INDIGENOUS KNOWLEDGE OF YORUBA LEGAL HERITAGE

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Abstract

The knowledge of indigenous legal heritage is a common place among the Yoruba of south-western Nigeria. Though such a knowledge is fluid and flexible, it is experimental and anchored to oral tradition. The Yoruba, like the Barotse of Bechuanaland,[1] demonstrate keen sense of justice, commonsense and intelligibility of wisdom attendant on their legal heritage. Dramatizing such a knowledge required a large heart, open-mindedness, fairness and retentive memory to the degree of making the legal culture vibrant and viable for its substance and relevance to be aglowed.

This paper examines, the nature, scope and relevance of indigenous knowledge of Yoruba legal heritage. Knowing quite well that modern legal influences have overshadowed the indigenous knowledge not only in Yorubaland but also in African continent; it is important to reconstruct the indigenous knowledge of Yoruba legal culture. The paper, in addition, identifies and discusses the fora of acquiring indigenous knowledge of legal heritage, its derivation and venue of its dramatization. It also zeros-in on the challenges of modernism on Yoruba legal heritage.

Introduction

The Yoruba speaking people of southwestern Nigeria had evolved a legal culture long before the advent of the British system of administration. Their knowledge of indigenous law (ofin),m adjudication (eto idajo) and justice (are) grew out of historic mutuality, common destiny and nature of their social engineering which must have originated from their political culture. I submit that this culture must have been as old as the Yoruba history. It is quite important to stress, however, that the knowledge of Yoruba indigenous legal culture must have been experimented at the family unit, which has been considered as the origin of political culture,[2] tested and found useful to

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enhancing the status quo of social relationship. Indeed, the networking of social relationship have been traced to the *ebi* system by I.A. Akinjogbin[3] and sociation by A. Akiwowo.[4] Thus the starting point of the social engineering which facilitated maintenance of law and order in pre-colonial times had its root from the family – where kinship attachment[5] and lineage system[6] flowered and flourished among the Yoruba.

Although the common place of origin which the historians associated with the Yoruba has been viewed as a propaganda[7] and that the Oduduwa, which has been a rallying point of Yoruba group identity and solidarity is now becoming a vanishing and challengeable tradition, the fact remains that the stock of social engineering widespread among the so-called Yoruba groups must have grown and developed from a point where it dispersed into other societies. Obayemi[8] apparently contended that individual groups must have possessed peculiarities which became convoked at certain point of historical development. Indeed, one could argue from the standpoint of J.A. Atanda,[9] that we must settle with the 'satisfactory' rather than a 'satisfying' answer to the problem of common origin for the Yoruba. Frankly speaking the word 'Yoruba'[10] is quite alien and was imposed by the Hausa to ridicule the hanky-panky of the Oyo-Yoruba group.

The foregoing discourse pre-supposes the fact that the knowledge of Yoruba legal culture would have been so broad and expansive, since there must have been various segments of the Yoruba ethnic group. As a matter of fact, each Yoruba sub-group guarded so jealously their strand of legal heritage and hardly ever lost sight of its substance and relevance within the framework of maintaining group sentiments and social status quo. What informed the nature of Yoruba legal heritage, therefore, must have been so hydra-headed. Each sub-group of

the Yoruba must have provided vibrant avenue and the wherewithal to influence one another, moreso when Yoruba culture is dynamic and susceptible to accommodate changes as reasoned by Ulli Beier.[11] A.K. Ajisafe,[12] a foremost pioneer documentalist of Yoruba indigenous laws was, for a period of twelve years of intensive research on Yoruba legal culture, contended with the variation and diversification of Yoruba indigenous legal knowledge. Even though he employed his western knowledge of jurisprudence through close observation, Ajisafe could not overlook the enormity of the problem of variation associated with the heterogeneity of Yoruba oral tradition.

In this paper, attempt is made to articulate and harmonize various strands of indigenous knowledge of Yoruba juristic thought expounding on its scope, relevance, fora of acquiring it and the derivation of its sustenance. Through analytical pontification of the search for this knowledge consequent upon contemporary legal dispensation, the paper dabbles into the matrices informing the challenge of modernism. The talking point of the paper, therefore, anchors on the dynamism of cultural heritage through the rear mirror of Yoruba indigenous legal propensity and profluence.

Fora of Acquiring Knowledge of Juristic Tradition

Atanda[13] agrees with Frank and Wagualls[14] that intellectual activity involves "the power of the mind to grasp ideas and relations and to exercise dispassionate reason and rational judgement". Similarly, Edward Shils[15] asserts that all societies have their intellectuals. These scholars have made the obvious points and their submissions are preponderant to the fact that the knowledge of juristic tradition among the Yoruba is a product of intellectualism. Those who engage in adjudicatory process are

therefore intellectuals of no mean stature. Indeed, among the Yoruba there is cross-examination of facts attendant on a dispute such that reasons do prevail on verdict through the intensification of logical corroboration and fertilization of ideas. Thus the officers of law in Yorubaland are endowed with intellectual wisdom, which enhanced adequate reconciliation.

Age is no barrier to acquiring indigenous knowledge on legal culture. Education as Fajana[16] observes start from birth and graduates to adulthood. It is no doubt a gradual and continuous process among the Yoruba. Thus, at least, from infancy when attendance to indigenous legal court could start, a child has thus begun his journey to the realm of adjudicatory will-power to comprehend the dynamics of social engineering anchored to the art of reconciliation. He could see and feel the pulse and mood of participants in the legal court and even cleverly controlled from coughing or breast-feeding arts that could cause unnecessary attraction in the court.[17]

This section of the paper discussed the various fora through which indigenous knowledge of legal culture is acquired among the Yoruba. One of such fora was the cult of the ancestors cum elders. Among the Yoruba and other tribes in Africa, law and customs were believed to have been handed down to the society by the ancestors. Of course the ancestors have once lived on earth and experienced the modalities for maintaining law and order in the society – the process which they continued in the spirit world. In addition, these ancestors were once elders[18] on earth. Bolaji Idowu[19] believed that an elder who wishes to enter the ancestral cult must begin the journey on earth through his proprietary of manners. The foregoing lines of thinking suggest that the elders are not just the custodian of law and custom in

Yoruba society, they are also the guardian spirit as soon as they become the living-dead still interested in the affairs of the world.

The elders who are the repositories of the wisdom lore in Yoruba society know the magic wand of reconciliation and teaching moral lessons behind all conflicts with a grandeur speech. In traditional Yoruba society, where age and seniority[20] are given high priority, the elders (on behalf of the ancestors) are moral agents, demonstrators and performers of justice as well as the teachers of indigenous law to the youth and the middle-aged. Thus at the beginning of understanding their environment, the knowledge of respect for indigenous law and authority was taught by the elders to the adolescent. This is couched in the Yoruba axiom:

Aifagba fenikan
Ko je aye o gun
Lack of respect to the constituted authority,
Is the source of most conflicts in the world.[21]

As a matter of fact, experience is seemingly a good education in all its ramifications. Among the Yoruba, experience is a by-product of age and sage. It makes earthly living a doctorable enterprise for the youth. Experience at the legal court of the Yoruba, therefore, is precursory to the knowledgeability and intelligibility of their legal culture often bequeathed by the ancestors. In a nutshell, the ancestors, and elders form a 'school' of a sort for the take-off of indigenous knowledge of Yoruba legal heritage – which is learned, acquired and transmitted to succeeding generations.

The royal court in Yoruba society is yet another 'school' of receiving indigenous knowledge of legal heritage. The *Oba*, as P.C. Llyod observed, was the personification of his town and his palace is a breeding ground for extending the frontiers of

knowledge of cultural heritage. Hooking on to the royal court of justice in the palace, adjudication was at a grandeur level. This is the court where laws are enacted and policies are formulated for the maintenance of law and order as well as the enhancement of social justice and control. Such enacted laws, as soon as they were standardized by the traditional legislators were announced to the society by the town crier[22] for experimentation and implementation by the populace. The announcement so tactically made by the town crier was meant for learning by heart by the towns-people. The townspeople were always learning from the compliance with the enacted laws less they face the music of flouting them like when a pupil fails the test given him by the teacher. Thus to a large extent the enacted laws are examinable (in the court), experimentable and implementable (in the society).

The royal court in Yoruba society is the equivalent of a supreme court in western parlance, performance of the arts of adjudication was in itself a grandeur practical knowledge of the legal tradition. The royal court is therefore a 'laboratory' for experimenting legal heritage in Yorubaland. The theoretical knowledge already acquired was brought to bear on the dramatization of the dispute in vogue. This will be discussed more elaborately in the fourth section of this paper. Presently, it is significant to emphasize that the royal court where practice overshadow theory of the knowledge of legal heritage, performance was experimentable and analyzable. Thus the royal court was a 'school' of a sort for the litigants and the participating audience with the officers of law demonstrating their knowledgeable skills.

The age-grade associations in Yoruba society, were in the past, schooling agents of Yoruba legal heritage. In the hierarchy

of acquiring indigenous knowledge, the age-grade association stood at the middle of the road. They ditched out relevant aspects of indigenous knowledge of legal heritage to peer groups. The group was taught the art of catching thiefs and fetching culprits for the tribunal adjudicating in the matter. Each fact deserves peculiar modalities, thus training was always re-examined and articulated. In traditional Yoruba society, such training was extended to other areas of cultural orientation for the age-group. According to Fajana:

> Here, the work of the group in carrying out the educational policy of the society can easily be appreciated. For, if any process was not known previously was assigned, the opportunity must be taken to learn it. Every member of the group had to be 'standardized', that is, trained in a way to be able to do the duty appropriate to the age. To take one example, a group responsibility for the repairs of the chief's house could not complain of inability to climb the palm-tree to cut leaves. In fact, any member of the group could be called upon to fetch palm-leaves (a thing which involves the knowledge of climbing).[23]

For the purpose of this paper, catching a thief or fetching a culprit to the court required elements of diplomacy and intelligence which must be learnt and actualized by the age-group whenever occasions called for it. Thus Fajana was quite right and factual that the age-group was an agency of educational training in whatever spheres of knowledge. The age-group was indeed a morale booster and enhancer of social engineering.

As a matter of fact, the age-grade association is a pivotal of indigenous knowledge of legal heritage. Among its rank and file, justice and fair-play derive from the acquirement of mutual knowledge for solidarity fronting and promotion of creativity. Thus articulation of initiative, bravery and wits enthroned

success and common destiny. Obviously the informal training and seeking after diverse knowledge by the age-group pre-suppose a fundamental understanding of the dynamics of social status and relevance. It inculcated into members spirit of charisma and bravado within the framework of intellectual display of skills and schemes which the society benefited therefrom. Indeed, the age-grade association, by their social standing and obligation stood as vanguards of knowledge of the relevant aspects of Yoruba legal heritage. They also so characteristically enhanced and facilitated speedy comprehension of cultural heritage and the ebullience of social engineering associated with public morality through the display of *espirit de corps* in all facets of life as attuned to public duties and obligation.

The significance of their robust sense of responsibility towards development in Yoruba society suggests a reasonable networking of relations with the elders. This is often spoken of in a maxim:

B'omode ba m'owowe, a ba 'agba' jeun.

This is translated to mean that if the youth respects the elders, they will have a good working relationship with them. In fact, this is another form of acquiring indigenous general knowledge.

Derivatives of Knowledge in Yoruba legal Heritage

Knowledge of Yoruba legal heritage derives from many sources. These include proverbs, maxims and judicial precedents. These sources of indigenous knowledge of Yoruba legal heritage are largely unwritten rather they come into the fore whenever disputes are settled at whatever forum. They are commonly referred to in the process of arbitration for reconciliation. This pre-supposes the fact that the dramatization

of Yoruba legal heritage had for long predicated on the recognition of equitable knowledge and reasonability anchored on the legal tradition which informed the derivation of wisdom therefrom. Moreover, the norms, customs and traditions of the pre-literate Yoruba societies have been kept alive in the memory of the people. The people, therefore, lived and adhered strictly to that culture bequeathed to them by their ancestors. Hence the pithy saying:

Eje ki ase bi awon Baba was se nse
Ko le ba ri, bi o ti nri
Laiye Olugbon, Olugbon se aseyege,
Laiye Aresa, Aresa sa seyege,
Laiye Ajero, Aiyedun gbongbon.
Let us obey and follow our ancestral tradition,
So that it may be well with us,
Olugbon obeyed, it was well with him,
Aresa obeyed, it was well with him
Ajero obeyed, his reign was peaceful.[24]

The traditions handed down by Yoruba ancestors are very potent and this is why they have been considered as agent of law making[25] and enforcing supernatural power in criminal offence.[26]

At the level of performance of legal culture in all traditional courts in Yorubaland, recourse was made to using proverbs not just as verbal art but also vehicle of juristic thought[27] to enhance persuasion and reasonability. Only those knowledgeable in proverbs can adequately adjudicate in disputes. By the same token, only litigants who have the knowledge of proverbs can follow and accept the course of justice displayed in the court. As a matter of fact, the participating audience needs reasonable level of understanding Yoruba proverbs to keep them abreast of the adjudicatory proceedings. Thus the Yoruba sums up the

prerogatives of knowledge as derived from proverbs in a vivid sense:

Amoran-mo-owe nii la 'ja oran.

It is the informed proverb adept that settles problems.[28]

Proverbs are quite useful and helpful to the elders when adjudicating in a dispute. The elders are by experience and age the repository of knowledge and wisdom of the Yoruba society. Thus the saying:

Enu agba lobi ti ngbo

Kolanut stay longer in the mouth of elders.[29]

It was the responsibility of the elders in traditional Yoruba society to see that peace and harmony was maintained for and on behalf of the ancestors. Hence the saying:

Agba kii wa l'oja,

K'ori omo titun wo.

The presence of an elder in the market place guarantees

That the head of a new-born baby shall not be mis-shaped.[30]

In a nutshell, proverbs give meaning and interpretation to juristic thought and they are copiously employed in Yoruba traditional court to adjudicate in disputes. Thus proverbs are indispensable device in dispute settlement. They are, however, mostly used when desirable in the course of settling disputes. The type of proverbs used in the court largely depends on the nature of the dispute. Characteristically, they come to memory naturally and in impromptu manner. Indeed, 'there is no proverb without the situation.'[31] This is why the traditional Yoruba court, can be considered a 'school' for learning proverbs and understanding precepts and precedents – applicable to disputes in vogue. Thus the knowledge of Yoruba legal heritage derivative from proverbs is a gradual process, learnt especially during court

proceedings. This entails that more knowledge of proverbs in the court come about as often as the court hold for adjudication. The more attendance in the court by a youth, the more knowledge of proverbs he acquires and the greater the understanding of the Yoruba juristic tradition.

Legal maxims are always employed in the process of adjudication. Maxims are closely related to proverbs. Like proverbs, they are terse and subtle in usage. Maxims are also useful sources of knowledge of Yoruba traditional judicial system. They portray the level of truth or the rule upon which judicial sanctions revolved. Judgement was never given in absentia in Yoruba traditional court. This situation is always couched in the legal maxim thus:

Agbejo enikan da, agba osika[32]
Wicked and iniquitous is he who decides a case on the testimony of only one party to it

Among the Ekiti, a sub-group of the Yoruba, this legal maxim is slightly couched thus:

'Ain b'ori Olori l'eyin Olori[33]

This legal maxim means that you do not condemn a man to death without hearing his own side of the dispute.

Yoruba legal maxims are always instructive and informative of the knowledge of juristic tradition. They are learnt during court proceedings and are kept in the memory for use not only in ordinary conversation germane to explaining laws and customs but at other period of court proceeding. In other words they are kept alive and employed as often as occasion warranted. The more they recur in judicial setting the more knowledge is acquired by the participants in the game of justice. Again, only those who are regularly witnessing process of adjudication would be constantly conversant and imbued with the knowledge

of Yoruba legal maxims. Fundamentally, the knowledge of legal maxims often affords the acquirer the opportunity of standing out shoulder high and with confidence in the crowd. Such knowledgeable person is always respected and counted worthy of cultural relevance and social status in Yoruba society. His knowledge of all aspects of cultural heritage entails that he is a truly bred child of Yorubaland. He is not a bastard. Yoruba culture gives room for individual to prove his mettle in the defence of the cultural norms and customs. This is often couched in the maxim:

> Omo ale ni nfi owo osi juwe ile Baba re.[34]
>
> Only a bastard points accusing finger to his father's heritage.

In outline, proverbs and maxims are two sides of the same coin which promotes and contextualises focal point of direction to the understanding and learning of Yoruba legal heritage. The knowledge of proverbs and maxims makes the elders socially relevant as instructors and the youth through the process of adjudication where the elders demonstrated robust sense of wisdom, do learn of the revolving model in cultural dynamism. Thus for both elders and youth alike, the knowledge of proverbs and maxims is instrumental to enhancing social engineering through persuasion, reason and wisdom which are the hallmarks of indigenous knowledge among the Yoruba.

Judicial precedents often reminded the court of the established norms and customs. In other words precedents refer to revisiting past decisions with a view to taking a clue therefrom. Recourse to precedents which are recent and timely not only reminded the court of established norm but also teaches new arrivals to the court of the past verdict. In this way, therefore, judicial precedents promote knowledge of Yoruba

legal heritage. Obviously, proverbs and maxims used in one dispute can be repeated in another as long as the disputes are similar in nature. Moreover, misuse or abuse of usage of proverbs and maxims which was employed in recent judicial seating can be adjusted in a fresh dispute.

Dramatization of Yoruba Legal Knowledge

Yoruba legal knowledge can be dramatized regularly in the traditional court and in communal and hegemonic festivals. Three types of court existed in Yoruba society. Fadipe,[35] Falola and Oguntomisin[36] approved of three types of courts where cases are heard and settled. These courts, in ascending order, include *ile-ejo ti bale* (the court of the compound heads), *ile-ejo ti ijoye tabi olori titun* (court of the ward chief) and *ile-ejo ti oba* (the court of the *Oba*).[37] The last court has the status of the present day court of appeal. Indeed, the Yoruba people refers to it as supreme court.

Procedurally, the dramatic personae on the stage of adjudication in Yoruba society are knowledgeable personalities in cultural heritage. Since performance is akin to Yoruba culture, the adjudicators quite often displayed their dramaturgical wisdom to exhibit the true knowledge of the legacy bequeathed to them by the ancestors. The stage was the court, the dispute in vogue was the plot of the drama and the denouement was the point where corroboration of evidence from the waiting witnesses became inevitable. Participants at the court always followed and mastered the stages of development until the climax of the dispute was reached.

As earlier mentioned, juristic tradition which the ancestors followed was bequeathed to the new generation of adjudicators. The plot of the drama which would be historically perceived must be followed to the letter since it was memorized and

performed. Thus the dramatic arts associated with Yoruba legal knowledge often sustains it. No member of the drama cast i.e. the adjudicators, litigants and witnesses maintain lukewarm attitude towards the juristic tradition during the scene of adjudication. As a matter of fact, the end of dispute ceremony was always a ritual aspect of the drama of adjudication. Whenever out-of-stage ritual was required, as contended by J.H. Driberg,[38] it was orchestrated by the adjudicators with the motive of cleaning the society.

Another level of performance associated with the knowledge of Yoruba legal heritage is the celebration of annual festivals – both communal and hegemonic. These festivals are usually celebrated so theatrically[39] to promote a practical knowledge of Yoruba cultural heritage. Whether communal or hegemonic, vital aspects of the Yoruba cultural beginnings are re-enacted. The re-enactment procedure and practice often enhances equitable knowledge which are regularly applicable to varying situations and circumstances.

The people of Otunja in northeastern Yorubaland, celebrates Osuru festival to publicly ridicule 'all the people who were held to have breached the town's norms or to have committed any crime during the previous year.[40] Abusive songs were employed to ridicule them. The adulterers are always songfully ridiculed thus:

Lile:	Alagbere laa juya
Egbe:	Alagbere laa juya
Lile:	Se ni in ba ma la gbere
Egbe:	Se ni in ba ma la gbere
Lead:	It is the fornicator that would suffer
Respondents:	It is the fornicator that would suffer

Lead: the fornicator ought to be publicly disgraced

Respondents: The fornicator ought to be publicly disgraced.[41]

The intention behind the *Osuru,* festival (an example of communal festival) is similar to *Agunlele* festival (hegemonic festivals) in Itaji, also a town in north-eastern Yorubaland. The festival, though re-enacts the historic beginnings of the *Onitaji* (ruler of Itaji), it also enabled the people to make atonement for misdemeanuors to the *Onitaji* and the *Olua*[42] (personality soul of Itaji). Similar annual festivals are celebrated in Yorubaland.[43]

In summary, Yoruba legal knowledge come to the fore through the dramatization of the dynamics of adjudication. Practice must match and conform with procedure. Indeed, it is the dramaturgy of cultural heritage that keeps aglow the survival of the Yoruba as a heterogeneous nation. In traditional Yoruba society, knowledge was not abandoned in a data bank. It is always stored up, revisited, revived and performed from generation to generation. No truly born and bred Yoruba indigene risked glossing over his culture which helps his survival, boosts his ego and entrusts on him the modalities of social engineering – a trade mark of social relationship and harmonious interaction.

Legal Heritage and Challenge of Modernism

Consequence upon the advent of colonial administration in Yorubaland, ideas and procedures of legal heritage started to dwindle. It adversely affected the knowledge associated not only with the performance of legal culture (as hitherto was the stance) it also blurred the relevance and substance of Yoruba legal heritage. Fundamentally, the British always carried their laws to their colonies as instrument of subjugation. Although there was a

spirited attempt to understand and document Yoruba legal heritage by the British officials, the effort which resulted in the compilation of laws and customs into an Intelligence Report; the motives behind it were two fold. In the first place, the British administrators had ulterior motive of comprehending Yoruba legal heritage so as to locate loopholes and adjust their laws to local circumstances. This was achieved by the establishment of native courts in different parts of Yorubaland. By the same token, the British administrators goaded the *obas* into believing that their position as president of the native courts was to enable them practice their indigenous laws. They were proved wrong with the incessant removal from the presidency position for one disagreement with colonial policy or the other.

The colonial legacy produced English-style lawyers in different parts of Nigeria. The Yoruba was the first ethnic group to produce a lawyer in Nigeria. This was in the person of Sapara Williams (1880).[44] Today, there are many Yoruba men and women who are lawyers of note but whose knowledge of legal heritage had waned. The British trained African lawyer, as often is the case, "appears to believe that English law is the embodiment of everything that is excellent.[45] He is complacent and could be so proud of the wig and the gown as if dress has much to offer in the dispensation of justice. He knows next to nothing of his home-grown traditional jurisprudence.

The foregoing scenario tends to suggest that the assimilation of the English law has been so total and had over-whelmingly down-graded the indigenous laws and customs. The increasing level of law suits in courts occasion denial of justice. Crime rates are alarmingly on the increase. Each nation of the world is fashioning out programme of action for inaugurating alternative measures to dispute settlement. Contemporary Nigerian societies

are now torn between two worlds – sticking to the apron string of foreign laws and re-thinking of modification to indigenous laws which could stand the test of time. This is a vital point of challenge which would make or mar judicial development.

The Yoruba people of south-western Nigeria now live in towns and cities coming face to face with the reality of urban problems. What is the possible way forward? The way forward is in cultural revitalization especially with proper articulation of vital aspects of legal heritage which could enhance harmonious interaction and understanding amongst the people. The Yoruba indigenous law is dynamic and will so remain as long as positive approaches are utilized towards development. Cultural anthropologists and legal historians have crucial roles to play in the quest for articulating Yoruba legal heritage for contemporary social engineering and development. Their research into legal culture and analysis thereof would induce enthusiasm for seeking after the knowledge of indigenous laws and fine-tuning them.

A march of progress in our legal culture is for the lawyers to develop interest in the study of indigenous laws with a view to employing same in legal suits. Their knowledge need to be broadened and articulated as this will help to decongest the court and lessen the wave of committing crimes. They are also useful in the area of research into legal heritage and blending it with good aspects of their formal legal training and expertise.

Conclusion

It has been considered that indigenous knowledge of Yoruba legal heritage is resourceful towards sustenance and development of group psyche. The Yoruba of southwestern Nigeria had for long demonstrated that the legal heritage is educative, informative and didactic. The knowledge of indigenous laws, as the paper voyaged, derives from proverbs

and maxims as well as judicial precedents. The paper also examines various fora of jurisprudential schooling and the platform for dramatizing Yoruba legal knowledge.

The knowledge of Yoruba legal heritage like other indigenous laws in Nigeria was considered waning consequent upon the introduction of English laws which produced English style lawyer. One interesting point of the discussion in the paper is the ignorance of British trained lawyers of African background (Yoruba people inclusive) of their indigenous laws. Whereas their training ought to blend with the fundamentals of indigenous judicial system, the African lawyers have been found wanting in that sphere of knowledge. This anomaly is the paper considered, a big blow to dispute settlement in the midst of numerous unattended-to-law suits mitigating judicial development.

Finally, it has been suggested that legal historians and other ancillary scholars of cultural studies should intensify efforts to unearthing salient issues for the development of indigenous laws. Western oriented African scholars have been enjoined to develop interest in study and researching indigenous laws towards enhancing harmonious wedlock with their training and expertise. Achieving this laudable feat means a progressive development of indigenous knowledge of legal heritage for the next generation.

End Notes

1. M. Gluckman, "The reasonable man in Barotse Law", *Journal of African Administration,* 8, 1956, pp. 101-105.
2. J.F.A. Ajayi, "Factors in the evolution of Political Culture in Nigeria" in J.F.A. Ajayi and B. Ikara (eds.) *Evolution of Political Culture in Nigeria* (Ibadan: University Press, 1985), pp. 11-12.

3. I.A. Akinjogbin, *Dahomey and its Neighbours, 1708-1818*, (Cambridge: Cambridge University Press, 1961), pp. 16-17.
4. A. Akiwowo, "Ajobi and Ajogbe – Variations on the theme of Sociation; Inaugural lecture series, 46, University of Ife, 1980.
5. W.B. Schwab, "Kinship and lineage among the Yoruba", *Africa*, 25 1955..
6. P.C. Lloyd, "The Yoruba Lineage", *Africa*, Vol. 25, 1955, p. 250.
7. R.C.C. Law, "The Heritage of Oduduwa: Traditional History and Political Propaganda Among the Yoruba", *Journal of African History*, 14, 28, 1973, pp. 270-222.
8. A. Obayemi, "The Yoruba and Edo-speaking People and their Neighbours before 1600", in J.F.A. Ajayi & M. Crowder (eds.) *History of West Africa*, Vol. 1, (London: Longman Group Ltd. 1976), p. 218.
9. J.A. Atanda, "The Historian and the Problem of Origins of Peoples in Nigerian Society", *J.H.S.N.*, Vol. 10, No. 3, December, 1980, pp. 63-64.
10. T.A. Awoniyi, "The Word Yoruba", *Nigeria Magazine*, Nos. 134-135, 1981, p. 104.
11. H.U. Beier, "Before Oduduwa", *Odu*. No. 3, 1957, p. 25.
12. A.K. Ajisafe, *The Laws and Customs of the Yoruba People* (Lagos: Kash and Klare Bookshop, 1946), Preface page.
13. J.A. Atanda, "A Historical Perspective of Intellectual Life in Yoruba Society up to c. 1900", *J.H.S.N.*, Vol. 11, Nos. 3 & 4.
14. Frank and Wagualls, *Standard College Dictionary*, New York, p. 702.

15. E. Shils, "Intellectuals," in David L. Sills (ed.) *International Encyclopedia of Social Sciences,* The Macmillan Company and the Free Press, 1968, vol. 7, p. 401.
16. A. Fajana, *Education in Nigeria, 1842-1939: An Historical Analysis* (London: Longman Group Ltd., 1978), p. 4.
17. A. K. Ajisafe, *op.cit.* p. 40.
18. I. Kopytoff, "Ancestors as Elders", *Africa,* 41(1), 1971, pp. 129-142
19. E.B. Idowu, *Olodumare: God in Yoruba Belief,* London: Longman, 1962), pp. 191-197.
20. W.R. Bascom, "The Principle of Seniority in the Social Structure of the Yoruba" *American Anthropologist,* Vol. 44, 1942.
21. T.A. Awoniyi, "Omoluabi: The Fundamental Basis of Yoruba Traditional Education", in W. Abimbola (ed.), *Yoruba Oral tradition* (Ile-Ife: Department of African Language and Literatures, 1925), p. 380.
22. A.K. Ajisafe, *op.cit.* p. 24.
23. A. Fajana, "Age-group in Yoruba Traditional Society", *Nigeria Magazine,* No. 98, September, 1968, p. 235.
24. O.B. Olaoba, "Taboos in Yoruba Palaces", *Nigerian Heritage,* vol. 7, 1998, p. 86.
25. O. Adewoye, *The Judicial System in Southern Nigeria, 1854-1954,* (London: Longman Group Limited, 1977), p. 4.
26. J.D. Ojo, "The Place of Supernatural Powers in the Criminal Law with particular reference to Nigeria", *Nigerian Behavioural Science Journal,* Vol. 1, No. 1, 1978, pp. 26-38.
27. O. Adewoye, "Proverbs as vehicle of Juristic thought among the Yoruba," *O.A.U. Law Journal,* Nos. 3 & 4, 1987, pp. 1-7.

28. O.O. Olatunji, *Features of Yoruba Oral Poetry,* (Ibadan: University Press, Ltd. 1984), p. 170.
29. O.B. Olaoba, "Traditional Judicial Organization and Procedure in Ekiti Palaces: 1830-1930 with particular reference to Ekiti North", Unpublished Thesis, University of Ibadan, 1992, p. 122.
30. O. Adewoye, *op.cit.* p. 4.
31. J.B. Christensen, "The role of proverbs in Fante Culture," *Africa,* vol. 8, No. 1, 1958, p. 232.
32. T.O. Elias, *The Nature of African Customary Law,* (Cambridge: Cambridge University Press, 1956), p. 256.
33. O.B. Olaoba, *op.cit.* p. 126.
34. Popular Yoruba legal maxim often used somehow derogatorily to ridicule non-conformists to cultural norms.
35. N.A. Fadipe, *Sociology of the Yoruba* (Ibadan: Ibadan University Press, 1970), pp. 228-229.
36. T. Falola, G.O. Oguntomisin, *The Military in Nineteenth Century Yoruba Politics* (Ile-Ife: University of Ife Press Ltd. 1984), p. 19.
37. *Ibid.*
38. J.H. Driberg, "The African Conception of Law", *Journal of the African Society,* 34, Supplement, July, 1955, p. 238.
39. O. Ogunba and A. Irele, *Theatre in Nigeria* (Ibadan: Ibadan University Press, 1979), chap. 1.
40. J.D. Ojo, "The Osuru Festival: An Indigenous Solution to Crime Control", *African Notes,* Vol. 14, Nos. 1 & 2, 1990, p. 38.
41. *Ibid.* p. 39.
42. O.B. Olaoba, *Itaji History and Culture* (Ibadan: John Archers Publishers Ltd. 1999), p. 50.