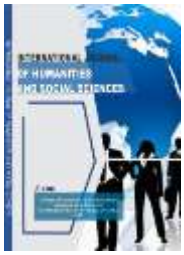
Legal Protection for State Emblems in African Kingdoms and Empire



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Abstract
This paper is on the legal protection for the official emblems of African kingdoms and empires. The aim is to examine the principles that govern the use of emblems and other state objects and how the rules were administered by the people. The paper adopted the historical method as well as the interpretive and comparative designs. Primary and secondary sources were also utilised. The primary sources include examinations of the relics of these laws from the areas where they are still practiced. The secondary sources include the relevant published books and journal articles. The findings reveal that emblems and artworks were use throughout the continent to symbolised state power and royalty. The paper also shows that there were special laws that govern these objects and when violated, the culprit could meet capital punishment. The work also shows that state emblems and laws regulating their uses were not limited to specific kingdom in Africa but across the continent. Thus, throughout the continent, state objects were for the exclusive usage of the king or emperor and symbols of his authority and sovereignty.

Keywords: *Legal, State Emblems, African Kingdoms, Empire.*

I. Introduction

There were rules in African kingdoms and empire that protected state emblems and met the most salient criteria of modern law. Nowhere throughout history has man lived in a society with any level of political sophistication without law of which a vast majority of the people was aware. Although they were largely unwritten, laws African kingdoms and empire were well known by the people as the principles were expressed in proverbs, fables and other forms of documentation and they were "latent in the breasts of the court remembrances" and engraved in the mind of the leadership classes who could say the position of the law at any instance. Omoniyi Adewoye points out that the fact that the legal system of African kingdoms was largely unwritten does not make them "less real than the written codes of continental Europe." Irrespective of the level of articulation and documentation, laws in African kingdoms and empire at the eve of colonial rule were real and enforceable by human agents despite the beliefs in great and powerful abstract beings that decides the affairs of men. These laws recognised the existence of various crimes and the penalties that were appropriate for them as well as the constituted authorities that served as the enforcement officers and judicial authorities. Perjuries, arsons and thefts were punishable by fine such as cowries, fowls and goats according to the decision of the presiding chief, while more hideous crimes such as murder, manslaughter, adultery with the king's wife, witchcraft, bad medicine against neighbours and treason were punishable by long term imprisonment at the *Oba*'s palace, banishment or even execution without waiting for any abstract being to act. Without the human agents who serve as judicial authorities to enforce law, it will not serve its purpose of social control in any society. Thus, A. L. Goodhart explains that there must be a set of rules or regulations in all societies that are too practical to be left with spiritual forces for enforcement and too burdensome to be left to the good-will of the populace and too vital for the society's survival to be left with any non-concrete agency or authority for administration and implementation.

The most important singular factor that resulted in peace and stability in African states and empire was the availability of enforceable laws. Law in Benin Kingdom for example was a means of social control and "a vital instrument for regulating the society." It includes all the rules and principles that control the behaviour of the ruling elitist group *vis-à-vis* their subjects and vice-visa. Thus, like other African states and societies, the law of Benin kingdom encompasses all the rules of conduct that normalises or regulates the behaviour of the people, groups and societies for harmonious coexistence. It is important to state that laws in African socio-political communities with polytheistic beliefs systems were not only for humans, they also cover animals and numerous non-living entities. For instances, the

cockerel must not crow in Benin kingdom before 4am and the cow must not give birth to twin. While the latter was amended by Oba Osemwende with the advice of Iyase Ogbebor in the eighteenth-century allowing twining cow and her calves to live, the former remain so in Benin societies that are less impacted by the matrix of *coloniality* and modernity.

State Emblems and Laws Regulating their Uses

State objects were for the exclusive usage of the king or emperor and symbols of his authority and sovereignty. In some cases, such as the Benin, the Baguanda and the Ashati kingdoms, they were commissioned to be made at the behest of the king and for his usage alone. The artists or manufacturers were legally bound not to copy these emblems, and in some cases, like in Benin and the Ashanti kingdoms, they worked only for the state under the control of the king, who functioned as the head of state. Though, state emblems were only for the exclusive preserve of the states sovereign and his courts, the State council could choose to permit the usage by an individual other than the king or emperor, when such individual is being honoured by the state. Any other usage not personally authorised by the king, is punishable by death sentence and this is largely the case throughout the kingdoms and empires of Africa. In Benin Kingdom, for instance, royal portraits and other emblematic objects were commissioned to enhance the reputation of the rulers and to preserve the established order. Thus, unauthorised usage or possessions were treated as acts of felony against the state.

Most prominent emblems in African kingdoms and empires depicted important historic figures and heroes such as the deceased king or emperor. Such works were placed on royal ancestral altars and in most case; they are carved elephant tusks and bronze heads. Some emblems also depicted defeated enemy kings. Cast brass plaques depicting kings, warriors, courtiers, and animals once decorated the royal palace. The symbol of African artworks as state objects are reflected on grounds that the state or the king has the right of first refusal for ivories in the kingdom as noted by Barbara Blackmun. In the Benin Kingdom for example, the Oba claimed one tusk from each animal that was killed and had the right to purchase the other if he so chose. Also, the artworks depicting the leopard and its symbols were for the Oba. The leopard represents the Oba, and 'in the past no one was allowed to keep leopards in captivity or to own or use the teeth, pelt, claws, or any other part of a leopard without royal permission. The identification of the Oba with the leopard is very strong: one of the royal praise names is *Ekpe n'owa*, which means "leopard of the house" (an *Ekpe n'oha* is a "leopard of the forest." These adages capture the law that forbids the use of leopard skin, teeth or figure without the Council of State or the state or Oba.

What determined the nature of emblems and relics as state objects were that they were made exclusively for the Oba and he only could commission the objects to be made by the art guild, and they were stored within the courts of the palace. Like the pre-colonial Benin, the independent kingdom of the pre-colonial era with a pristine history of artworks, such as the Ife, west of the Benin Empire, also had artworks that were extensively commemorative state objects commissioned for the Ife kings and cannot be used by anyone else. The Ife bronze heads were reported to have been 'commissioned as memorial sculptures (*ako*) consistent with a later era Ife and Yoruba tradition of carved wooden *ako* effigy figures used in commemorating deceased hunters.' On the scripture of a royal couple shown with interlocked feet and arms, Susan Blier remarks that 'plausibly these Esie works were commissioned in this era to honour Moremi both as Offa's native daughter and as Ife's famous Queen and new dynasty mother.' There were rules that guided the usage of these state objects. The most important was that, it was only the state or head of state that could grant permission for it to be made. While the king commissioned artworks such as tusks and bronze heads to be made for a departed heroes to honour them, he could also opt to commission one to be made for a personage he has chosen to honour. It is common place therefore, to find several emblems and artworks with warriors, key chiefs and other figures that were made during the heydays of the monarchy. The rules of usage also meant that, a subject that used and/or made a sculpture without the permission of the state, king or the emperor would have committed an offence synonymous with treason. The Oba was a sovereign figure, whose commands were laws, all the artworks and ornamental accessories were all made for and by the Oba's usage. Usage outside the Oba, was only when he opted to grant honour to an important figure for services rendered to the Empire.

In the Ashanti Empire, the golden stool was the most important state objects. The stool was seen as belonging to not just the king, but to the entire Ashanti Empire. There was a rule that forbade someone else for making a replica. It was deemed as a 'sacrilege for any other person, within or without Ashanti, to make another Golden Stool or to decorate a stool or any other king's seat with gold. Any such stool or seats were not only seized, the culprits were also treated as felony. The war against Adinkra of Gyaaman in 1818 was fought following a report that he had made for himself a Golden Stool.' The 'symbol of political authority in Ashanti is the Stool. Every political unit in Ashanti vicinage or lineage has a stool which is the symbol of the authority of its leadership. All 'such stools, needless to say, are parochial symbols which focus attention and sentiment on segmented identities and factional interests.' The Golden Stool 'is the sole exception to this. As the symbol which stands for the widest expanse of political authority and all other stools fall under it. Also, the Golden Stool enshrines the common fundamental values which all the segments of the nation espouse and cherish.' The rule that forbade the Golden stool from falling into alien hands resulted in the British-Ashanti war of 1900. It was a state object that was revered above anything else. The Golden Stool 'is the keystone of the Ashanti political and religious system, because through it the nation is united with its ancestors and its God. It is revered above all else including the king.' Wasserman noted that 'they would never have surrendered it voluntarily because they believed their nation would perish if it fell into foreign hands. In fighting for the Golden Stool, the Ashanti believed that they were fighting not for a king's throne but for the physical survival of their race' Therefore, 'the golden stool was not only the seat and symbol of the paramount chief's power, guaranteeing allegiance to anyone who possessed it, but the keystone of the Ashanti political and religious system which could not be allowed to fall into alien hands.' The pre-colonial African empires had important state objects that were seen as tied to the authority and sovereignty of the monarchy and its subjects. The significance of these state objects is well established. What was also imperative there were rules that guided their usage. These rules were tightly enforced by these Empires, while there was zero tolerance to using any of the state objects as in the case with the Ashanti Golden Stool. The Oba of the Benin Empire could honour key personages with the commissioning of sculptures. The ultimate penalty was usually a death sentence for an unauthorized use of these state objects.

Exclusive Costume for the Kings and other Royals

The monarch of Benin's regalia is always determined particularly by the type of occasion the Oba is involved in. From the marking of festivals such as the Igue rites, the kingship succession rituals, and other ceremonies. There is a particular regalia designated for each of these occasions. As part of the ritual ceremony of the installation of a new Oba, the Edaiken had to be specifically dressed. Attached to his waist was a beaded garment about the width of a shawl (*utale ivie Oba*). During the succession ritual, until an Oba became king, this was the maximum length of coral dress that he was permitted to wear. On his head the Isekhurhe molded a crown made of white clay and chalk to which had been added the aruoma leaves. At the coronation proper, the Oba is fully attired 'in the full regalia of office, including the state crown (*ede ada*), the high coral collar (*odigba*), the beaded dress (*erhuan ivie*), masses of coral necklaces, and even coral-beaded shoes.' Attendants 'carried state swords, an eben and a coral-covered ada, the only time these two symbols of office appear together.'

In ceremonial regalia, the Oba is attired 'in shirt of mesh necklaces of coral and high collar reaching from the shoulders to the chin. The winged head dress is a complicated shape with beads and upstanding forms.' 'Crocodile masks and leopard head masks cost in bronze called *uhums ekhue* and other symbols hang from the waist. His arms regarded as the seat of his power are decked in numerous metal bracelets and wider wristlets deep set-in ivory.' The 'most spectacular outfit of the Oba perhaps is his ceremonial regalia, *akpa*, a heavy net shirt of beads with every knot finished with a large coral bead, and weighing in all about twenty pounds. Together with this, he wears a round belt of coral (*ukugbalila*), a closely meshed high coral with collar (*odigba*), a closely meshed coral crown with beaded cone (*erhu-ede*), a beaded headband (udaha), numerous rolls of beads not rising over the chin, and many strings of beads so tightly strung that the large pieces stand out from his neck in circles about a foot in diameter.' 'Bracelets encase the arms from wrists to elbows, and anklets cover the legs from ankles almost to the

calves. These anklets, sometimes made of coral, were mostly of ivory. Normally, the Oba would have his feet painted with kaolin, a strictly ritual symbol signifying prosperity and purity rather than body adornment. Sometimes, he wears sandals all covered with beads.' The Oba and his chiefs wore other costumes in some ceremonies, 'the upper part of the body was left uncovered. The lower part been covered with a white cotton cloth about a meter square, to serve as underwear. Over this a quality cotton cloth measuring from 14-18 meters long, was wound neatly around the hips and held at the waist with a narrow sash, decorated with fringes or lace at one end.'

The Ashantehene is typically attired in the Adinkra and kente fabrics. When in this fabric, Ashantehenes that are righted handed leave their right-side shoulder exposed, while left-handed their left side exposed. In earlier times 'Adinkra and the images stamped onto the cloth were the exclusive property of the Asantehene (King of the Ashantes).' Kente is composed of narrow strips of hand-woven cloth sewn together to form a rectangle. Kente is double sided because the design is woven into the cloth. In the past, 'only the royal family could use gold coloured Kente.' As 'with Adinkra, certain motifs were also reserved for him and his court.' Today, 'however, all colors and motifs are available to everyone. However, no respectable Ashanti wears a cloth like that of the Asantehene in his presence.' 'Sometimes an assistant tells the Asantehene what others are wearing to ensure that he selects the most elegant attire for the event.' Part of the Asantehene's state regalia are a sword and an umbrella that each bear the golden image of a mother hen and her chicks.

One of the most amazing pieces is the *Ukpeokhokho* hairdo of queen Idia. Like other African Arts, *Okuku* hairdo is very symbolic in the Benin Culture. Overtime, different styles of *Okuku* hairdo emerged. Ukpeokhokho, *Ogbuma*, aha, Isaba and Uleko are the five types of Okuku in pristine Benin societies. Of these five types, the *Ukpeokhokho* is the most uncommon because it was exclusive to Iyoba Idia, the first Queen mother who lived in the sixteenth century. The Ukpeokhokho meaning chicken beak as depicted in queen Idia artefact, which Raph Moors wife latter sold has an elongated high forward-pointing peak. T.V. Osaigbovo describes the Ukpeokhokho style as a projected top that looks like the beak of a cock. According to her, it comprises a bunch of beads called *ititiako* at all sides and a bronze metal object that looks like the blade of an elephant grass called igholoye. Igholoye glitters and jiggles as the head moves about. It is characterized by a curved hornlike formation that tapers upwards.

The basis for the legal preferences for the oldest in pre-colonial is founded on several reasons. An instance is that 'communalist societies tend to show great respect for elders, who are seen as repositories of wisdom and natural governors of the village or tribe' A view expressed by Catherine Hooper on this in respect of the Zulus of Southern Africa, is that 'respect for the elders was given priority so that, among other things, the old would not fear ageing.' In the Zulu culture, when people aged, they graduated and were capped with *isicoco,* a trophy like headband worn by elderly men the saying, 'when an old person dies it is like a library down.' The aged are highly regarded and revered. As custodians of the societal culture and heritage, the aged are considered the epitome of wisdom, experience, knowledge and noble character.'

The natural observance of age-aging systems in traditional African societies meant an individual had to go through several age sets before getting to the stage of elderhood. This lifelong process an acculturation into the legal preferences for the oldest prior to the elderhood. On this, remarks that 'in societies where die age-grade system or generation classes were used to rank individuals and where initiation ceremonies were conducted to admit the youth into the lowest age-grade, respect for the elderly began hierarchically with members of the preceding circumcision set right up to the retiring age grade.' 'Through this hierarchical system an individual grew up knowing the importance of submitting to the authority of seniors and simultaneously learning to expect similar obedience from others below him,'

II. Conclusion

The work concludes that state emblems enjoyed a great legal protection throughout the kingdom and these laws were zealously enforced to guide against misused and destruction. In traditional societies, its being reported that the younger ones were trained to observe legal preferences for the elder. The values of respect there inculcated into individuals in a young age group. Rwezaura asserts 'that the

respect for old age has resulted from imposed social discipline and not nature. In most cultures' children were trained from an early age to obey and respect their parents and their elderly members of the community.' Within the Ashanti of Ghana, children were taught to honour and respect their elders and 'to keep silent in their presence. Swazi children in Southern Africa were trained 'to regard the father as their legal and economic authority in the home. They were taught from infancy to obey their father's word and even married sons were never regarded as free from his control.

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