

**THE SUPER NATURAL IN JUSTICE DELIVERY IN OGBA, IKWERRE AND
YORUBA TRADITIONS**

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Abstract

This paper identified the place of the supernatural in administration of justice in Ogba, Yoruba and Igwuruta-Ikwerre traditions. To this people the supernatural is seen as unbiased umpire, who arbitrate on any matter and no one disputes their pronouncement, in this regard, the shrine is seen as the centre of judicial administration, regardless of the magnitude of issues before it. Among these traditions, justice is central as an instrument for order. At any point disagreement ensues, either between individuals or groups, complaints are made to a body of arbitrator, with intention that such grievance will be addressed. Thus, individual and groups seek justice as alternative to self-vengeance which might plunge the society into chaos. On this premise therefore, the practice of judicial administration is not only to secure social harmony but to maintain order in the super sensible and visible world.

Keywords: Igwuruta-Ikwerre, Ogba, Yoruba, Supernatural

Introduction

Globally, an efficient administration of justice serves as prelude to the attainment of peace and security in any society. Similarly, where justice is lacking, peace will remain elusive. To ensure that justice and peace prevail, equity and fairness must be done and seem to be done. The term justice has no direct Ogba equivalent. This is therefore, rendered as fair or equitable judgement. Judgement itself is known as "*Ikpe*". When a good judgement is given such is assumed to be just and therefore taken as justice. According to Obowu (1972), Justice in Ogba is dispensed at three level. These are (1), The household, (2) the family compound or kindred and (3), the community level. Matters settled at the household level are usually domestic in nature. Such are usually between spouses or direct members of the household. Matters attended to at the family or kindred level usually involve more than one family member. At such instance, if there is a feud between two parties from one family, a formal report is made to the kindred head who in company of other members of the kin group looks into the matter. Before addressing the matter, the kindred head libates to the Ancestors of the kindred seeking their support and assistance in resolving the issue before them. The third level of adjudication is the Community. Issues dealt with include matter that concern public interest, scandals, theft, sorcery and witchcraft, violation of natural law. Prior to the introduction of the British system of political administration and judicial system, justice in Ogba was administered through "*Ukwu Primam* or the "*Ukwu Odugudu*". These bodies apprehend and try offenders of criminal matters, sorcery and witchcraft, cases of murder were also reported to them.

In another respect, Newington (1931) and Stanfield (1935) both report that Justice in Ogba was usually administered by the council of elders of each community otherwise known as "*Amala*" they hold that these elders sit in the residence of the oldest male for their session. They however mention that *Ukwu Primam* and *Ogudugu* as other bodies that play useful role in the dispensation of justice but gave overriding power to the *Amala*. The super natural play significant part in the administration of justice in Ogba culture. Obodoegbulamand Amadi (2018) contend that in dispute resolution in Ogba and Ikwerre, oath taking is usually called up to conclude matters that appears intractable. Where parties to a dispute refuse to tell the simple truth on any matter, the adjudicators might recommend oath to resolve such issue. At such instance, the super natural which is seen as unbiased umpire, steps in and the matter is settled.

Okafor (2019) identified numerous venues where oaths are administered; this includes the front of the family compound (Etezie), shrines (Ihi Utu), the farmland (Ihi Ali), among others. These venues are dotted with several ritual objects and if found in situations outside the ritual venues are usually ominous. Such ritual objects include manila, (awai) odno (yellow chalk), ëbba itche (Parrot feather) Eba ugo (eagle feather), Uro (phallic chalk), Ego Ogba cowry, among others. There are also some plants that can only be within the vicinities of the deity.

In Ogba, shrines serve as centres of justice. Matters which defy amicable settlement, are resolved at the vicinities of deities. among Ogba people and their neighbours like Ekpeye, Abua, Ikwerre, Engenni, Egbema and Ndoni, it is a common knowledge at the shrine despotic and greedy individuals are humbled. Even those who ordinarily would not want to tell the truth, have to do so. In Ogba land, disputes which ordinarily would have lent years in the modern court of law are settled at the shrine to the satisfaction of the feuding parties.

At the shrine, reports of over ambition greed and despotism are matters of life and death. Any individual exhibiting negative tendencies knows that his life and that of his kins are at stake. Individuals who dare to swear falsely pay with their lives, they may not be the only victim but their entire kins if no urgent effort is made to effect restitution to the aggrieved party. At their death, their property is taken to the shrine and though some may be redeemed with money, some others will not.

The Igwuruta Narratives

The administration of justice in Igwuruta-Ikwerre is a cardinal pillar in judicial and legal system which positively affects the social justice and advocate for harmony and co-existence between one another. Justice is administered in Igwuruta clan through proverbs, idioms, songs, oat taking, and so on. In Igwuruta-Ikwerre, justice is practiced in land matters, issues between brothers, communities, inheritance issues, inter-personal conflicts, and others.

The word justice in Igwuruta-Ikwerre means "*Akaigwuzorogwuzo*". *Akai* (hand), *gwuzoro* (stand), *egwuzo* (upright). It means "keeping ones' hand upright".

Roland (2004) opined that Igwuruta-Ikwerre sees administration of justice as "*nyeneikpeikpe de'te aka ocha*". This means that whosoever that is involved in adjudication should keep his hands clean. On this bases, those involved in justice

administration are obliged to be careful and always stand for the truth. Weke (2001) avers that "when elders' advice their younger children on matters of justice, they say *"nwom kwuta akai ogologo"* meaning "my son keep your hands straight". This elderly advice has helped to promote the administration of justice in Igwuruta-Ikwerre ethnic nationality. Onyirinda (1999) in Igwuruta cosmology says that proverb is a grammar of value which promote customs, ethical standard, traditional wisdom and wise saying.

Among Igwuruta-Ikwerre ethnic groups, proverb constitute the spines and salt of human communication. Igwuruta-Ikwerre proverbs emphasize social philosophy *"wuru ma owuru"* means (live and lets live), this proverb has settled a lot of grievances and pains among the people of Igwuruta-Ikwerre. Another axiom that relates to 'live and lets live' is *"egbe beru ugo beru mako inke si egbe mbekwa la nkaku gia"* means let the kite perch and let the eagle perch, anyone that denies another from perching let his wings break.

According to Ikenga (2005), the concept of justice is very rich and is classified into morals, civil, criminal, cumulative, commercial, private, social, vindictive, conservative, legal, distributive and penal. With regards to this, the Igwuruta-Ikwerre traditional proverb says *"Imegbu-Inyi"* which means do not cheat, this proverb emphasizes on moral justice.

In Igwuruta-Ikwerre traditional religion, proverb asserts the need for individual right in spite of community consciousness *"ikia e nu obokoro ikia ma ko nu oro ndi"*. It means after sharing in the extended family there is need to share in the nuclear. *"kem bu nkem kai bu kai"* means my own is my own, our own is our own. *"Nhe madu noru ta ta ndu ogologo"* means let man's occupation provide him long life. *"Nke madu zina"* let one's portion remain for him. These proverbs emphasize the respect or advocate for individual right. In Igwuruta-Ikwerre, the administration of justice has a link to the name they bear. The Igwuruta man regards his name not as mere label, but as a distinct part of his personality. In their world view, names review sentiment, aspiration and hope. They are the most accurate records of the people's belief, philosophical concept and culture. Names in Igwuruta-Ikwerre sum up the things they admire. In this regard, names express the concept of justice, it is believed that justice is symbolised with the word *"Ejiowhor"* as a suffix or prefix which has to be referred to as demonstration of justice. This name shows the importance, effectiveness, superiority of the virtue of justice as seen in the word of *"Owhor-ka"* meaning justice is greater, *"Owhor-le"* meaning justice is justice, *"Owhor-ma"* justice

knows. This is also similar to the work of Ikenga on 'the principles and practice of justice in traditional Igbo jurisprudence'

The Igwuruta-Ikwerre people therefore belief in the retributive justice of God whose actions are identified with justice and equity. He is "*Chiokike-ji-owhor*" (God holds justice and equity). Igwuruta people dispense justice through deities known as "*Amadi-Oha*" (God of thunder), "*Ele da isi*" (ancestral spirit) and "*ihu-ali-ji*".

Justice in Yoruba Tradition

The Yoruba tribe is found in the Western part of Nigeria and is one of the largest homogenous, ethno - linguistic groups found in Africa and one of the three major ethnic groups in Nigeria and likely the most urban of all Africans. An outstanding quality of the tribe is the almost similar culture and language with a slight difference from one place to another. They are found mostly in Oyo, Ogun, Ondo, Lagos, Ekiti and some parts of Kwara and Kogi states, and in some West African countries like Benin Republic, Ghana, Cameroon, Togo and some North African countries.

A peculiarity among the Yoruba is their desire for peaceful co-existence and communal social life. This is reflected in their administration of justice in various communities whose goal is peace keeping and maintenance of social equilibrium. Right from the pre-colonial era, the Yoruba tribe has developed an organized and standard system in the adjudication of justice in both civil and criminal offences. This uniqueness is clearly displayed in their use of proverbs, folklores, myths, among others, to teach the younger ones, positive socio-ethical standard in the community through the highly revered elders who in turn respect and honour the ancestors. Therefore, the goal of administration of justice in Yoruba land is to maintain peaceful co-existence in the community between humans and super sensible.

Peace In The Traditional Yoruba

The Yoruba traditionally, embrace peace in all ramifications, not as an afterthought of war, commotion or conflict but as a cardinal belief and this is reflected in the form of friendship, peaceful agreement and fairness in which they relate to themselves and others. This is their worldview and morally as a way of life and upheld as a religious obligation to be observed. Total well-being

of every individual is considered as a traditional value and relates to the spiritual, moral, material, social and political life of the people. Rweyemamu (1989) states that: Peace is good relationship well lived; health, absence of pressure and conflict, being strong and prosperous...the sum total of all that man may desire: an undisturbed harmonious life. This is complemented by Dada (2016) citing Juliet; that peace is the totality of well-being; fullness of life here and hereafter, what the Yorubas refer to as *alafia*. He added that lack of any of the basic things like good health, balanced family relationship, financial upkeep or amiable relationship with other members of the community, may lead to lack of peace, thus "a selfish or unjust person, even when he or she is not violent, is anti-social and therefore regarded by the Yoruba as an enemy of peace." this is one of the peculiarities of the Yoruba tribe.

In spite of challenges of peaceful relationship which maybe as a result of disagreements on issues, the Yoruba cherish resolving differences amicably among themselves or in the community to enable continuous peaceful co-existence. The elders (agba) usually play the roles of impartial arbitrators in conflicts by accommodating the views of every parties involved without compromise to the truth in order to enable justice prevail. To be considered as an elder (agba), apart from the advanced age, he must be a respected and responsible member of the community. One that can be trusted with right judgment, amicable but strict, full of wisdom and a matured personality, the elder may be a female or male member of the community. They believe that political, social and economic stability will be threatened when peace is threatened.

Features Of Administration Of Justice In Pre-Colonial Era In Yoruba - Traditional Society

Before the colonial era, in the South - West of Nigeria, the major objective of the law and its administrative features was for peaceful co-existence and maintenance of social equilibrium (Driberg in Oladimeji 2016). where the king and his subjects are more concerned about the welfare of the community, by reconciling disputes among the people, the preservation of the community heritage and maintain peace with the ancestors for the progress of all. Traditionally, the customs of the Yoruba people were clearly distinguished from the unwritten law of the land which is binding on all, thus a judicial concern unlike the law of the people which is not mandatory.

The laws are divided into two, the private or civil laws which concerns itself with settlement of disputes among the people on private or land issues while the public or criminal laws are offences that may cause social disorderliness like death, treason, witchcrafts, incest, rape, taboos or any act of misconduct against the society, though the case may be handled by the same set of chiefs or personalities, this is the reason the Yoruba proverbs are commonly used to settle matters or in the application of disciplinary actions on the offender. In civil matter, interpersonal reconciliation is paramount which makes the Yoruba administration of justice unique among others. Solanke cited by Oladimeji (2016) observes that some courts in the communities' adjudication of disputes were no less ceremonies and formal. Elias corroborating on this in his book 'the Nature of African Customary Law' cited by Oladimeji (122) upholds that, in the Yoruba administration of Justice: What was sought in a dispute was not strict legal rights of one party up or the other. Parties to a suit often left the court not puffed up nor cast down – for each crumb of light, for neither of them the whole loaf (sic). While Matson in support added that 'the duty of those who administer the law in settling disputes was to assuage injured feelings, to restore peace, to reach a compromise acceptable to both disputants.' Usually, at the end of such hearings, the satisfaction and forgiveness is reflected on the disputants as hardly do they leave without hugging and shaking hands as a sign of acceptance of the outcome, though this is after the guilty has tendered unreserved apology to the offended in the presence of all. However, the criminal offences are treated differently as the accused is allowed to defend himself publicly and if found guilty, a penalty is declared, depending on the gravity of the offence committed, yet, the final judgment is not altogether free from application of peace and future "interpersonal relationship." Efforts are always made to sustain social cohesion and equilibrium in the society.

Pre-Colonial Method Of Justice Administration

Fadipe (1970) observed that during the pre-colonial era in Yoruba land, the people had reached the stage where redress for injuries suffered directly or indirectly was taken out of the hands of the individuals and his kindred. That is, not all categories of cases could be handled within the family, it depends whether it is civil or criminal case but in all adjudication, peace-making between the parties in conflict is sacrosanct. They have a well-developed system of conflict resolution mechanisms as well as principles that govern the administration of justice except for cases of murder, incest, and the violation of the secrets of secret societies". The system is centrifugally represented starting

with the head of the family, the 'Baale', selected on the basis of seniority and certain achievements. This type of arrangement synchronizes with what obtains in Ogba as earlier started in this chapter. (Taiwo 1997).

At the central tribunal, the Oba (King) is the supreme head and an absolute authority that cannot be challenged by any of his subjects, considered a representative of the Almighty God, though ruling with his council of chiefs (Igbimo) representing a quarter of the world in town whose duties include developing laws with the king when necessary. Though this is hardly done as the community is aware of the implication of disobeying the rules or departure from the norms of the society as covenanted with the deities and ancestors of the land. Next to the kings and chiefs is the Olori Adugbo (head of an area), then the Olori Ebi (head of the extended family) while the lowest unit is the individual nuclear homes headed by 'Baba' (Oladimeji 2016)

Yoruba Politics In Pre-Colonial Era

The political system of government before the advent of the British in the Yoruba land was monarchical and the society was patrilineal where each nuclear family whose head is called 'Baba' and whose pronouncements is final in any nuclear family issues. A Yoruba proverb say 'Agba kin wa loja, kori omo tuntun wo' meaning the presence of the elders in the market prevents disorderliness. The nuclear family consists of the father, mother and children and other nuclear families joined together to form the extended family settings. The head of the extended family is called Baale or Olori Ebi and is selected on the basis of seniority and certain achievements who adjudicates by some laid-down rules in cases that could not be amicably resolved by a family unit (Taiwo 1997). He acts as the chief magistrate guided by principles that controls the behaviour of the extended family and outsiders (Buendia (ed.) in Taiwo).

Justice In Traditional Yoruba Society

The Yoruba has teleological concept of evolution of the world where the universe was designed by a supreme being and controlled through Orisa-nla and other deities which shows that the universe is one but with two levels, the visible world where the kings, priests and the people dwell, and the invisible domain of the supreme being, divinities, lesser spirits and the ancestors that control and influence the visible. This belief controls to a large extent the attitude of the people knowing that any offence committed in the visible domain, the terrestrial world, has a great consequence on the invisible, the ethereal world as the ancestors' act as the police to the families and individuals.

The communal lifestyle of the people is reflected in their belief in the sacredness of the community as everyone is expected to protect and preserve the community's interest like obeying the market days, festivals, sacred places, families and individual rights and the community does same to the individuals. Mbiti (1969) referring to the African communal life as a symbiotic relationship with their people declares "I am, because we are, because we are, therefore, I am". The Yoruba's worldview revolves around the hub of mutual and beneficial relationship among the individuals, community and various deities leading to freedom, reverence, rights and common goal. With regards to this, Onadeko (2008) posits that "there was no need to prescribe formal laws as deterrents against a social behaviour because everybody accepted implicitly that any departure from the approved behaviour was punishable" but by human nature, tendency to be disobedient and act against the norms of the society naturally resides in many. This is referred to as 'communal democracy' by Adeyemi in Taiwo (1997) where 'each person exercises his individual rights in the context of corporate rights... which itself consists of government by all, operating through negotiations and compromise in order to accommodate the view of all....' In order to protect the individual rights against the community, and vice-versa, measures of justice are sacrosanct.

However, justice administration among the Yoruba is based on social and not legitimate method as maintaining the cordial relationship is of more priority to the community and the people than punishing the offender because the interest of the community is to maintain social harmony, cohesion and solidarity is vital therefore forgiving one another is highly recommended. Forgiveness allows the offended to consciously and voluntarily remove the pains and negative feelings, resentment and vengeance towards the offender. Often times, peace may be obtained among the feuding parties. In the case of individuals, the society approved the act of apologizing for any wrong acts, but when the gods are involved, forgiveness may be obtained through sacrifice (ebo) to appease the gods. The Yoruba socio-ethics of forgiveness is reflected in the common saying that, *Omo ale lari inu ti koni bi, omo ale lambe ti ki gba*, meaning "to be aggrieved is normal but only a bastard refuses appeasement". This act of forgiveness has indirectly weakened the power of law in the society. However, forgiveness does not allow for deliberate violation of the laws of the land.

Johnson (2018) in her study of the Yoruba legal system in Ogbomoso in South-West Nigeria in 1974 discovered that there were three (3) types of courts to settle legal matters and disputes in Yoruba society. Though, each operates on

different methods to handle various cases like at the local level, the customary courts handle most family matters, disputes and local land matters. The local court makes decisions, administer fines, and execute judgment. Next in her research was the British based court system which handled more high level legal matters and connected to the state system to allow for appeals and thirdly, the “least used system of legal authority, the Sharia or Islamic law system”. presently, the legal systems have been modified according to the 1999 constitution as amended. Each state of the federation according to chapter VII, the Judicature, Part II, State Courts, stipulates the establishment of the State High Court, State Sharia Court of Appeal and the Customary Court of Appeal for the citizens.

Hierarchy In The Administration Of Justice

In Yoruba culture the accepted rules are usually unwritten but binds the people, communities and deities together due to their shared values and communal responsibilities and these laws are rules guided towards the maintenance of a continued harmonious and peaceful relationship between the visible and invisible members of the society. Thus, rules are infused into the culture as a measure of social control to enable for social harmony and cannot be separated rather, the society operates a socio-cultural environment influenced by moral precepts and controlled by a hierarchy of both the supernatural and natural beings.

Folklores and folk-tales among the Yoruba teach the need to temper justice with mercy and forgiveness. This is reflected in the story of the tortoise arrested for stealing in a popular man’s farm in the middle of the night after several escapades; at last when caught, the tortoise was tied to a palm tree throughout the night until the following day. In the morning, those going to the market and heard about the theft condemned and rain curses on the tortoise, but in the evening as they return and still found it tied, weak and hungry, they sympathized with the tortoise and condemned the act by the farm owner as wickedness since the quantity of yams stolen were just few to feed his family.

The Yoruba folklore and proverb though does not support any vice, but attempt to appeal for leniency believing that depending wholly on punishment for disobedience or violation of any law to maintain social justice may not be totally right, though the offender should not be left to go scot-free, but provision for forgiveness should be made available.

Ti aba ni ki a wo dundun ifon, a ho ora de egun (reacting by continuous scratching of the bed bug bite may result in injury to the body)

Ti a ba ni ki a be igi nigbo, a o be eniyan mo (High demand for justice against an action may result on un-imaginable damage)

Owe l'esin oro, bi oro ba so nu, owe laa fi waa - means proverbs are the vehicles of thoughts and words; when the truth seems to hide, proverbs finds it out.

The Ifa divination may also be used to sustain human conduct. Abimbola in Laleye (2014) states that the Ifa corpus (body of writings) contains the fundamental religious and moral ideas of the Yoruba including their literacy and philosophical systems, and the information on their world-view. The Supreme Being in Yoruba society Olodumare is believed to be the ideal and most trusted judge of the people in conflicts resolution through the Ifa oracle. In Yoruba socio-ethics, punishment for an offence provides justification for the act but forgiveness for a wrong action exhibit the humanistic nature of the Yoruba, as it plays an important role to ensuing social harmony, and reduces the strength of law in the land.

Punishment Of Forgiveness In Administration Of Justice

Is the punishment commensurable with the magnitude of the offence? The socio-ethical effect is reflected through stories, folk-tales, proverbs and Ifa corpus to guide the people in maintaining social orders. Justice enables individuals or group of people to be held accountable for their behaviour either punished for their wrong or rewarded for their good whereby an ideal social order is maintained for the progress of the populace. This guides the attitudinal disposition towards others in order to maintain social peace (Nielsen 1996:81) and everyone in the society demands it, as it encourages harmonies, trust, understanding and peaceful coexistence amongst the people whereas injustice leads to chaos, after all a Yoruba proverbs states "Ika to base loba nge" meaning only the finger that offends, the king cut.

Settlement of dispute in Yoruba land strictly adheres to the principle of natural justice that states that:

The jurists listen to both sides in the dispute.

That a man must be heard before he is condemned whereby all parties involved in a dispute must be given equal opportunities for defence. Before the British, the traditional Yoruba has embedded in several proverbs and folklores this notion of

fair hearing. One of the common Yoruba proverbs (long before the advent of the British) shows the practice of natural justice from origin.

Eti gbo ekeji ki o to dajo

The Ear, hear the other side before passing judgment. It is advisable to allow both parties in dispute to fair hearing.

Another Yoruba proverb says:

Agbo ti enika dajo, agba osika ni

It is a wicked elder the passes judgment on any issue after listening to only one of the parties.

More proverbs on the issue of natural justice says:

Toju ba kan oju, ala a to

In a land dispute, when the eyes of the parties involved meet, the form boundary can be resolved. Also the jurists disallow any of the parties involved in the disputes from being a judge in his own case. This however shows how matured and complex the Yoruba judicial system was before the advent of colonization by the British. The presence of the parties is required before judgment is delivered.

A kii ifa ori lehin olori

No one shaves a person's head in his absence. Also a needle cannot mend the hole at its own tail

Abere kole di iwo idi ara re

Yoruba juristic principles encourage fairness and impartiality in final judgments of a dispute. This is shown in the proverb.

Kini lgun se, ti obo ko se; Igun pa lori, obo pa nidi

What has the vulture is bald on the head, while the monkey is bald on the buttocks.

Another law of natural justice is that the jurists disallow any of the parties involved in the dispute preside over his own case as a judge.

The Yoruba proverbs believes that:

Fari fari kole fa ara re

The barber cannot barb his own hair, also it is a common saying that

The needle, no matter how clever cannot thread itself, in Yoruba it says -Abere ko le gbon titi, ko ki owu wonu are re.

Conclusion

This chapter identified the place of the supernatural in administration of justice in Ogba, Yoruba and Igwuruta-Ikwerre traditions. To this people the supernatural is seen as unbiased umpire, who arbitrate on any matter and no one disputes their pronouncement, in this regard, the shrine is seen as the centre of judicial administration, regardless of the magnitude of issues before it.

Among these traditions, justice is central as an instrument for order. At any point disagreement ensues, either between individuals or groups, complaints are made to a body of arbitrator, with intention that such grievance will be addressed. Thus, individual and groups seek justice as alternative to self-vengeance which might plunge the society into chaos. On this premise therefore, the practice of judicial administration is not only to secure social harmony but to maintain order in the super sensible and visible world.

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