

## JUSTICE IN YORUBA CULTURE

**Kanu, Ikechukwu Anthony (OSA)**

Department of Philosophy and Religious Studies  
Tansian University, Umunya  
Anambra State  
ikee\_mario@yahoo.com

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**OMOJOLA Immaculata Olu, (SSMA), PhD**

Department of Business Administration and Management  
Villanova Polytechnic  
Imesi Ile  
Osun State

### **Abstract**

*The issue of justice in Yoruba culture is as old as Yoruba race herself. This paper recognized the fact that without justice, no culture will survive because it will be dominated by those powerful ones who will forcefully deal with the less privileged. Issue of justice as very important in African culture was established. Understanding of Yoruba culture was explained to drive home the fact that they have a system that is just in itself where kings, chiefs and **baales**- family heads are in charge of settling disputes to bring about justice and harmony on regular basis. However, in case there are stubborn ones who want to prove difficult or in situation of doubt, Yoruba culture down the history has been exercising justice through their laid down laws or traditions and taboos that they teach from generation to generation without questioning. Nevertheless, covenant/ oath taking and intervention of the gods are used to bring about justice when the laws and taboos have failed them.*

Key words- *Justice and Yoruba Culture*

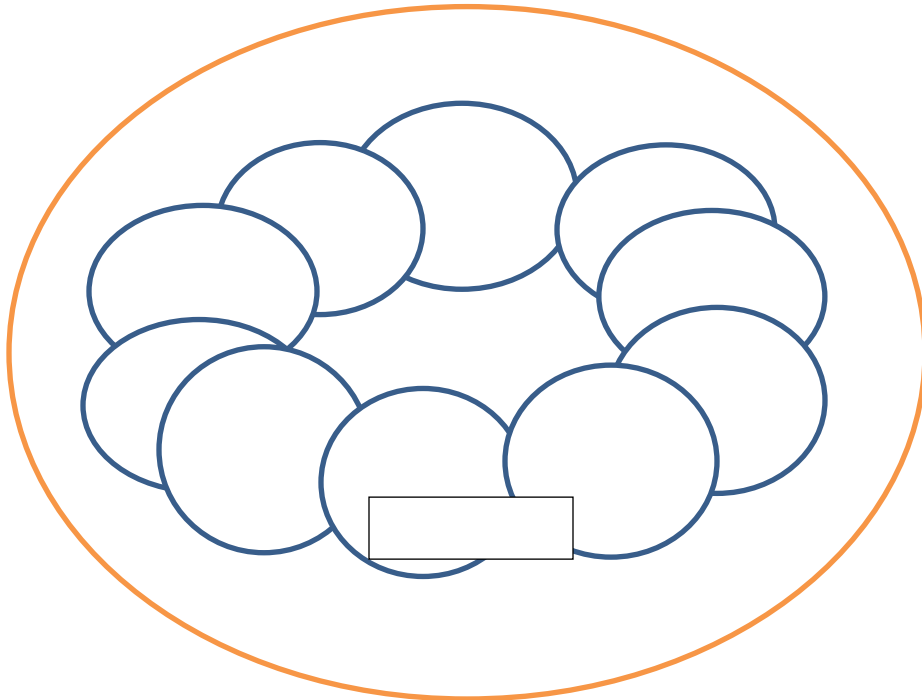
### **Introduction**

Justice is the quality of being impartial. It deals with right action, conformity with law, and principles and must be in agreement with the truth, fact or reason. The life of every group must involve law and justice. If these two values are missing, there will be lawlessness and chaos. African people belief that God is just, in relation to this, Mbiti (1969) asserts that “ the justice of God is felt or invoked often in judicial situations, taking oaths, and pronouncing formal causes, all of which are taken seriously by African peoples. He is the ultimate judge, and He executes judgement with justice and without penalty” Mbiti states further while paying attention to concept of justice in African culture that “... there exist therefore many given community or society. Some of these are held

sacred, and are believed to have been constituted by God and National leaders.” In the opinion of Atanda (1980) however, any breach of this code of behavior is considered evil, wrong or bad, for it is an injury or destruction to the accepted social order of peace. It must be punished by the corporate community of both the living and the dead, and God may also inflict punishment and bring about justice.

Yoruba people according to Atanda (1989) constitute one of the major ethnic groups in modern Nigeria and they effectively occupy the whole of Ogun, Ondo, Oyo and Lagos State and a substantial part of Kwara State. A considerable number of Yoruba people also inhabit the South- Eastern part of Republic of Benin (formal Dahomey). Justice in Yoruba culture may not be well understood without understanding Yoruba Culture itself. Yoruba culture has been divided into twelve branches or departments as Ilesanmi (2004) explained. To him, “Governance serves as the nucleus, the life wire of the culture.” This by implication means that governance takes care of all other departments to make sure they function properly to maintain law and order in the land and to obtain Justice at all cost. Ilesanmi has presented the culture of the Yorubas in form of a chart as we find below.

#### CHART OF YORUBA CULTURE



**Source: Ilesanmi T.M. (2004)**

In his explanation of the chart, the Yoruba language is thus a mark of Yoruba culture uniting all who speak the language under one banner, sharing many things in common and pursuing the same cultural goals. Language sharing imposes a mutual confidence in the speakers of the language. Governance entails the power, the ruler and the mode of governance. The Yoruba community has a mode of government with the Oba and the Chiefs at the top; the *baale* takes charge of small settlements while the *Olori Adugbo*-Street heads look after some compounds and the *baales* take care of the extended family. Myth according to the explanation of Ilesanmi solves problems from the roots. By making supernatural contentions which would not be subjected to any empirical data. Mythical statements are fundamental principles which should be accepted in faith.

Religion mold the conscience of the people much more than law or any other moral instruction can do. It gives promises of reward and or punishment here on earth and here-after, making man hope for a perpetual better or ordinary life beyond the grave. It unites the ancestors with the progenitors creating an atmosphere of interaction between heaven and earth. Art works are expected to perform certain functions in Yoruba culture, they should not be seen as object merely to be admired; their functional relevance have to be considered along with their beauty. Professional artists are highly cultured keeping the secrets of their know-how with only the members of their profession. Yoruba literature includes poetry, prose, and drama. Orature and literature render virtually the same service within the Yoruba culture as the same minds informed their creation; they both pass judgement on the same culture. Law is the disciplinary tool fashioned to make all the members of the community live together pleasantly. Its goal is peace and orderliness in a cultural setting. Under defense, he explained that every community needs internal and external security. Internal enemies are put under control through the vigilance of the law enforcement agency. External enemies are attacked as soon as they rear their heads. Technologically, Yorubas weave beautiful clothes; build mansions which could cope with natural weathers of their environments. They cultured plants and animals for their livelihood and they develop the talking drum, a complicated system of musical instruments which can mimic the human mode of speech by simply manipulating the leather straps that control the tension of the membrane of the drum. They have developed several systems of preserving food by drying

and grinding grains and tubers into powder; they smoke fish to be used in the future.

In their agriculture, they comfortably feed themselves. Warmly, they clothe themselves from the cotton materials they grow and weave for their own use. Out of all they produce, they use what they need and trade with the rest. With economics, Yoruba improved their standard of living, show signs of mature development, become relatively civilized, regulate their population by prudent spacing of child birth.

The above describe the culture of Yoruba people and analyse what they mainly do with their time and space. All these values are inculcated into them from one generation to the next and they teach their morals through these values. Cases may occur when stubborn ones will like to disorganize the arrangement or bring disorder into the system. Issues like having the wife of another man as concubine, claiming another man's land, becoming lazy and unproductive, conniving with outsiders to create wars, disobeying the legitimate authority, committing adultery, stealing, killing another person through poison, and many other regular offences. All these have their penalties.

### **JUSTICE IN YORUBA CULTURE**

There are various ways with which Yoruba people address the issue of justice. Attention will be paid to laws, taboo, covenant/ oath taking and intervention of the gods among others in this paper. Yoruba law is the legal system of Yorubaland. It is quite intricate, each group and subgroup having a system that varies, but in general, government begins within the immediate family. The next level is the clan, or extended family, with its own head known as a Baálé. This chief will be subject to town chiefs, and these chiefs are usually themselves subject to their Oba, who may not be subject to another Oba himself since he has the final say among his followers. Most of what survived of this legal code has been assimilated into the customary laws of the sovereign nations that the Yoruba inhabit. Balogun (2009) asserts that the "popular consensus of the Yoruba to the mechanism of the rule of law suggests that any affront to it was seriously frowned at and penalized. Thus, a wrongdoing or would amount to "the violation of a rule. Whenever this is done, the societal moral and laws have been breached with some consequential effects (punishment)."

Some of the taboos in Yoruba culture are generated to create fear into the minds of the people and to keep them in checks and balances. For example a tripped baby must not fall from his/her mother's back. This is done to make mothers pay huge attention to their children and to cherish them. If punishment and fear are not attached, mothers especially younger ones may be disobedient. Hence the

Yorubas would say that a male child that falls from its mother's back will always lose his wife at adulthood, and a female will always have a lover die atop her when she grows up. And where a baby eventually falls from its mother's back, the mother is expected to carry out some rituals to prevent evil from happening to the child when it grows.

Suicide is a taboo and an abomination. This is important so that people will cherish life and see it as sacred. Hence they teach that a dangling body must not be lowered down until some sacrifices are performed to appease the gods. Even at that, the body of such individual will be buried in the evil forest and outside town to avoid the anger of the gods. The family of an individual that commits suicide will be tainted forever in the community. It is equally a taboo that pregnant women must not walk in the streets between the hours of 1pm and 3pm. During these hours, evil spirit move round the land and they have ability to deform the babies in the womb. The lesson behind this is to keep pregnant women from danger of walking under the high sun that can result in them fallen sick suddenly.

Whistling at night is also a taboo in Yoruba culture. Men and women are not allowed to whistle at nights in Yorubaland. Whistling at nights is believed to invite demons and evil spirits into the house to torment people. It has its lessons in avoidance of disturbing others and keeping the environment conducive for those who may sleep early so that everybody would be quite, rest and prepare better for tomorrow's work. Night sleep in Yoruba culture is before 7pm. Also, a king must never prostrate for anyone again in his entire life. a royal king is considered a demi-god in Yorubaland and he must never prostrate to greet anyone in his entire life. this is a sign of supremacy and appreciation of the throne.

Another regular taboo is that, no sex before marriage, this was created to curb fornication and because of the belief that sex is good only in marriage. In line with this, Ilesanmi (2013) claims that "the arrival at puberty or at sexual maturity is not a license to have sex, since sexual relationships outside marriage have thousands of implications and problems." Adultery is also a taboo in Yoruba culture. It is forbidden for married women to commit adultery with another man who is not their husbands. This taboo is more critical against women than against men, so it is highly frowned upon for a wife to cheat on her husband. A man that suspects that his wife is cheating could be tempted to lace her with *magun*, and this would lead to the death of her adulterous lover. Mbiti (1969) opines that when adultery is discovered in some societies in Africa, it is severely dealt with and the guilty person is dealt with, especially a man would be whipped, stoned to death, made to pay compensation or have his head or other

part of his body mutilates. He went further to identify common offences that may attract penalty like- "fornication, incest, rape, homosexual, sleeping with a forbidden relative, or domestic animals, intimacy between relatives, children watching the genitals of their parents, (in the widest usage of the term) all constitute sexual offences."

Balogun (2009) identified types of punishment in traditional Yoruba society. To him, it is not far from general mode of thought. There are many types of punishment which are meted out to offenders in Yoruba culture. The nature of the offence depends on the type of punishment meted to it. The weightier the offence the severest the punishment it will carry. "Obviously, no offender escapes punishment in Yoruba culture while this is true, no one was made a scapegoat for the offence he has not committed; doing so amounts to incurring the wrath of the ancestors. He went further to identify types of crime to be social and spiritual crimes. Social crimes are directed against individuals who ultimately upset the societal harmony. Notable among such crimes are adultery, fighting, lying, stealing, egocentricism, and a host of others. Spiritual crimes have spiritual undertones which made them affect the gods and goddesses with consequences visited upon the entire community. Spiritual crimes are not directly against individual as such, but essentially an invitation to the wrath of both the gods and goddesses.

In administering justice properly, covenant and oath taking feature regularly in the life of the Yoruba people. This done to maintain law and order and who ever betrays the order is left to the gods for penalty. The research of Ogunleye (2013) on Covenant-Keeping among the Yoruba People: A Critique of Socio-Political Transformation in Nigeria revealed that "Covenant prevents unfaithfulness in the Yoruba traditional society. A covenant made in form of oath, taking either in front of divinity or religious emblems makes Yoruba people to comport themselves well in the society. A newly enthroned king who swears to deliver justice without fear or favor is duty bound to keep it. Anything contrary to the oath leads to disaster. Covenant therefore gives meaning and cohesion to society and enhances the sense of seeking for the good of others and the community in which he lives in its totality."

In many critical cases however, Yoruba people will seek the help of the gods for justice. The Yorubas may find it difficult to separate the roles or intervention of some the gods in Yoruba land from their daily experiences especially in relation to Justice. In typical Yoruba culture, when there was misunderstanding and disputes, the elders do quickly invite the gods to intervene. The first in the list of these gods is *Ogun- God of iron*. Idowu (1969) is of the opinion that *Ogun* is ubiquitous and has his hand in every pie; he is regarded as presiding divinity

over oaths and covenant -making or the cementing of pacts. The pact or covenants made before Ogun is considered most binding. It is believed that anyone who swears falsely by Ogun or breaks an oath made before Ogun will die or be deformed by through any instrument made of iron, for example, cutlass or matching. This type of oath is done using cutlass or any metal and the use of Kola nut which is believed to be serious and have implications. On this, Ogunleye states that "...Covenant between friends can be in form of an ordinary spoken agreement between them. This type of covenant is often sealed with sharing of kola nut. Among the Yoruba, it is a taboo to share kola nut with a person and then speak ill of him or her. Kola nut is an important fruit in the Yoruba spiritual life. It is believed to be capable of warding off death, diseases and even pestilence. If two or more friends shared a piece of kola nut, the act becomes a covenant. Anybody therefore, who betrays the term of covenant is surely attracting evil on his/her head."

Another god is *Sango- the wrath of Olodumare (God)*. Sango was a strong man according to Idowu. He was a powerful hunter that was vested in magical arts. It was believed that the wrath was ever present to manifest itself upon the children of disobedience. In reality however and still holding till today according to oral traditions, whenever there is a case of stealing and Sango is invoked, almost immediately heavy rain will commence to accompany by thunder that will be so heavy to bring the culprit to the open although dead with the stolen items. Sango worshipers claim the dead body of whoever is struck by the "axe" of Sango to be accompanied by numerous rituals from the family members of the culprit.

### **Conclusion**

This paper emphasized the fact that justice in Yoruba culture is as old as man where laws and taboos are used to guide the minds of the people and helps in conscience formation. Apart from the fact that culturally, they are busy people. It is important to state that social, moral, religious and economic activities of the Yoruba are guided by various laws and taboos. Anybody who is guilty in any form or violates these laws and taboos has always being punished by the society. The families of those who bring chaos to the society do share in the shame of their family members. Their worship of the various gods is a sign that they are united both with the living and the dead in the ancestral world. Any offence committed here affect both levels therefore, the gods are called upon in times of confusion as the final end. Any covenant or oaths administered in the presence of the gods are considered binding forever. Whoever jokes with this is considered not only worthless but also accursed. A person who is given to oath breaking or falsehood is believed not to be prospering in life. It is strongly believed among

the Yoruba that, anybody who swears falsely or breaks an oath to which Ogun - god of iron witnessed through touching of any iron with the mouth or using kola nut either in the shrine or outside the shrine cannot escape being injured or killed by a similar object. It is therefore not surprising that these practices are still in place till date, to put checks and balances in the life of Yoruba people.

### References

- Atanda J. A. (1980). *An Introduction to Yoruba History*. Ibadan. The Caxton Press.
- Balogun, O. A. (2009). A Philosophical Defense of Punishment in Traditional African Legal Culture: The Yoruba Example. *The Journal of Pan African Studies (Online)*. Vol 3 No 3.
- Idowu E.B. (1966). *Olodumare: God in Yoruba Culture*. London and Beccles. William Clowes and Sons Ltd.
- Ilesanmi T.M (2004). *Yoruba Orature and Literature: A Cultural Analysis*. Nigeria. Obafemi Awolowo University Press Ltd.
- Ilesami T.M (2013). *Obinrin: a cultural Assessment of Yoruba Women*. Nigeria. Astra-J Multimedia Nig Ltd.
- Mbiti (1969). *African Religions and Philosophy*. (2<sup>nd</sup> Ed). England. Clays Ltd, St Ives Plc.
- Ogunleye A. R. (2013). *Covenant-Keeping among the Yoruba People: A Critique of Socio-Political Transformation in Nigeria*. *International Journal of Humanities and Social Science* Vol. 3 No. 9.
- Wikipedia-Yoruba Culture.