a number of elements that represent the holy deities of an ethnic group or of a community. That is what Mohamed Nachi acknowledges, when he says that an evidence assumes “the gathering of objects, things and equipment of all kinds, to achieve equivalences and provide a certain stability for the judgement”. Thus, besides the bones of the beheaded criminal, the idol is made up of the ashes of people struck by lightning, the roots of poisonous plants, the feathers of fowls that bring bad luck (such as the owl which symbolises spell and witchcraft), the skins and horns of totem animals, cereals, arms, among other things. An informant, describing this idol, said: “It is a compilation of many pieces of poisonous plants, skins and horns of wild animals, sharp iron objects and grains combined with the bones of the bloodthirsty Malaguédjéo. Its verdict is sound, unquestionable and clear”. The pile of those elements are tied up with a rope all around the length of a stick. Given that touching this idol is a blasphemy, it is always laid on a metallic frame called caddie. Nowadays, the idol itself is called “cadi” because of its beings confused with its frame and it is the blanked term used to name the tools we use for ordeals in Africa. In Cameroon, cadi is considered by many ethnic group as a poison made from the bark of a poisonous tree that litigants must drink to prove their innocence. The innocent who drinks from this poison would automatically spit it out before it takes any effect. However, the guilty shall die because he will not have the possibility to vomit it.

To prove their innocence, each swearer must leave five thousand francs with the president of the customary court. This amount is required in order to deter the swearer in one hand and to prove to the public gathered for that occasion that the customary court has not obliged the swearer to swear by the name of the fatal deity in the other hand. Once the caution is paid, the idol is held by the thin piece of wood that sticks out the bundle of elements mentioned above, and laid on the ground. Both of the litigants stand in a line, before the idol. The swearer should be in front and his opponent behind so that the woe that would happen should fall upon his opponent in case he is proven innocent. Beholding the idol, the swearer shall pronounce the following ritual words:

“If I am the perpetrator of the offence (theft, spell by witchcraft, adultery, rape, murder, etc.), may a misfortune destroy my family and me. May that fate expose me in front all. But if I am wrongly accused, may that woe befall my opponent, and decimate him with all his family”.

The symbolic efficiency of the above oath-taking words which guarantees that the swearer is telling the truth depends of his religious faith. This is because, by considering the fate of his predecessors who have taken this oath, the swearer firmly believe that he is exposed to curse in case

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of perjury. Once this statement is made, the swearer crosses the idol by passing it between his two feet. Then, without looking behind, he should directly return home. His opponent, who did not swear, should not move over the idol. He should only turn back and regain his home without looking back either.

Both of the litigants, as is the rule, observe each other for a period of three months for a sign of the effect of the idol. The first person to be struck by a woe during the three months of observation is the guilty. The woes manifest themselves through diseases, accidents, death, etc. To be more explicit, Issa Fachoua, the president of the customary court of Mokolo asserts: “shall be consider as guilty the litigant who has been visited by thieves or by sparrow hawks during the period of observation. All these indications and many others relating to misfortune are clues that help identify the culprit. To eliminate doubt, the litigants are asked to declare cases of frequent diseases so that they should be put aside in case they appear during the three months of observation. These are cases like epilepsy, mental disorders, crisis of conscience and many others that could be tolerated if they prevailed in the family before the litigant goes to the customary court. As soon as a misfortune strikes a litigant, his opponent immediately report it to the customary court to win the case. The president of the customary court summons the litigants anew for the rest of the trial. Sometimes, the trial takes place in a different court a few miles away from the customary court. Both jurisdiction working independently, criminal evidence is sometimes provided by the customary court and sentences are imposed by the positive court, if so request the litigants. The sentences imposed on the culprit by the modern court do not mean that those imposed by supernatural powers are ruled out.

2 - The black goat of Moura people

The black goat is used by Moura people, the natives of Mora subdivision, made up of six ethnic groups, namely the Doumé, the Vamé, the Afam, the Plata, the Hourza and the Brem people. By virtue of its colour, the black goat connotes an agonising woe. It is the embodiment of the totems of evil spirits. It is an idol that inspires trust through its being relied upon not only by the litigants, but also to a larger extent by the whole village. It reintegrates criminals cast out from society because in Mora, everybody knows that swearing by the black goat is a firm commitment by which a criminal decides to respect his fellows and comply with the law from that time on. Failing to do so, the criminal would die or be stricken by a disability. The sorcerer, the thief, the murderer and other criminals who do not want to be ostracised should be subjected to the ordeal of the black goat. Like among Rwa people in the North of Tanzania, the fat of the goat is considered by the Moura people as the food of ancestral spirits that bring peace and reconciliation to humans. For that reason, it is used by the head of the clan of the culprit to make him solemnly confess his offences and ask for forgiveness in order to be reintegrated into the society.

To swear by the black goat, both litigants (accuser and accused) should be present at the indicated place which is most of the time a large rock where patriarchs decide on issues. After the hearing, both of the litigants stand in front of the public gathered for the circumstance, the elders lavish the accused with advice, reminding him of good moral standards and of the dangers to which he exposes himself, before he can proceed with the rituals that includes oath-taking and ordeal test.

The ordeal consists in holding the black goat by its four legs with its stomach facing the sky. One litigant grabs the two fore limbs and the other the hind limbs. A third person either from the family of accused or the accuser joins in with a sharp knife and splits the goat at its stomach. Fat is extracted from the animal to be used for oath. Then, Fire is made into which the accused and the accuser throw one after another a piece of fat from the goat, after they have uttered the following words:

- If the accused admits to the offence he should say: “If I commit the same offense again, may I and my lineage die away like this fat I am throwing into this fire”.
- If the accused does not acknowledge the offence, the accuser must swear by saying: “If I am wrongly accusing my opponent, may I and my lineage perish like this fat that I am

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throwing into the fire. But if he is actually guilty, may that woe befall him and his family”.

Among the Moura people, only those statements suffice to spur hugs of reconciliation, to restore the culprit’s credence and to forgive him his offence no matter how horrendous. The oath brings together the criminal and his opponent in the society. De Rosny, who appreciates this peculiarity of the African system of justice, declares: “I attest the power of this mechanism, how a group can feel relieved when it believes to have found the author of the harm. It is a real collective liberation for him, but at the same time, a terrible fear for the suspect”

With these words, the author appreciates the benefit of reconciliation which is the prerogative of African justice, but also, deplores the fate of criminals who are often condemned to death when they harden their heart and refuse to acknowledge their offence.

3 - The magic broom

It is used to identify a criminal from among a bunch of suspects who refuse to denounce him. If the suspects refuse to denounce the culprit in spite of being urged to, the chief of the village or of the neighborhood would call for an ordeal priestess or a seer to pick up the offender. She publicly carries out the broom test on the suspect, either in the chief’s courtyard, by the road or even at the market place. She takes thirty to forty twigs from the broom, parts them in two and crosses them into an X shape. She joins both ends of the brooms to get an X. Then, she pours on the broom, a mixture of water and the sap of a tree whose source is known only to her. After uttering some incantation, the priestess fits one after another the necks of both suspects into the X frame by saying: “broom, tell us if this is the thief, murderer, etc.” If the person is guilty, the broom would mysteriously take effect in a merciless way. It presses tight around his neck, in such a way that his eyes fill with tears, his tongue hangs out, his breathing is hampered, and his muscles stiffened. Then the priestess or seer takes him round the neighborhood for a few minutes in such condition, to embarrass him in front of people, and then hands him over to the chief of the village for the rest of trial.

4 - The forests

Forests have always been very crucial in the culture of the people of Northern Cameroon. They accommodate places where initiation and enthronement take place. They hold the spirit of the ancestors. They contain trees that play a therapeutic and a jurisdictional roles. Saps, roots, leaves, flowers or barks of some trees are used either to cure diseases or to poison criminals through ordeal rituals. Among all the forests found in Northern Cameroon, the one in Dardo neighbourhood in Kaélé has been a lot written and told about because of the jurisdictional role it played in the history of Moundang people. Its echo was heard inside as well as outside the country. Many names are given to that forest. Astadji Marthe calls it «god of justice», the informant Pagou Jean says that it is “the dwelling place of the genius of the place and the spirits of the ancestors”, and Dekane Emmanuel thinks that it is “the ultimate jurisdictional authority in charge of identifying the authors of immoral deeds” for divine sentence. It is under the chief’s authorisation that people go there to swear. The litigants are led to the ordeal priest who is the keeper and the chief of the sacred forest. In the past, litigants would give a black goat to the village chief. Nowadays, they pay thirty-eight thousand francs without taking into account the share of the priest of the ordeal. The payment of this amount means that the litigant have not been obliged to swear. But they are doing so on their free will. This is to make sure that the culprit’s family does not hold the judges responsible, when the ordeal starts taking its toll.

When entering in the forest, each litigant must hold a white cock. They should remove all their clothes and wear only a tanga made from tree leaves. As a sacrifice, the ordeal’s priest slays both cocks before the sacred tree that stands in the middle of the forest by pronouncing ritual words that present the reason for the complaint. Each litigant goes three times round the sacred tree and then stands straight in front of it to utter the following words:

“If I am guilty of this offence which opposes me to my fellow, may the genius of this place, the spirit of the ancestors, the gods of justice and the sacred tree exterminate me and my family. But if I am innocent, may the woes fall upon my opponent’s large family and him”.

After this statement, the litigants draw near the sacred tree and each of them must bite its bark thrice. Then, they collect the sand under the shade of this tree and throw it on each other. Once out of the forest, the litigants should wash themselves at all cost in a river which is not far from the forest, if not the fate reserved to them could affect all their neighbours. This first method of swearing consists in identifying the litigant who refuse to acknowledge his guilt by a perpetual woe that could end up striking him with his family.

5 - The sacred pits and stones

Sacred pits are peculiar to the people of Tokombéré in Northern Cameroon. The ethnic groups encountered in that area are gathered around mountains in such a way that each mountain corresponds to an ethnic group, and on each mountain there is a sacred pit, which is the place for ordeals. Those pits are artificial because they were dug out by men at a given time. They are a little deeper than two and half meter. Snakes, ants, scorpions, varans and other reptiles which are the embodiment of evil spirits are found in there. Miscellaneous morbidities that are beyond human understanding are thrown into that pit. Those are children born sexless or with two genitals, donkeys born to a cow, maize stems that produce rice, etc. Such mysteries have occurred countless times in the history of Tokombéré. According to the local population, those aberrations result from the wrath of the ancestors that live in the sacred places; that is what Watio Dieudonné certifies in these words: “The ancestors are strict censors and the most vigilant guardians of the law...ancestors act like the invisible police of the family or the community”.

A sacred stone considered as a judicial god is also found in Dardo Tipili neighbourhood in Kaélé. It is located in a grove that died away from drought and bush fire and is found no more today. According to the notables of Kaélé, accepting to swear by the name of that stone is accepting one’s sudden death in case of guilt. The sacred stone is more dangerous than the forest described above because its verdict is irreversible. The frequent presence of people for rituals in that place made the neighbouring soil arid. Thus, even in the rainy season, grass does not grow around the place where people sit for sacrificial cult. The top of that stone displays a succession of holes. According to the notables, those holes are the sacred teeth that gnash when the village is prey to an external threat, or when the genius or the spirits of the ancestors are offended. The following picture shows the photograph of that sacred stone.

Picture 2: The sacred stone of dardo tipili in Kaélé.

Dekane Emmanuel 2010, p.82.

The ritual demands that on reaching the place of the sacred stone, litigants should face each other and utter the following statement: “If I am responsible for the offence I am accused of, may Matissalè strike me. But if I am wrongly accused, may the wrath of Matissalè fall upon my opponent”. The accuser on the other hand will make the following statement: “May the wrath of Matissalè exterminate my opponent if he is actually responsible for the offence made against me. But if he is not, may justice be done by Matissalè ».

After the litigants have uttered these statements, the sentence of the sacred stone falls immediately or some hours later. In case the sentence is immediate, the teeth of this stone, which face the sky, swell and take the form of a saw. Like a magnet, those teeth attract the culprit’s neck and cut it. If the sentence occurs some hours later, the culprit shall die without any possibility of redemption. That is why some notables hold that unlike the sentence of the forest, the sentence of the sacred stone is irreversible. When the village is stricken by epidemics, famine, drought, aridity (wells and soils), people think that the gods and ancestors are offended, because “there is a network of relationship between the ancestors and the living, the ancestors being fully involved in the matters of the living”\(^1\). To satisfy the spirit of the ancestors and gods, their offenders must be identified through ordeals, generally carried out in the whole village as described by Tegome Nguestse in a general way when he says: “It is everywhere among us that public identification of sorcerers and witches are carried out. That accounts for the “cadi” campaigns, a sort of test for witchcraft by a poison every city or village dweller must drink before the community”\(^2\). Once the offenders are identified, they are compelled to swear that they will never repeat their offence, before they can offer sacrifices to those gods.

II - The veracity of ordeals seen through the prism of punishment

It is worth noting that there are two types of ordeals recognized in Northern Cameroon. The first one aims at the immediate death of the criminal. The second which is the subject of our study, aims at reintegrating criminals through sentences that might bring them back to order. The result of ordeals practiced in Northern Cameroon are showed through woes that gradually increase. Those woes, considered as a divine punishment, are characterized by pauperization, harvest failure, madness, human or animal barrenness, birth of abnormal children and diseases that result in the death of the culprit followed by the consecutive death of the members of his clan. It is to push hardened criminals to get rid of their pride and acknowledge their offence that the punishment worsens over time. If the criminals admit to their offences, they must never recidivate or they will be struck anew. But if they keep on hardening their heart, they end up dying. The notables of Kaélé, certify that within the Moundang community, punishments start by minor diseases such as malaria and tummy-ache, then follow average diseases like leprosy and madness, and then serious ones such as elephantiasis and dropsy and eventually death. Evidence received from the informants show that ordeals are geniuses who never fail in identifying the culprits from the litigants. Their verdicts apply to all those who are at fault regardless of skin color, language or religion as indicated by the following stories.

1 - The disaster of the Mandara people following the black goat oath

The repercussion of the black goat oath remains engraved on the memory of the Mora people because of its illustrious sentence within the Mandara community. Actually, since their settlement in Mora, Mandara people have always abused the local communities and chased them out towards the mountains. Following their Islamization, the threats perpetrated by Mandara people against the Moura people reached a point where only confrontations and bitterness were charactering their relationship. When the colonizers reached Mora, they tried to reconcile both groups. For that reason, they urged the Mandara people never to attack Moura people again, and to agree to that, the Mandara who were Muslims decided to swear by the Koran. However, the animist Moura people were against that,
because they give no credence to the Koran that was not accepted by the local mores. The Colonizers obliged the Mandara who were Muslims to swear according to the prescription of the local communities. Though it was against their will, they agreed to swear by the black goat’s fat. At the time the goat was to be pulled by the four legs, the Muslims said they would hold the front legs. But the animists refused to allow them to hold the fore legs and obliged them to hold the hind. Persuaded that the oath would not have any repercussion on them, because they were Muslims, Mandara people, throwing the fat of the sacrificed goat into the fire, swore by these terms: “If we offend the local population again, may we perish like this goat’s fat, we are throwing into the fire”. That oath which was for them a mere formality whose objective was to satisfy the colonizers and the local animists, couldn’t stop from assaulting the Mora people. That is why it cost them dear. According to the local community, real Mandara natives are very few nowadays, the majority having been exterminated after the oath. The few ones who are still alive are waiting for their fate. Some informants claim that all the Mandara people are already decimated. Some think that six of them are still living whereas others strongly hold that it is uncertain that the present Mora Sultans are real Mandara natives. An informant, who is a native living in the sultanate neighborhood firmly asserted that: “The whole Mandara people died after they have despised the tradition of the local community, in the name of the religion that they wanted to impose, believing that the followers of that religion cannot be stricken by the tragic woes from our local community system of conflict settlement, exclusively based on oath”. In his comments, he thanks the White people who obliged the Mandara community to take this oath, paying respect to them. Besides, he argued that without this oath, the wish of Mandara people (Muslims) to dominate the Mora natives would still continue.

2 - Hamidou, a profane, victim of the sacred forest of Kaélé/Dédo

Hamidou from Doumourou and Bakary from Guidiguis are two Muslim friends working as assistant judges at the chiefdom of Kaele. Their parents were close friends. In olden days, as friendship was shown through gifts, Hamidou’s father gave a horse, before his death, to his friend, Bakary’s father. After his father’s death, Hamidou claimed that the horse was sold not offered and that his father died without taking the money from Bakary’s father. Then, Bakary’s father gave the money required of him by his friend’s son and also passed away a few days later. Hamidou, once again, sues his friend Bakary claiming that his friend’s father deceased without giving him the money for the horse. During a hearing at the Kaélé chiefdom under the reign of Chief Panai, Bakary acknowledges that his father did pay the due amount before dying. However, Hamidou insists that Bakary’s father didn’t pay. To know who of the two was lying, the traditional ruler of Kaélé ordered them to go to the sacred forest to swear. Convinced that nothing would happen to him because he was not a Moundang and a Muslim instead, Hamidou accepted to swear in the sacred forest. After undergoing ordeals and oath rituals, Hamidou, struck by an epilepsy, suddenly fell down and nearly lost his life. From that time on, Hamidou and indirectly all Muslims, believed in the efficiency of ordeals. This attests the veracity of statements made by Nicoue Broohm when he says: “The search for truth through ordeals lays on impartiality and objectivity in order to guarantee peace...The ordeal’s result is unquestionable: it is obvious to all; it is a truth we cannot safely oppose”13.

3 - The missionary “Bener”, experienced African justice

In Kaélé, there was a school of theology in the neighbourhood around the grove that accommodates the sacred stone of Dédao. The missionaries working in that school were evangelising, telling the local community that culture related repercussions could not affect those who are converted to Christianity. To prove this, some of the missionaries were bold enough to desecrate the sacred forest and the sacred objects therein, during excursions. Their audacity is based on the assumption that they were neither Africans, nor Moundang or animists. However, the missionary named “Bener” had an adverse experience. On day, during an excursion, he desecrated the sacred stone. He was suddenly stricken on the spot by a mysterious disease. As he got weaker, he was hurried back to his country, where he suffered a melancholic fate. The animals found in his


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bedroom attest the mysticism of his bewitchment. The misadventure of that missionary justifies the statement of our informants who claim that African sacred places contain all the spirits of water, fire, mountains and of air that can curse anyone, regardless of race, religion, sex or ethnic group.

III - Social roles ordeals

The aim of ordeals is to maintain cohesion and harmony in African societies. The fear of sorcerers, aggressors, murderers and thieves vanish as soon as those criminals accept to swear that they will never repeat their awful deeds. Besides, the aim of ordeals is not always to exterminate the criminals by chastisement. On the contrary, those chastisements have a double aim. The first is to torture them to deter others from following their wicked ways. And the second aims at renewing the ties of brotherhood, friendship and neighbourhood that were broken, between the criminal and his fellows. Those ties are re-established if the criminal decides to redeem himself through immediate observance of some rituals that involve swearing never to commit the same offence for fear of suffering the same consequences again.

1 - Reintegration process of the culprit

Reintegrating the criminals into the society is an ideal cherished by African justice. Hardened criminals who refuse to comply with local justice are most of the time expelled, ostracised or killed by beating. This is the case of sorcerers, rapists, murderers who, in spite of advice and warnings, go on with the conduct of their activities to the extent of professionalising in it. To reintegrate such persons they are forced to swear that they will never repeat the offence again, in order to get the confidence of their neighbours in particular and that of the whole village in general. The confidence that Africans have in oaths and ordeals used to reintegrate the criminals is summed up by Anne Retel as follows: “In fact ordeals and ordeals alone, help put an end to hassles and suspicions and also to fatal never-ending retaliation”14. It means in other words that the criminal who swears, thus leaving his fate to chastisement by gods in case of subsequent offences, should be reintegrated by his peers.

The objectives of olden days’ African system of justice was based on reconciling litigants and reintegrating criminals in society. The search for truth and compensation are merely trivial stages in the attainment of the objectives set by the African system of justice. According to that system, “forgiveness shall be expressed during a reconciliation ceremony that ends with the agreement of both conflicting parties. That ceremony can be a mere sharing together of beverage or food, or an atoning sacrifice aiming at restoring the broken harmony between the parties and between the parties and the spirits”15. Rituals aiming at social reintegration of culprits in Northern Cameroon are many; however, two of them have caught our attention within the frame of this work. Those are namely the rituals in the forest of Dédo/Kaélé and the ones recognised by the customary court of Mokolo.

2 - Social reintegartion of culprits who swore in the sacred forest of Dédo/Kaélé

When the culprit on an offence is identified after an oath that gives way to an ordeal, he must be vigilant before the situation worsens. For that occasion, he must appeal to a priest for another ritual which is dedicated to purification. This ritual consists in washing the culprit for three days with water from the river near the sacred forest. The tools used for those rituals are mainly a piece of woven straw, a calabash and the bark of a tree whose origin is known only to the priest. The piece of straw serves as a seat for the culprit during his bathing at the bank of a river. The big calabash is used to hold the water that the priest uses to wash the culprit for three days. The bark of the three is an atoning substance known only to the priest. If the ritual takes place during the dry season, the priest carries the water from a seasonal well at the river bank. However, if the ritual takes place during the rainy season, the priest uses water from the river. When washing the culprit, the priest utters loud incantations. After three days of washing, all the objects used shall be broken and thrown into the

14 Retel-Laurentin, Anne, 1974, Sorcellerie et ordalies; L’épreuve du poison en Afrique noire; Essai sur le concept de négritude, Paris, Anthropos, p.56.
river. Nobody shall touch those object for fear of being contaminated by bewitchment. Only the flood of the first rains should carry those objects along. After three days, the culprit shall go into the sacred forest for a second oath whereby he promises never to repeat that offence, otherwise, he will be exposed to the same sentence again. That ritual is followed by reconciliatory rites. Among the Moundang people, this ritual consists in bringing together both litigants, accused and accuser, before the multitude to reconcile them. It is also where the criminal is reintegrated. No matter how serious the offence might be, the offended person and the whole village must forgive the criminal who swears never recidivate. Besides, it is a principle of customary law among the Moundang people. That principle states that the criminal who acknowledges his offence, purifies himself by swearing by the name of the sacred forest never to repeat his crime, shall have the privilege of indulgence from the whole village for a new social reintegration. The reintegretion is sometimes followed by merry making. Its ritual consists in asking the litigants to soak their hands in a calabash containing sorrel juice symbolising forgiveness and reconciliation. Soaking hands in sorrel juice means appeasing the anger and making the crime a fleeting and elusive matter that should be forgiven forever. After the ritual, both families i.e. the accuser’s and the accused’s rejoice in drinking a traditional beer commonly known as bil-bil. For the Zwa people in Tanzania, reconciliation is followed by sharing food at the culprit’s dwelling. Baroin Catherine, describing the importance that people give to reconciliation ceremonies, asserts: “A goat or even a cow is slain for that occasion; banana beer is also brewed by both clans. People eat and drink together, and shake hands as a sign of reconciliation”16.

3 - The social reintegration of swearers by cadi at the customary court of Mokolo.

As a reminder, it is worth noting that after the oath with the idol of the customary court of Mokolo, the swearer crosses the idol before going back to his home; whereas his opponent who stood behind him joins his home without crossing it. Crossing the idol is a firm commitment through which the swearer agrees to be subjected to supernatural sentence however drastic they may be, when he is found guilty. After crossing the idol, both litigants observe each other for three months. The first person of them to be stricken by a woe is considered by the customary court as the culprit. Then, the customary court summons both litigants again for the rest of the trial. The rest of the trial consists in compensating the innocent that is the litigant who has not been struck by any woe. If the guilty does not want to suffer more woes, he must pay a fine and cross the idol backwards this time and regain his house. After that, he must swear a second time by the name of the same idol never to repeat the offence, pawning his life and that of his entire family. It is then that the president of the customary court solemnly declares the end of the criminal being rejected. This gives way to the end of his punishment and the start of his social reintegration.

CONCLUSION

At the end of our analysis, it is worth noting that ordeals have characterised the system of social regulations of the people of Northern Cameroon throughout history. Practised in various forms, those ordeals have been effective and efficient in stopping short inter community and intra community conflicts. In spite of their mystical foundations, their mysterious tools, and the sacred places where they are executed, they are up to date exalted by rural community and most often demanded by litigants who, through common accord, find them worthy to be resorted to because they trust their judicial evidence. Deploring the character which is essentially mystical, the results of that research attest the objectivity and sincerity of ordeal sentences. The objectivity of those ordeals is explained by the impartiality and fairness of their sentences that apply to any culprit without distinguishing between Christian, Muslim, White, Black, Rich or Poor as we have realised in the process of this analysis. The virtue of ordeals is shown by its dissuasive role that aims at intimidating criminals, ensuring them that they will be confronted with a tragic fate if they continue offending their fellows. That virtue is also expressed by its objective that consists in reintegrating the culprits in the

community through reconciliatory rituals which are generally followed by merry making. Finally, it is worth noting that ordeals are very efficient in maintaining peace and social cohesion. Given that nowadays the oath declared in modern courts “I swear to tell the truth, the whole truth and nothing but the truth” is accepted without any conviction, is it not suitable to introduce ordeals into these courts in order to identify the culprits before judging them?

Bibliography:


Retel-Laurentin, Anne, 1974, Sorcellerie et ordeals; L’épreuve du poison en Afrique noire; Essai sur le concept de négritude, Paris, Anthropos, p.56.

Watio Dieudonné, 1994, Le culte des ancêtres chez les Ngyemba (Ouest – Cameroun) et ses incidences pastorales, Bamenda, Unique printers, p.17.