



Peace and Conflict Management in Traditional Yoruba Society

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Abstract

Peace management is more imperative than conflict resolution. Indeed, if peace is effectively managed, there will be no conflict to resolve. Given that conflict is a ubiquitous and inevitable part of human existence, this paper borders its thesis on the imperatives for peace and conflict management (PCM) in human society, using the traditional Yoruba society model. A comparative analysis of *PCM* in the Yoruba society in traditional and modern times reveals a radical departure from the indigenous *PCM* framework which had kept animosity at bay and ensured peaceful coexistence. Relying on the qualitative method of data collection and analysis, based on extant secondary materials, this study aims at systematically exploring the robust heritage of the traditional system of jurisprudence (TSJ) in Yorubaland, such as the spirito-extra-judicial framework, use of masquerades, sasswood concoction administration, “broom-and-key” method, and use of legal proverbs. Findings of this study affirm that the incursion of foreign ideology and introduction of the western colonialist model of jurisprudence into the African (and Yoruba) setting, which introduced alien methods such as litigation, came as a rude interruption to the existing judicial ethos. As such, litigation is completely un-African, considering the Yoruba belief system of “No camaraderie continuum after litigation.” Conclusively, the recent renaissance of the crusade for alternative dispute resolution (ADR) only resonates a call to revert to the Yoruba *TSJ* with its array of long-standing indigenous mechanisms circumspectly instituted and jealously guarded for effective *PCM*. We recommend, *inter alia* therefore, a reversion to out-of-court settlement, dubbed *ADR*.

Keywords: Yoruba, conflict, tradition, peace and conflict management, traditional system of jurisprudence, alternative dispute resolution

Introduction

The universality and inevitability of conflict, throughout all known ages of our known world, from the pre-historic (period with neither written records nor reliable oral traditions) to proto-historic (period with scanty written sources and reliable oral traditions) and historic epochs (for which we have plethora of written records and reliable oral traditions), arguably, is no longer a subject of debate. By the inevitability of conflict, we simply mean that conflict is perhaps, at best, unavoidable. Conflict is like one's shadow. One cannot run away from it. In fact, the more you try to avoid it, the more you embrace it. A video footage reveals a young girl of about two years old who saw herself being apparently chased around by a 'goblin'. Every direction she ran to, she saw herself being trailed after by this mysterious fairy who, more scarily, wore her shape and figure. She ran forth and back till she fell. Lo and behold, unknown to the innocent girl though, she was only trying to run away from her own very shadow. Unknown to the poor innocent girl, you cannot run away from your shadow, as her frantic efforts to run away from her own very shadow not only ended up an exercise in futility but also in frustration. As such, conflict is an inevitable phenomenon and a daily reality in our heterogeneous, pluralistic, multi-ethnic, multi-lingual, multi-cultural and multi-religious, highly complex, globalized contemporary society.

The universality of conflict undermines the *selectionist* argument of Eurocentric apologetics who try to paint Africa as being a land of barbaric savages. Conflict, after all, is not exclusive of any continent or color, creed, place or race, region or religion. In their argument, they bicker that Africa had for centuries been a *vast battlefield* for unending brouhaha. Making reference to the *warrior instincts* which have remained extremely powerful among the black race, they equally posited that those warrior qualities of the black race were hereditary, and that their cold-blooded and fatalistic temperament made them terrible in the prevailing conditions of modern warfare (Lunn, 1999). Perhaps given the incessant and ubiquitous nature of wars in the Yoruba country during the 19th century, for instance, Smith (1969) describes warfare as a way of life of the Yoruba. But wars were not undertaken without serious thoughts given to them. However, as Smith (1969) notes:

Warfare was undertaken by the Yoruba with deliberation. Only after lengthy discussion in the Councils of the kingdom, exhortatory speeches to the troops, and sacrifices to the war standard did the army move out to the vicinity of the enemy. (p. 104)

The people often resorted to warfare when all forms of diplomatic and religious means had failed. The opinion held by European observers and subscribed to by some writers had since been demolished. It is now well known that the issues of the wars were basically political or economic regarding questions of *Balance of Power* (BOP). This is not to say that the Yoruba wars were fought for the purpose of acquiring slaves (Smith, 1969). Akiwowo (1998) has provided us with *War Ethics among the Yoruba*, comparing it with the compelling evidences of a phenomenal growth of militarism in the global society of today, and decrying the possession of the nuclear capability of blowing up the planet earth by the world super powers and their allies. War has therefore been described as a barbarity that for generations had been waged under strict rules of conduct for the protection of homes and the civilization of a nation. However, it has, today, lost the justification of this purpose as mass slaughter appears to have become one of its primary objectives. Today, armies no longer fight armies alone; they seek the death and obliteration of an entire populace. For instance, the UNESCO (as cited by Nzeako & Tumba, 2018) reveals that more than

half of African countries are at risk of one form of peace and security crisis or the other, ranging from state collapse, terrorism, weak states, civil wars, ethnic conflicts and social and political deprivations of its citizens.

Ever since the emergence of Napoleon Bonaparte on the political terrain of France ushered Europe (and the world by extension) into the *Age of total war*, during the closing decade of the 18th century, the universal man has constantly lived in frantic search for peace and tranquillity. This is because, as Brionne Frazier (2019) revealed, “during the French revolution, the Revolutionary Tribunal engaged in acts of total war, nicknamed “The Terror.”... During the Napoleonic Wars that followed the revolution, it is estimated that approximately five million people died over the twenty-year period” (para. 9). After a century of the much cherished peace and security orchestrated by certain mechanisms, the resurgence of the horrors of conflict has been astronomical. The many deadly conflicts that have ensued (such as the World Wars I and II—1914-1918 and 1939-1945 as well as the Cold War thereafter) and which are still raging across the global community today, probably made Fisher (2014) to dare all optimism by positing that the hope for enduring peace has become somewhat elusive. This, painfully enough, has turned our God-given habitation of tranquility into the den of cruelty (Aboyeji, 2015^a). However, although the world is apparently tired of war, and peace is apparently somewhat elusive in today’s world, yet, peace and conflict have remained topmost and among the most recurrent issues in recent times. The need for peace in our planet, therefore, cannot be overemphasized.

Provided that the universality and inevitability of conflict has been ascertained, where conflict is portrayed like a shadow that one cannot run away from, it therefore behooves us that if conflict cannot be prevented or is poorly managed, resolution must be handled with utmost caution. Given the inherent weaknesses of the modern judicial system, which has not been able to curb the ever growing social vices, the need to revert to the neglected old order of pre-colonial justice therefore becomes imperative. Given that conflict is an ubiquitous and inevitable part of human existence, this paper borders its thesis on the imperatives for peace and conflict management (PCM) in human society, using the traditional Yoruba society model.

Conceptual Clarification

For the sake of clarity and better understanding of this paper, some concepts need clarification for their easy adaptability in the course of this discourse.

Peace

Christians, Muslims, animists, fascists, communists, democrats, and psychologists, all view the concept of peace differently. It is therefore pertinent to note that there are many perspectives to the conception of peace. For instance, according to Jando (2018), while psychologists would view peace as a state of mind in harmony and balance; a function of the mind of an individual or group of people to their state of being, sociologists could see it as the value that emanates from the human relationships, which enhances social harmony, creativity and productivity and prevention of war; whereas political perspective depicts a broad concept subsumed in balance of power. For Jando (2018), peace is:

- i. the absence or opposite of conflict, abhorring violence and wars;
- ii. a state of justice, goodness and civil government;

iii. “a state of mind in concourse and with serenity; a state of harmony, tranquility, concord and balance of equilibrium of powers” (pp. 75-76).

In addition to the above, it suffices to add that peace may not necessarily mean the absence of conflict but an unperturbed state in conflict situations, with confidence in the justice system, that justice would eventually prevail.

Conflict prevention or management

Best (2006) distinguishes conflict resolution from conflict management, prevention, transformation and suppression.

Conflict prevention

The Final Report of the Carnegie Corporation of New York issued in 1997, having distinguished various phases of conflict, ranging from tensions to crises, conflict proper and post-conflict settlements, advocated long-term prevention by, *inter alia*, stressing the necessity for an effective and robust early warning system, which can detect the early signs of trouble, as well as the setting up of institutions to deal with the potential root causes of conflicts (Carnegie Commission, 1997). Mwanasali (2016) highlighted four key variables which have generally been identified based on consensus as lying at the root of conflicts, namely insecurity, inequality, incentives and perceptions. The expression *Conflict Prevention* is often used to depict an action undertaken with the express intent to anticipate a conflict or forestall the possibility of its escalation into generalized, free-for-all and uncontrolled violence, whether between two groups or at the level of society at large.

Conflict management

Prevention, we often say, is better than cure. In relation to conflict, conflict prevention is however, perhaps, only applicable to such situations that are not bound by inevitability or causality. As such, although conflict can be prevented in some occasions, it can only be managed in others (Jando, 2018). For instance, while such conflicts as are related to resources may be permanently resolvable, especially when the basic needs of the aggrieved parties have been reconciled or met with necessary satisfiers and their palpable fears have been allayed, however, others as may relate to values may be non-resolvable and may therefore, perhaps, at best be transformed, regulated or managed (Best, 2016).

Ojo and Akinyoade (2016) who harped on the erroneousness in the interchangeable use of such expressions as conflict prevention, control, termination and resolution, often used as synonymous with conflict management, argued that conflict management refers to “an attempt to reduce the negative or destructive consequences of conflict, and produce more positive outcomes for parties in the conflict. [This involves] devising strategies to reduce the destructive effects of human interaction to the barest minimum, by transforming seemingly irreconcilable conflicts into tolerable relations” (pp. 110-112). Although Best (2016) distinguished conflict management from conflict regulation, suppression and transformation, it would suffice us, for the purpose of this study, to subsume all others under conflict management, since it is sometimes used synonymously with conflict regulation, limitation, containment and litigation. Management of conflict seems to be in support of the inevitability of conflict and that not all conflicts are always resolvable. As such, the best practitioners can do is to manage and regulate them. Management of conflict therefore covers all areas of handling conflicts positively at different stages,

including efforts towards conflict prevention, by being proactive. Thus, conflict management is viewed as the process of relaxing the negative and destructive effect of conflict through certain measures and by working with and through the conflicting parties.

In the interest of peaceful coexistence and societal development among the different peoples worldwide, every society evolved its own unique and peculiar mechanisms and instruments of conflict management. The historical antecedents and robust values inherent in the traditional/indigenous judicial systems/institutions of the various pre-colonial peoples of the Nigerian region for conflict management therefore deserves to be placed in apposite perspective (Ojo & Akinyoade, 2016).

Conflict resolution

Conflict resolution is intrinsically not aimed at conflict prevention, since conflicts can invariably be destructive or creative, but to ensure that its occurrence does not threaten the fundamental basis of our corporate existence. Conflict resolution has been variously defined as:

- i. An outcome in which the issues in an existing conflict are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long run and productive of a new, positive relationship between parties that were previously hostile adversaries; and any process or procedure by which such an outcome is achieved.
- ii. A sense of finality, where the parties to a conflict are mutually satisfied with the outcome of a settlement and the conflict is resolved in a true sense.
- iii. A variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation of conflict (Best, 2016, pp. 93-96).

By conflict resolution, it is expected that the deep rooted sources of conflict are addressed and resolved, and behavior is no longer violent, nor are attributes hostile any longer, while the structure of the conflict has been changed (Best, 2016). For the purpose of this paper, the concept *conflict management* would be used synonymously with and to include *conflict resolution*.

Be that as it may, irrespective of the variation and nature (including physical or naked warfare), conflict has usually made the world unsafe for human beings and, by extension, has impeded the development of both capital and material resources both of which are necessary for human welfare. An understanding of this candor, therefore, only harps on the need for effective means of conflict resolution for peaceful coexistence in a cantankerous and volatile society. In this light, if conflict cannot be prevented from ensuing, going by its inevitability, universality and/or ubiquity, it therefore becomes imperative to seek peace by resolving or managing conflict situations.

Conflict

Succinctly put, conflict is the inverse or opposite of peace. It is indeed, pertinent to note that all over the world, there seems to be one form of conflict or the other, although varied in nature and dimension. Although conflict is by its nature complex, the nature of conflict varies from one conflict to another. In other words, the nature is largely induced by the cause of a particular conflict. Above all, a conflict situation creates chaos and makes the environment unsafe for life and property. In a conflict situation, threat, fear, anxiety, and general insecurity become the order of the day. Conflict indexes include, among others, mutual image of misunderstanding, hate speech or hostile utterances, action and responses that seek to put the interest of the other party in a disadvantaged position.

The Yoruba

Aboyegi (2018) who identified ethno-political tension as one peculiar feature of a multi-ethnic society like Nigeria, further described Nigeria as “a complex ethno-political landscape” (p. 448). According to him, ‘such ethno-political tensions are capable of igniting the embers of anarchy and dissensions in the attempt of groups within the group to satisfy their cravings for parochial interest’s satisfaction’. Nigeria is a potpourri of ethno-cultural groups, nations and ethnicities put at about 395 (Lukpata, Dada, & Tanko, 2016), each of which has its own ethos and idiosyncrasy. Of these, three are most dominant: Hausa-Fulani in the north, Igbo in the south-east and Yoruba in the south-west.

Like any other ethnic or tribal group in Nigeria, the popular history of the Yoruba, according to Jeje (2018) is often linked to the *Hamitic Hypothesis*, premised upon two broad legends of origin: one autochthonous, the other migratory. The first has it that the Yoruba people claim an autochthonous civilization which began at Ile-Ife, the oldest town allegedly founded by the deities, *Oduduwa* and *Obatala*, where these gods reportedly descended to earth. Whereas Obatala is believed to have fashioned the first humans out of clay, Oduduwa is held to be the first divine monarch of the Yoruba. The migratory traditions made reference to a Middle Eastern origin of a prince who relocated from Arabia, Mecca or Egypt. Although divergent in details, they both, at least, have two things in common: Oduduwa as the central figure and Ile-Ife is their ancestral home. However, evidences from findings seem to be overwhelming and compelling enough that the Oduduwa legend could not have been the very origin of the Yoruba but only an episode—just the beginning of a new political dynasty of the Yoruba; though a significant turning point in the Yoruba historiography. This is because of the compelling evidences of pre-Oduduwa inhabitants in Ile-Ife, as argued by Aboyegi (2015^a). Be that as it may, however, Oduduwa’s descendants are believed to have established or super-imposed themselves on all Yoruba settlements.

Meanwhile, archaeological evidences have dated settlements at Ile-Ife to the 4th century BC, although it was not until around the 12th century AD, often described as the *Golden Age* of Ile-Ife, before urban structures started to appear. This was ever before the rise of Oyo (1100-1600). Although the name Yoruba was originally used exclusively in reference to the Oyo empire, being the name for the Oyo people, the name is now being used as a collective label for all Yoruba, held to be the most urbanized ethnic group in Africa. Linguistically, the Yoruba race, a distinctive Niger-Congo ethnic group of the south-western and north-central Nigeria as well as southern and central Benin, is said to belong to the Kwa group of languages classified by Greenberge (as cited in Jeje, 2018).

The Yoruba territory lies roughly between latitudes 6^o and 9^o N and longitudes 2^o 30/ and 6^o30/ East of Nigeria. The Yoruba remains one of the largest and predominant ethnic groups in Nigeria and Africa with about 35 percent of Nigeria’s population and about 40 million people around the globe (Jeje, 2018). Although they are majorly found in south-western Nigeria, they also extend to other parts of West Africa such as Dahomey, Republic of Benin and Togo, being one of the major diasporic ethnic groups in the world from Africa. They are also widely dispersed all over Africa and the entire global community in places like Sierra Leone, Liberia, Gambia, across the Atlantic as far as the Caribbean, West Indies, Americas, Brazil, Cuba, Asia and in Europe for divergent profitable socio-economic enterprises (Jeje, 2018).

Although believed to be an homogenous nation, being progenies of the same progenitor—*Oduduwa*, from the 19th century, internal division began to ensue when the various Yorùbá groups

namely, the Oyo, Egba, Ondo, Ijebu, Igbomina, Ife, Ijesa and Ekiti, *inter alia*, apparently began to reject the eponymous 'Yorùbá' label, to which they all hitherto answered, and would rather prefer to consider themselves as distinct tribes—'states' within a 'nation'. Aboyeji (2016) further argued that although the 'nationhood' of the Yoruba seems not in question, during the cataclysmic period of the 19th century Yoruba inter-state and/or civil wars, which has misguided some into seeing Yorùbá history in the 19th century in exclusively martial terms (Smith & Ajayi, 1964), they began to stress this sub-ethnic distinctiveness and 'statehood', thereby also turning their country into a century-long theatre of war (Aboyeji, 2016).

Maps of Nigeria showing Yorubaland



(Source: <https://www.google.com.ng/url?sa=i&source=images&cd=&ved=2a>)

Western Ideology and Change of Ethos

Ige (2017) identified Western conflict resolution mechanisms to include dialogue, communication, collaborations, negotiation, mediation, arbitration and war of attrition. Oddiri (2004) also included facilitation, explaining that when a neutral party enters discussions to help the parties work towards consensus, the process is described as *facilitated negotiation* or facilitation. The facilitator does not concentrate on the substance of the issues for discussion. Rather, he or she assists the parties to focus on the salient issues to improve their chances of reaching an agreement. Best (2016) added to the Western ADR mechanisms good governance, conciliation, adjudication and crisis management. Ojiji (2016) also identified among other spectrum of conflict handling styles: domination, avoidance, accommodation, collaboration, confrontation/fighting, compromise and problem-solving, highlighting the strengths and weaknesses of each. He however observed culture as a major domineering determinant of the preferences in conflict handling styles. Although Gulliver (1974, cited in Ojiji, 2016) highlighted four types of conflict handling procedures that probably could be found in all cultures of the world (that is, negotiation, mediation, conciliation and arbitration), the application depends, by and large, on the type of relationship of disputants, whether *simplex* or *multiplex*. *Simplex* relationship is one which is confined to a single interest, and often relies on adjudication or arbitration in settlement; whereas *multiplex* relationship depicts a relationship that serves multiple or many interests, which often relies basically on negotiation or mediation for settlement. Others include multi-track diplomacy (Diamond & McDonald, 1996), litigation (Aboyeji & Aboyeji, 2018), among others.

As noted earlier, the major issue here is not the outbreak of conflict itself, given that it has been identified as an inevitable necessity of human existence. It has therefore been argued that the goal of effective conflict management is such that the incident of conflicts does not threaten the fundamental basis of the collective existence of parties involved, and not necessarily an attempt to prevent outbreak of conflicts. However, the modern framework for conflict management has not only worsened matters but is found culpable for the present spate of unending crisis situations. This is because, according to Ojo and Akinyoade (2016), the modern judicial system breeds ‘professionals’ as against the ‘peace-makers’ of the indigenous framework. As such, in spite of the proliferation of ‘professionals’ in the contemporary society, conflict situations have secured a way of escalating into violent stages, probably to guarantee a continued relevance and/or maintain the continuity for their ‘profession’ and ‘professionalism’. This change of ethos has therefore led us this far. An understanding of the foregoing will therefore help our comparative analysis of the past and present; that is, the traditional (indigenous) and modern (foreign) frameworks.

While some have seen the effects of the incursion of foreign ideology on Africa as ‘mixed blessing’ with both positive and negative implications, such influences have left unprecedented impact on every fabric of the African culture, tradition and belief system (Ojo & Akinyoade, 2016). One fundamental area that has been gruesomely affected by the incursion of foreign ideology in the African society was in the jurisprudence sector.

Peace and Conflict Management in Traditional Yoruba Society: ADR

It should be noted that peace management is more imperative than conflict resolution. Indeed, every society has its own ethos and idiosyncrasies. Every society or institution has its own ways and

methods of resolving conflicts. As such, almost throughout all African societies, there was preference for peaceful means of conflict settlement in *tandem* with the particular community's institutional perceptions and juridical prescriptions. It is interesting to note that in traditional African societies, conflicts of whatever sources or dimensions were exclusively handled through indigenous judicial institutions of conflict management. Hence, an examination of Yoruba ways of resolving conflicts would be done with particular emphasis to ADR. The idea of ADR is all about the quest for and application of non-conventional but peaceful methods of settling conflicts, using least expensive means as is satisfying to the parties as to also preserve relationships after a settlement might have been reached (Best, 2016). Oddiri (2004) has argued that owing to the exigencies of commercial dealings in our modern era, many of the countries in the world now complement dispute resolution by applying alternative methods of dispute resolution.

Alternative Dispute Resolution (ADR), which is specially meant to serve as an alternative to the conventional means of settling disputes, mainly through litigation and the court system, basically refers to all the means and modes of disputes resolution outside of the formal judicial process - litigation - or simply put, out-of-court settlement. Preference for non-violence is its major hallmark (Best, 2016). It is a collective term for the ways in which disputing parties can settle disputes, with (or without) the help of a third party (Eleanya, n.d.). This method is particularly traditional, African and indigenous to the African legal system. It involves the use of non-conventional peaceful means of settling conflicts. In most cases, the method avoids the use of litigation.

Yoruba Traditional Judicial Institutions

One fundamental uniqueness of the traditional African society is the gift of goodness from God. Besides the enormous assets and values such as mineral and natural resources: gold, diamond, fertile and arable soil, timber, and so on, that Africa is blessed with, Africa is also blessed with invaluable human resources such as good leaders (chiefs, family heads, clan heads, kings, priests, and so on); as well as non-material resources such as peace, security, good governance, brotherliness, good family ties including the extended family, and kindness. Generally speaking, under the traditional judicial system, conflicts were resolved at family, village and community levels and the aggrieved parties were appealed to, to accept and operate in the spirit of the agreement reached. Findings show that these traditional mechanisms were analogous across Yorubaland, with slight adaptations to peculiar situations and communities. Traditional Yoruba communities, towns and villages were structured along three graded hierarchical units, for administrative purposes, namely family council, quarter or compound council, and village council.

Family council

This is the earliest and lowest basic unit of the social organization and is headed by the *Olori ebi*, that is, family or clan head. The Yoruba were renowned for their elaborate *ebi* (that is, clan or family) system, which in the old days extended beyond the immediate nuclear family comprising the man, his wife or wives and their children, but included all members of the extended family. This council, among other things, was obliged to settle family disputes and arrange other family matters.

Quarter or compound council

By arrangement, the whole village was divided into quarters or compounds. The quarter council therefore comprises all titled chiefs and family heads and elders in the quarter, headed or presided over by the *olori agboole* (compound head). He was expected to be a man of considerable tact and importance to serve as the spokesman of his quarters in town or village gatherings. Among several increasing responsibilities, he was to ensure harmony by settling scores and disputes among members of the different families within his area of jurisdiction—his quarters/compound. The political dimension of culture underpins development such as law and order, peace and security. In fact, chiefs and elders were charged with the responsibility of maintaining a serene community. They were arbiters and conflict resolution experts who solved social problems in a fair, just, truthful, and brotherly manner.

Village council

This comprises all groups of chiefs from all families and clans of all quarters or compounds, be they civilian or military. It was presided over by the village head—*Baale* (paramount chief, in the case of a chiefdom) or *Oba* (paramount king in the case of a kingdom). Yoruba *obas* generally were regarded as being divine (*Alase igba keji Orisa* – meaning, divine monarch, second only to the gods of the land), wielding enormous political, judicial and religious powers, after due consultation with the *Oba*-in-council or council of chiefs, such as the *Iwarefa* or the *Oyomesi*. As such, law making (legislation), law interpretation and enforcement adjudication (judiciary) were all added to the king's executive duties. The *Oba*-in-council advised the *Oba* in the court to decide cases, be they civil or criminal. Only cases beyond the jurisdiction of the quarters or village heads were referred to the *Oba*'s court, which was the final Court of Appeal and Supreme Court for all cases (Atanda, 1973). Here, all cases, criminal and civil were brought to bear and laid to rest. It was there only that capital punishments could be pronounced upon an erring and guilty person, if and when needed.

The setting for dispute resolution would normally be a neutral place such as the market square, village square, an open hut, land boundary in the case of a land/boundary dispute, village court (community adjudication center) or a traditional shrine, as the case may be. Having performed necessary rites such as oath taking, pouring of libation, invocation of ancestral spirits, sacrifice of a live animal, invocation of the spirit of gods such as *Ogun* (accredited god of iron), *Sango* (god of thunder and lightning), *Sanpona* (god of small pox) or *Esu laalu* or *Elegbara*, *Ayelala* (an effective deity that punishes crime of various types) in order to wreak calamity on the guilty person who may want to interfere with the judicial process or get involved in duplicity (Best, 2016). All said and done, disputants thereafter swear to oaths and state their cases accordingly to the hearing of the assembly. Regardless of the degree of masculinity and gerontocracy of the Assembly, following the hearing and due considerations, fact-finding interrogations, investigations, and consultations, the elders would give their verdict, meant to promote community solidarity and non-violence or peaceful settlement/management of conflict.

On the whole, social organization and arrangement exhibited a sort of clinical nature in which every individual belonged to several overlapping groups, which provided the framework for his daily life. The mechanism, therefore, consisted of structures, institutions, processes and instruments, while the structure comprised, among others, hierarchical juridical-cum-political institutions from the *Oba*-in-Council or Council of chiefs of the king/*Oba* such as the *Oyomesi*, the highest ruling Council of chiefs of the *Alaafin* down to the division into wards, each having its representative in the *Oba*'s cabinet. While

legal matters were firstly considered at the family and ward levels by family heads/elders and ward chiefs respectively, appeals were made to the next court in rank till it reached the Council of chiefs, which served as both appeal and apex/supreme court. This way, the rights, needs and interests of citizens were satisfactorily represented and assured. This way, peace and order reigned supreme. These have been embedded in the traditional unwritten codes which have found their way and become engraved in the hearts of the people.

There are, at least, three levels of crimes throughout Yorubaland. They are crimes against the gods; crimes against the Oba; and crimes against other people.

- i. *Crimes against the gods*: This may include insult against the *orisa* (god/deity) or their priest or burning of a sacred grove. In such cases as these affecting the gods, propitiation sacrifices may be required to appease the gods, while the offender would be punished as guided or advised by the oracle.
- ii. *Crimes against the Oba*: In general terms, it should be noted that the *Oba* himself is considered a god in his own right/capacity, being the representative and spokesman of the gods here on earth. Yoruba *Obas* were often considered and so addressed as second to the gods of their lands. Offenses such as adultery against an *Oba's* wife was punishable by death by being tied to a stake. Insult to the *Oba* attracted heavy fine and the offender's house may be completely razed down to ashes.
- iii. *Crimes against other people*: Crimes or offenses against fellow people such as rape or wound would attract punishment(s) and/or fine in commensuration with the offense committed, with compensation paid to the aggrieved person(s).

“Ayelala Deity” published in 2016 further narrowed these categorizations of crimes to two main types, namely:

...social and spiritual crimes. Social crimes cover those which upset the societal harmony. Notable among such crimes are adultery, fighting, lying, stealing, egocentrism and similar ones. Spiritual crimes are viewed with more seriousness. They include: incest, murder, suicide, killing sacred animals, occult killing, witchcraft killing, unmasking of masquerades. A victim of robbery would go to a shrine and ask the goddess to sanction the culprit in a particular fashion and would promise rewards to the goddess. The culprit, possessed by Ayelala would make his way to the shrine and confess. Most often, series of strange deaths may occur in the culprit's family. (para. 6-8)

Age grade system

Age grades also constituted another very powerful institution in most traditional Yoruba societies. Although there are still traces of the preservation of this in some Yoruba communities, Age Grades were generally most powerful and effective up till the arrival of the colonial powers. In fact, the colonial masters endeavored to influence the functions of the senior age grades in the execution of judicial administration by motivating them to join the police so as to assist the district officers by bringing offenders to court. The indigenous non-violent conflict settlement processes are in two fangs: the voluntary processes are conflict settlement methods in which the parties involved have some level of say, influence or control over the outcome such as fact-finding, in-depth research and case studies, facilitation, negotiation, conciliation, mediation and brokerage (Best, 2016); while the involuntary processes, by and large, are most often

beyond the control of the conflicting parties and non-violent. They entail third party involvement as in arbitration, adjudication and law enforcement using the state-wide coercive apparatus, which were significantly contrary to the western model.

Broadly speaking, African indigenous peaceful methods operated in two broad perspectives: the proactive and reactive methods. The first was aimed at conflict *prevention* (community-based trust and confidence building measures such as unwritten pacts and treaties, communication, good governance and collaborations) while the second was meant to address situations that had already become conflictive or were potentially so, that is, conflict *management* and *resolution* (including third party interventions such as mediation, brokerage, conciliation, arbitration and litigation) (Best, 2016). It is worthy of note that these methods within the conflict management spectrum which have been effectively and efficiently employed within the indigenous African societies prior to the eastern or western interruptions provide us with a template of alternatives to violence. The traditional Yoruba society would be used here as an example that in indigenous Africa, structures and procedures abound for non-violent management and resolution of conflicts.

The Broom and Key Method

An instance of the application of the ADR in pre-modern society, especially when everyone around had denied knowledge of a reported offense, involved the use of the local broom and a key firmly fixed in between. Suspects were summoned, with their names called in succession to the broom, which is being held firmly but in a loose/relaxed way. Anyone at whose instance the broom moves is considered culpable of the misdemeanor. This is analogous to the ‘casting of lots’ in Jewish culture, recorded in the Bible. Proverbs 18:18 says: “Casting lots can end arguments; it settles disputes between powerful opponents” (The Holy Bible, NLT).

Spirito-Extra-Juridical Framework

Aboyeji and Aboyeji (2018) considered religion, which has shaped the lives of the Yorùbá people, as central to Yoruba culture. Indeed, much of humanity finds it difficult or, at best, unthinkable to exist outside of spirituality—religion. They argue further that religion, which is conceivably the strongest element in African culture, is perhaps, at best, inseparable and intertwined with the traditional way of the people’s life (Aboyeji & Aboyeji, 2018^b). Although Borokinni and Lawal (2014) revealed that there are about 201 deities, 30 of which are commonly worshipped in Yorubaland. By contrast, Odejobi (2014) argued that there are over 401 deities or divinities in Yorubaland. Yet, each of these has its special place in the cosmological system of the Yoruba of Nigeria. For instance, the belief in the role of Ogun the god of iron, Sango the god of lightning and thunder, and Ayelala, among other Yoruba deities, was particularly paramount in controlling crimes and corruption. The beliefs also promoted good kinship and cordial interpersonal relations and respect for elders, kindness and habit of sharing, compliance with social norms, taboos and totems, and control of deviant behaviors in the society.

Achoba (2017) observed that the pre-colonial African system of jurisprudence was indeed intertwined with the religion of the people. Thus, juridical decisions at the family, ward or palace levels remained binding unless if an appeal is filed and the appeal judgement supersedes the former. Religion

and morality were, indeed, very much important in the social order and social change process. The belief in witchcraft, supernatural beings and ancestral spirits promoted very strong and healthy relationships and provided protection to the environment. For instance, in the Yoruba cosmological system in Nigeria, the belief in the role of Ayelala, Ogun the accredited god of iron and justice, and Sango the god of lightning and thunder were paramount in controlling crimes and corruption. The belief in witchcraft was important, not only in the traditional healing and medication practices in the treatment of various ailments and diseases in African society, but equally in the traditional African judicial system.

The involvement of the spirit world of the gods and ancestral spirits, considered as the source of wisdom for the elders who were deemed to be the representatives of the interests of the ancestors, who though dead, but believed to still continue to live, in the adjudication process helped to strengthen the judicial system, thus making rulings and injunctions sacrosanct. In furtherance, the disputing parties were always cautioned against an anti-peace and anti-justice stance, lest they incur the wrath of the gods, who had the capacity to be both malevolent and benevolent, depending on the prevailing circumstances. For instance, in intricate cases where parties concerned proved obstinate, the royal court, which had the supreme representation of the gods and ancestral spirits, could choose to present them before a spot usually located very close to the throne in the palace where both parties were made to vow to their own peril. The *Ayelala* institution among the Ilaje in Ondo state and the *Ojopo* institution in Iresi, a small town in Boluwaduro local government area of Osun state provide us with examples of this (Ojo & Akinyoade, 2016).

Use of masquerades

There were also other numerous modes of dispensing justice and various agents mandated to punish law breakers in traditional societies. Achoba (2017), for instance, identified the use of masquerades and the sasswood in dispensing justice and putting the society aright. Masquerades were sometimes directed to publicly discipline indolent people, the haughty, adulterers and thieves, among others. While the talking masquerades could publicly identify, rebuke, curse or warn erring members of the society, the cane-bearers of the bigger and highly revered masquerades could publicly spank the erring person or socially misfit after such an offender might have been proved guilty of the accused offense.

Administration of the sasswood

Sasswood, otherwise known as sassy (Latin name: *Erythrophleum suaveolens*), a tree with poisonous bark, an insect-resistant wood used for building, native to West Africa (Encarta Dictionaries, 2009), in most cases, was administered as a last resort to punish an outlaw. The Yoruba call it *eepo igi obo* or *asunrin*. At the instance of the chief, a man or woman accused of witchcraft, wizardry, adultery or any other heinous misdemeanor, may be compelled to drink a native concoction before the community to prove his or her guilt or innocence. This belief in the indigenous knowledge system of the Yoruba has been entrenched and encapsulated in the proverb *Aje kii jobo...* meaning “witches do not dare sasswood concoction.” This system, in itself, was more of a means of obtaining evidence or truth than a trial. Anyone who survived this process was not only generally allowed to go free, but also went vindicated and had his or her innocence established before the entire community. In the case of wrongful indictment or accusation, the wrongfully indicted person would vomit poison after drinking the sasswood concoction. The plaintiff or litigant was then punished for defamation of character. However, if the indicted person was indeed guilty, s/he would not be able to vomit the sasswood and the consequences was death.

Use of legal proverbs in dispensing justice

In the words of Best (2016), icebreakers and introductory sessions are part of the African judicial system, usually comprising of wise sayings, words of wisdoms from elders and ancestors, reference to the ancestors' good deed/will and proverbs. They are usually short witty sayings, at times funny, but always pregnant with reflective meanings. The hallmark of such food for thought lies in their validation of the traditional justice system as they played prominent roles as reference points, establishing precedence, to unravel knotty cases or to provoke somber reflection and deeper thinking, or simply as pieces of advice in the case of blistering matters.

Achoba (2017) provides numerous legal proverbs employed in the dispensation of justice in pre-colonial Igalaland. This writer has taken time to carefully select some of them and their equivalence among the Yoruba, with their legal connotations, to affirm the commonality of traditional judicial system among Africans.

- i. *There are always different styles in wrestling. The witty bird says, it (the bird) kills snakes and snakes kill human beings, whereas human beings kill it (the bird).* Its Yoruba equivalence has it that *Agbe loko, o de o pa oko mo, o ti gbagbe pe ojo kan, oko yio pa oun naa mo.* This is in reference to the cyclical/oscillating nature or vicious cycle of life, which warns that what goes round, comes around.
- ii. *The real weight of a load is not immediately felt.* Legally, this indicates that the nemesis of a crime is not instantaneous. It is analogous to the Yoruba saying: *Omode bu Sango, o boju wehin, o ro pe oojo ni Sango n ja.*
- iii. *The monarch sits with ease to receive his entertainers.* This affirms that the judge presides over the court without fear or favor. *Eru o bodo eni ti o wodo lominu nko.*
- iv. *One does not harvest mushroom in a haste,* which in legal interpretation, cautions that justice dispensation should not be done impatiently, so as to weigh the pros and cons of every matter. Yorubas also say *Ai kanju labe gbigbona.*
- v. *One cannot tell the type of rat that can cut down vegetation.* The legal meaning is that one cannot absolutely vouch for or trust anyone. Its Yoruba equivalence states that *Tan ba ni omi ni yoo se eja jinna, a o pe iro ni.*
- vi. *One cannot compare smallpox with ordinary rashes,* implying that every crime has its own gravity and weight in terms of punishment. Yoruba equivalent has it that *Ai fi iku we oorun.*
- vii. *When a pot is on the fire boiling yam, people are not aware but when the mortar starts pounding, everyone in the neighborhood hears the noise.* Its Yoruba equivalence has it that *Igba ti ikoko n se isu, enikan o mo; odo wa n gun iyan, ariwo ta;* legally meaning that crimes are always committed in secret, but their effects cannot be hidden.
- viii. *Trickery/avoiding confrontation is not cowardice.* The Yoruba equivalence has it that *Yiyo ekun, tojo ko;* that is, one, at times, needs to avoid confrontation to avoid problem.
- ix. *It is only God that drives away flies from a tailless cow.* Its Yoruba equivalence says *Malu ti ko niru, Olorun Oba lo m ba a le esinsin.* The legal implication of this is that God is the only advocate for an apparently defenseless person.
- x. *One who cries is not blind; still sees.* Its Yoruba equivalence has it that, *Baa ba n sokun, a si maa n riran,* meaning that ignorance is not enough an excuse for committing a crime.

Features of Traditional Judicial System and Rules of Etiquettes

It is worthy of note that African juridical idea and application of third party interventions differ significantly from the Western or modern third party interventions. Even though the Western ADR, like the African, seeks to promote the use of non-violent approaches to settlement of conflicts, yet they both differ significantly in several respects (Best, 2016). It must be emphasized that modernization, Christianity and Islam have all greatly impacted on, eroded and altered the approaches used in modern Africa. Inferences from Ojo and Akinyoade (2016) reveal certain features of the traditional judicial system and/or rules of etiquettes, some of which are highlighted below:

- i. *No Justice Delayed*: There was no unnecessary delay of justice. To them, unlike today, justice (as depicting the adjudication of fairness and system or application of law, that is, the legal system, or the act of applying or upholding the law) delayed was seen as justice denied.
- ii. *Prevalence of truth and justice* was the hallmark. As such, fair-hearing and cross-examination was considered vital, with the king, his chiefs and respected elders who were considered to be the mouth-piece of the gods and ancestors, as cross-examiners. This was to give all parties the benefit of the doubt and ensure fair-hearing so that nobody's feeling was hurt. Proverbs 18:17 clearly drives it home: "The first to speak in court sounds right until cross-examination begins" (The Holy Bible, NLT). This is also in tandem with the Yoruba belief that *A gbo ejo eni/apa kan da, agba osika ni*, meaning an elder who adjudicates based on a one-sided hearing is perverse and wicked. Besides, neutral hands adjudicated matters since a cockroach can hardly ever be innocent in a gathering of fowls.
- iii. *Culture and Bond of Communalism*: The spirit of fraternity and bond of kinship known as *alajobi* helped to settle misgivings amicably, devoid of litigation. Elders had a way of nipping conflicts in the bud at its very latent stage by appealing to people's consciences to be mindful of their communal bond. Conflicting parties could be made to swear an oath with their ancestral spirit *Ki alajobi daa ti mo ba fi'gba kan b'okan ninu lori oro yi*, meaning "May our ancestral spirits adjudicate on the matter if I perverse the truth on this matter."
- iv. *Use of Judicial Precedence*: Reference to extant related cases were made to bolster arguments so as to shed more lights to the present matter of discourse.
- v. *Punishments were meted out as were commensurate with offenses*. The indigenous system would not draw a sword or pull a trigger to kill a mosquito. Punishments were meted out to offenses committed according to the weight, or nature of offense. Culprits were given appropriate charges and punishment while victims were duly compensated. In addition to the above, Ojo and Akinyoade (2016) also identified certain rules of etiquettes in traditional societies:
- vi. *Silence and absolute decorum* in the course of the judicial process of hearing or presentation of cases.
- vii. During the court session, *women were required to kneel down while men were expected to open their caps*. Best (2016) equally added the following features of the traditional judicial system.

Gerontocracy

As indicated earlier, the traditional judicial system in most African societies was highly gerontocratic in nature. The young in such judicial assemblies were typically not meant to be heard

but were expected to listen with rapt attention to hearings and proceedings through listening to and observing the senior participants.

Masculinity

As a general rule, women were kept out of African shrines. Although African ADR typically depended on the sensitivities and peculiarities of each community, however, it normally tilted more in favor of men. In most cases, it is open to all male members of the society. However, although the involvement of masculinity is predominant, some communities tolerate the presence of female members.

Openness

African ADR decries secrecy. Contrary to the confidentiality of the Western model, the African judicial system was characterized by its openness. This is because the African ADR process was not just a judicial process but was perhaps more importantly a socialization process for the younger generations. This is because, on the one hand, it was to ensure and enhance transparency and forestall injustice. On the other hand, it was also often conducted in the open based on the institutionalization of the judicial system as a socialization process for the younger generations. It was seen as a means of teaching succeeding generations the processes and values of the African ADR, thus passing this incorruptible sense of judgement on.

Establishment of guilt

It is particularly noteworthy that in the traditional African system in general, very much unlike the Western system, it was not in all cases that guilt must be established. Mediators or arbiters in certain third party family cases were keener about finding an enduring solution to matters while sustaining camaraderie than apportioning blames or establishing guilt to either party. Unlike many unavoidable conflicts, some others are considered avoidable, needless, trivial or absolutely unnecessary. In such, the aim would be to reconcile parties, with the possibility of sweeping such trivial conflicting issues under the carpet, without declaring one guilty and vindicating the other, thus resulting in a win-win outcome.

Reward system

Generally, Yoruba leaders were accountable to their subjects. For instance, during the annual festivals, foods were served to the whole public for promoting unity and peaceful coexistence. The key objective of traditional peace and conflict management system was the maintenance of peaceful coexistence.

Communality

African ADR places greater premium on community interests rather than individual needs or interest, regardless of the status or personality of those involved. Traditional African ADR is scarcely an individual's job but rather predominantly a community responsibility. The focus of traditional Yoruba judicial system is to pass verdicts reflecting and promoting community solidarity. The traditional Yoruba judicial system promoted good kinship, cordial interpersonal and communal relations, respect for elders, kindness and habit of sharing, compliance with social norms, taboos and totems, and control of deviant behaviors in the society. Settlement of disputes was one in which the community, rather than individual leader, was at the center. Dispute resolution or management was informal, with an air of democratization

in the process and outcome. The entire judicial process was such that was owned, run and felt by the community. This is particularly applicable to communities where there was either absence of centralized authority or in the segmented or egalitarian where there was decentralization of (judicial) authority. In Yorubaland, the latter was the commonest. Yoruba traditional system of arbitration, therefore, took the form of judicial arbitration in which there was some level of negotiation and mediation as it is in the western sense. Collectivism in judicial matters received utmost critical attention because, according to the Yoruba, *Isin woo, iwori woo, ohun taa ba dijo wo, gigun nii gun*, pointing to the impeccability of collective consideration (Ojo & Akinyoade 2016).

Abhorrence for violence

The beauty of the traditional system of jurisprudence, the indigenous system of maintaining the culture of peace, which has been interrupted and overtaken by foreign ideological systems, lies in its careful management of and commitment to non-violent means of conflict managements. Generally, there was repugnant abhorrence for violence and in cases where it must be employed or tolerated, the community rather than individuals was the sanctioning authority and this must follow due process. Reconciliation and reunion were also important values to the governance process. There were nothing like law courts and prisons where victims and culprits were being disgraced before the public eye. Ultimately, the need to resolve conflicts is particularly imperative because development can only thrive in an atmosphere of peace and tranquility. Ojo and Akinyoade (2016) averred that justice was prime in traditional African society. This had to be, as an atmosphere of peace and tranquility was held as *sine qua non* to social equilibrium. It is particularly interesting to note that the Yoruba had no indigenous word for 'court' and had to loan it (*kootu*) from English.

On the whole, African ADR differs very significantly from the Western ADR considering the fact that it is a combination of negotiation, mediation, judicial arbitration, adjudication, and so on. Best (2016) maintained that:

...it also does not have other elements of Western ADR such as confidentiality, the right and freedom to disagree with the mediators, flexibility, emphasis on a win-win outcome, gender sensitivity, trained and professional mediators, assurance of neutrality on the part of mediators, tackling emotional issues, signing of agreements, and so on. (p. 100)

It should be noted here that ever since the wake of the modern era, litigation has hitherto remained the primary means of conflict resolution (Oddiri, 2004). Yet, prior to the domestication of corn, the fowl did not only subsist but survived on something. As such, this modern/Western system has been largely considered un-African as entrenched in the Yoruba belief system that *A kii ti kootu de sore*, meaning you do not return from law court or suit and sustain or continue camaraderie. Besides, increase in the number of cases in courts have also led to congestion and delay in their resolution. As such, concerns over cost and delays in litigation procedures, among other factors, have led to more flexible out-of-court means of resolving disputes as against court-based litigation governed by the law and procedure of a particular state or country.

At this juncture, the growing recourse to peaceful means of conflict management or resolution throughout all civilized societies in the world is noteworthy. This is because violence only increases and exacerbates the cost of conflict and is therefore not a preferred method of conflict settlement, resolution or management. It is therefore remarkable that the world seems to be working hard toward moving away

from the use of violence as a method of settling disputes. For instance, Mwanasali (2016) observed that conflict prevention has been on top of the United Nations and defunct Organization of African Unity (OAU)'s agenda ever since their formation. Even the OAU's successor organization, the African Union (AU) is noted to have severally hammered on the idea of peaceful resolution of conflicts as embedded in its Constitutive Act and Objectives. Even in Nigeria, it has been observed that as at present, more and more factors are inducing a re-consideration of the administration of ADR in justice dispensation, thus leading to the gradual waning of the strictly western judicial ideology that has dilapidated our society to this level. These, according to Eleanya (n.d.), include:

1. The increasing or in some cases over-flowing caseload of the courts leading to protracted delays in the resolution of conflicts;
2. The perception that ADR is relatively affordable compared to the often prohibitive cost of obtaining quality litigation services in Nigeria;
3. Crisis of confidence in the ability of the rank and file of Nigeria's judiciary to deliver justice on the merits of particular cases on time. The result is a greater desire of more parties to have greater control over the selection of the individual or individuals who will decide their dispute;
4. A preference for confidentiality, especially among large corporations intent on maintaining long standing relationships and goodwill with their disputants;
5. An urgent need to provide another pathway to justice resolution that can act as a counterpoint to violent self-help methods in the guise of militancy, insurgency and extremism, especially among the younger elements of the country.

To its credit, it has been further argued that ADR is indeed less formal, less expensive, and less time-wasting than the modern court trial, suit or litigation. Ultimately, the process of litigation has become increasingly time-consuming, resources-draining, relationship-shattering and cumbersome. Since ADR provides people with better opportunity to determine when and how their dispute will be resolved, it is therefore being increasingly embraced as a welcomed alternative system of dispute resolution ("ADR Types & Benefits," n.d.).

Conclusion

The prevalence of conflict from the 20th through the 21st century constitutes a nauseating phenomenon, which has endangered local and international peace and security. The pervasiveness of unending ethno-religious brawl in most modern societies has often pushed many of such societies to the brink of disintegration. Thus, Akiwowo (1998) and Aboyaji (2015) pointed out compelling evidences of the phenomenal growth of militarism in most nations of the world today as state terrorism competes with fighting for freedom in relentless and uncompromising armed conflict. What is more, the world great powers possess the nuclear capability of blowing up the planet earth. No wonder, war has been described as a barbarity, which has been waged for generations, for which mass slaughter has become its primary objective.

Peace and security of lives and property have been seriously undermined in Nigeria over the years due to incessant conflicts and crises the country has been bedeviled with, arising from factors such as ethnicity, political affiliation, marginalization or exclusion, ideological differences, religious fundamentalism, *inter alia* (Jando, 2018). This has so frequently threatened to tear Nigeria, the much

celebrated ‘Giant of Africa’, apart, as it has reached the point that, today, as averred by Osaretin Akov (2013) and Aguh (n.d.), the country is apparently demonstrating symptoms of a collapsing state. It is our contention that the judiciary, with its system of litigation, often erroneously described to as the last hope of the common man has *outrightly* lost every requisite moral right for that appellation. Indeed, regional or universal, justice, in the face of the governing principles and system or application of law (that is, the legal system), or the act of applying or upholding the law of a given society, is predicated, *inter alia*, on fairness.

The introduction of orthodox legal/judicial system, with its attendant abuse of justice dispensation, devoid of the virtue and sacred means of establishing truth, however ushered in a complete departure from the indigenous Yoruba juridical idiosyncrasies. This has totally crippled our indigenous justice system, which was jealously and religiously guided by a complex Yoruba-wide web of taboos, beliefs and norms, entrenched and preserved in adages and proverbs. *Ti a ba n ja, bii ka’ku ko* for instance, connotes that the indigenous Yoruba society was not used to the “fight to finish” or “fight to death/grave” situation of the modern era. Most of the conflicts in our modern world so easily escalate to unmanageable proportion, as a result of the weak, permissible, maneuverable system where justice is obviously for the highest bidder.

The traditional era in the African society refers to the pre-19th century era, a time prior to the introduction of foreign (Western/Christian and Eastern/Islamic) ideals. The Yoruba, like most other Africans, during this glorious epoch, effectively and efficiently managed their peace and conflicts by purely traditional framework without a modicum of western or eastern influence. Meanwhile, the contemporary era, most regrettably has robbed African societies of these unprecedented values of its heritage, virginity, beauty and originality (Ojo & Akinyoade 2016). The situation is analogous to what was revealed by Bishop Desmond Tutu, that:

When the Missionaries came to Africa, they had the Bible and we had the land. They said, ‘Let us pray.’ We closed our eyes. When we opened them, we had the Bible and they had the land. (Shah, 2010)

In this same vein that they took spoil of African land, in which about one-fifth of the total land area of the entire earth was added to the European overseas colonial possession between 1870 (when the European nations were at one another’s throats over land acquisition in Africa) and 1914 (when the differences they had been bottling up eventually set the entire world ablaze in global warfare), they stripped Africa bare of its heritage as cradle of civilization, in their characteristic manner of beefing up *Eurocentric* arrogance (Ali Mazrui 1977; Rodney, 1972). The judicial system was also badly affected in that tsunami. Ever since the incursion of foreign ideology, which initiated a change of ethos, un-African approaches to issues and events in contemporary African society have become the bane of Africa’s dilemma (Ojo & Akinyoade 2016). It is in the bid toward exploring alternatives to litigation that this paper re-diverts our attention to the traditional Yoruba system of jurisprudence, replete with various approaches to peace and conflict management indigenous to it. Particular emphasis is placed on the Yorubas of south-western Nigeria.

Although the feasibility of this ‘return-to-basics’ thesis in a contemporary society that has been incorporated as part of a super-state structure, further ‘hampered’, or so it seems, by the facilities of globalization and the likes may be lean, given that the traditional Yoruba system was a thoroughly communal set-up, there are undoubtedly lessons to be learned, which could better the judicial system of our contemporary society. As such, understanding the African culture and system from an African

perspective is a major hub in this study. It suffices to conclude that indeed, no society is really hermetic, no less African ones, in spite of ‘forced’ westernization via colonialism and the likes, at any rate, however, Dr. Leaky, the European paleontologist who discovered the oldest set of human bones (Lucy) ever, has not only placed it on record that Africa is the birthplace of the human family, but also that world civilization had its origins traceable to Africa via Egypt. Mendel, another European scientist, also proved that Africans are the original people, and the parents of all human beings, arguing that “dark genes are dominant and light genes are recessive” (Assata, 2006). This study, therefore, harps on the need to strive to showcase the excellence of the African traditional/indigenous system prior to the incursion of foreign ideology, with the possibility of reverting to the Alternative Dispute Resolution mechanism.

Recommendation

Africans must therefore resist the westernized models being brought back to Africa, from what they took from her years before. A renaissance of Marcus Garvey’s “Africa for Africans” is perhaps even more apt now than it was in Marcus’s days. Africa should remain African, as most European ideals are often considered, not only as aberrant, but also incompatible with the African idiosyncrasies. Africans need to believe in themselves and their values, which were well entrenched in their indigenous knowledge system. While Africans may inculcate western values that are in tandem with their cultural values, they must, however, repel western and alien ones which are cancerous to their values, ethos and idiosyncrasies.

The central focus of this paper harps on the reconsideration of ADR for peace and conflict management among Africans, and the Yorubas in particular. This is because, although the world perceivably seems tired of war, yet peace has remained rather elusive. Peace has therefore become the most sought-after phenomenon in our contemporary society. We therefore make bold to argue that for effective peace and conflict management in Yorubaland, toward a revitalization of our crinkling judicial system, there is no better alternative to dispute resolution than the Alternative Dispute Resolution—ADR (Out-of-court Settlement).

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