# The Changing Character of the Ìbàdàn Traditional Lineage Tribunal Engaging Social Conflict Resolution

by

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## Abstract

This paper surveyed the changing character of traditional judicial processes, decision-making and judgment delivery in traditional tribunals from the 20th to the 21st centuries through participant-observation and oral interview in Ìbàdàn, Nigeria. It was established in the survey that while some traditional methods disappear, some persist with acceptable moderation as operators of these traditional tribunals adapt to, and in accommodating changes to enhance efficiency and effectiveness in conflict resolution. It is suggested that people and the judiciary benefit greatly from the dynamism of these tribunals, and it is apposite that legislation is put in place to enhance the performance and fluidity of traditional practices in a modern judicial enterprise.

## Introduction

Ìbàdàn is one of the largest cities in the world, second to Cairo in Africa. With an ever-increasing population, the 2006 census figure put Ìbàdàn population at 2,556,853 persons (National Population Commission, 2006). 2006 population census data also revealed changing composition of ethnic groups and a pattern of relationship in Ìbàdàn. Both the urban and rural areas are rapidly becoming undistinguishable due to expansion of housing units and industrial sites. Hitherto a traditional setting at the beginning, Ìbàdàn has witnessed phenomenal transformation in the last fifteen decades as a result of its position as a seat of both colonial and post-colonial governments. Ìbàdàn was made the capital of Oyo province during colonial era, later capital of Western region, and later the Western State, and today it is the capital of Oyo State. In the view of this consistent role a as seat of government, people from all walks of life have moved in droves to Ìbàdàn for greener pastures in the realms of civil service jobs, commerce and industry.

Migration to Ìbàdàn has resulted in the creation of different neighborhoods. While the indigenous neighborhood remains in the heart of the city, it is now surrounded by new neighborhoods. Oyebode (2012) asserts that in the 21st century, Ìbàdàn has dual neighborhoods which are a result of its open policy on acceptance of immigrants. Albert, George, Awe and Omitogun (1995) also identify two overlapping neighborhoods which they describe as "traditional and new neighborhoods" while Fabiyi (2004) describes the third neighborhood as 'gated neighborhoods' or 'gated communities'. These different neighborhoods are scattered in and around the city. This composition of neighborhoods not only changes the character of conflicts that occur among residents, but also necessitate changes in the pattern of prevention, management and resolution of such conflicts. Oyebode (2012) observes that the presence of residents from all walks of life necessitates adjustment on the part of the operators of traditional instruments of conflict resolution in Ìbàdàn. Apart from the composition of the residents of Ìbàdàn, other factors of modernity also shape approaches to traditional practices. Factors of modernity like Western education, new legal system, industrialization and foreign religion also dictate a pattern of relationships among the residents of Ìbàdàn.

Interestingly, in spite of these changes, scholars continue to unearth its past which amazingly continues to blend with the socio-political dictates of the present. Awe (1964), Lloyd (1967), Falola (1985 & 1989), Adekola (1986) and Albert et al (1995) have examined traditional institutions in Ìbàdàn with regards to maintenance of law and order. They have identified Ìbàdàn as a city governed by a hierarchy of institutions whose primary functions include day to day administration of the community through reliance on customary laws and practices. The legal officers are drawn from lineages through representation to compose traditional, social and economic councils at different levels of human collectivities. Their findings also emphasize resilience, persistence and adaptability of traditional institutions and mechanisms in modern times. They affirm that modern governments continue to utilize traditional institutions in Ìbàdàn for the maintenance of law and order.

From another lens, other scholars note that colonialism and modernity have wrought many changes on the indigenous practices of Yorùbá people, including those native to Ìbàdàn. Scholars who document social changes brought about by colonialism and modernity in Ìbàdàn include Elgee (1914), Jenkins (1967), Adewoye (1971), Ayisi (1972) and Falola (1985). These scholars conclude, for example, that the powers of the chiefs and family heads have been curtailed through different rules and enactments by colonial authorities and non-compliance attracted punishments. Specifically, Elegee (1914) reports that in 1900, the British Resident punished two Ìbàdàn chiefs for trying and executing two robbers without recourse to his authority. Post-colonial administrations have also made some laws, rules and policies that control the powers of indigenous legal authorities. The changing social milieu of Ìbàdàn is on-going as successive administrations introduce new policies, rules and laws that govern the people of the city. In addition to the changing attitude of the people to traditional values, democratic principles also guide human relations and choice of leadership at various levels.

In Ìbàdàn of the 21st century, too much emphasis has been placed on the study of Western and formal channels of conflict resolution and crime control while only a few studies exist on how traditional mechanisms blend with modern methods for conflict resolution. Thus, this paper seeks to examine the impact of the ever-changing historical, economic, political, social, cultural and demographic contexts of Ìbàdàn on judicial processes, decision making and judgment delivery in Ìbàdàn traditional lineage tribunals. A survey of ten lineage tribunals in Ìbàdàn was carried out through participant observation and oral interview of twenty stakeholders in the drama of conflict resolution.

## Conceptual Clarification

Lineage and traditional tribunal are concepts explained in this paper as they form the basis for the dispensation of justice in Yorùbá society. Social relationship is anchored on the lineage system and its relevance in understanding the administration of a traditional Yorùbá urban centre cannot be overemphasized. What is then a lineage? A lineage is a primary group that one belongs to by necessity of birth or social relations and it provides well-being for members and a number of basic functions that are not negotiable. A lineage embraces people of different kinds and even people whose relationships are contracted.  A lineage in Ìbàdàn is sometimes referred to as an extended family and will be treated to mean the same in this paper, because of the complex nature of family setting in Yorùbáland. The spirit that binds extended family members together is better explained by Akiwowo's (1980:18) proposition of *'alájobí'* and *'alájogbé'* sociation.  He explains that:

> while the derivative concept *'alájobí'* may be defined as that which sustains all kinds of lineal and collateral relationships based upon blood and birth; the derivative concept *'alájogbé'* is that which sustains persons or individualized groups who are living together, under one roof or in contiguous shelters in a locale.

With this, it is assumed that any extended family has the elements of consanguinity and co-residency. The residency argument may be sustained by the presence of 'strangers' (i.e. members who are not related by blood or marriage) in most Yorùbá lineage settings. In Ìbàdàn, like in other Yorùbá cities is an extended family structure that consists of husbands, parents, wives, children, uncles, cousins, nephews and other distant relations.

The family, like in any African society is uniquely different from the English description, because in Africa, family membership embraces other consanguine relatives. Hence, the African family is aptly described by Eziani (2000: 103) in the Igbo context, thus:

> The family is a very important institution among the Igbos. The Igbo family differs from the English concept of family in that it does not apply to only a husband, his wife and children but also includes somewhat vaguely other relations such as in-laws, uncles, cousins, nephews, distant or near or even maids and servants.

A lineage in Africa consists of anomalous kinship members who come together through relationship by blood, marriage or other social contracts. This formation over a period of time determines the status of individuals, residential patterns, as well as economic and political obligations of members. The importance of lineage or extended family in Yorùbá political setting and maintenance of peace is emphasized by Mabogunje (1968:4) who posits that "Yorùbá urbanism is based on a solid social coherence manifested by the importance of the family system in the social, economic and political life of the city…".

Kinship as the building block of the lineage system found in Ìbàdàn differs from what Ayisi (1972) refers to as blood relationship between individuals because it is used for describing relationship in the narrow sense as well as in a broader sense. Kinship in Ìbàdàn context is the basic unit of expression of one's rights and duties which may arise from birth, decent, marriage or contract. Kinship in Ìbàdàn society also dictates one's obligations to the society as well as prohibitions in cases of marriage and land tenure.

The term 'tribunal' is originally derived from the tribunes, magistrates of the classical Roman Republic and tribunal originally referred to the office of the tribunes as it is still used in historical writings. A tribunal is any person or institution with the authority to judge, adjudicate on or determine claims or disputes. A tribunal is not a court of normal jurisdiction in the sense of modern jurisprudence but a court of special description that also engages in conflict settlement, resolution and transformation. In the same light in Africa, a traditional tribunal is a body of selected members of a group that combines the rule of law applicable in traditional society with responsiveness, flexibility, and speed as well as cost effectiveness to deliver appropriate interventions in conflict situations. It is an informal setting guided in its operations by the principle of natural justice that predates modern civilization. Informal courts are prevalent in Africa as avenues for the settlement of conflicts that occur from human relationships. These courts are often referred to in Africa as tribunals.

Traditional tribunals are of different grades in Yorùbá society. Oguntomisin (2004: 10) affirms that "Yorùbá communities have three grades of courts namely, compound court *(Ilé ejó agbo ilé),* the court of the ward-chief *(Ilé ejó ìjòyè àdúgbò)* and the court of the king *(Ilé ejó oba)"*. The first two courts largely perform arbitral functions especially on matters relating to civil cases while matters of criminal nature are reserved by the court of the king. Corroborating this, Olaoba (2002a) identifies two major divisions of cases in Yorùbá indigenous court which he calls civil and criminal or minor and major cases. The former falls within the jurisdiction of minor courts such as the family and quarter chamber, while the latter are in the exclusive list of the king's court.

Lineage for conflict handling is akin to an indigenous traditional tribunal (Nwogugu, 1976) or informal court (Atanda, 1973). These tribunals do not have a permanent form or composition. The composition varies from time to time, as the conflict on hand demands. The *mógàjí* and the elders preside over the family court. In this task, they represent the ancestors of the family and the verdict is sacrosanct. Cases that are attended to by the family court are of different types. Falola (1989) observes that lineages enjoy power of hearing cases and resolving conflicts on matrimonial matters, land and debts. In addition, lineage can also intervene in inheritance dispute, religious or political quarrels as well as minor criminal conflicts, like theft, incest and lying. *Mógàjí* and elders' intervention in conflict could be in form of counseling, reprimand, imposition of fines or punishments and of restorative compensation.

## Theoretical Discourse

The theory of modernity was adopted for this study. Hence, Baudelaire (1964) is credited with carving of the term modernity (modernite) to designate the fleeting, ephemeral experience of life in an urban metropolis and the responsibility one has to capture that experience. From another perspective of scholars, modernity refers to social relations associated with the rise of capitalism, individualism and cultural changes warranted by growing industrialization of society. For example, Giddens (1998) describes modernity from four basic perspectives; namely capitalism, industrialism, surveillance and control of the means of violence by the state. Capitalism involves commodity production, private ownership of capital, wage labor and a class system. Industrialism entails the use of inanimate power sources and machinery to produce goods. Surveillance engages the supervision of the activities of subject population in the political sphere while the state controls the means of violence through organized armed and security forces. In the realm of modernity relationship among people is increasingly distant, because of the prominence of the state in all spheres, as an intervening phenomenon. And social relations is lifted out of local contexts of interaction and restructured across indefinite spans of tame and space.

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Changes arising from modernity seem to be as a result of an increasing differentiation of social structures as different areas of social life become increasingly separated from each other. The basics of modernity are the emergence of capitalism and the dominance of revolutionary bourgeoisie. Their emergence and dominance led to an unprecedented expansion of the productive forces and to the creation of the world market. (Larrin, 2000) submits that the impulse of modernity is industrialism accompanied by the new scientific forces and discoveries.

Modernity as used in this paper is different from the conception that denotes the renunciation of the past, favoring a new beginning and a re-interpretation of historical origin. Rather, modernity is used here as a concept to denote seamless transition from the past to the present with borrowings from the past to solve problems of the present. Thus, modernity is a social condition, processes consequent upon industrial civilization that changes human settlement patterns and experiences. It is a complex of changing institutions that focuses in the future and brings about uncertainty and new challenges that require constant adaptation of the old and the new to progress into the future. Modernity thus holds out the hope of a reasonable change in a society with continuing set of historical issues and concerns embedded in the process. It refers to a "post-traditional, post-medieval and post historical period that is marked by the move from agrarianism towards capitalism, industrialization, secularization, rationalization of the nation-state and its constituent constitutions and forms of surveillance" (Barker 2005: 444). Modernity in the sense that is used in this paper also borrows from Ugwuanyi's (2002: 153 – 154) opinion that "modernity is not exclusively defined in terms of Western values but in terms of any value that advances the cause of life". In this way, modernization in Africa would not translate to Westernization. With the adoption of this approach, emphasis would be on modern practices and ways of life (both African and Western) that have posed challenges and prospects to conflict management at the lineage level.

## Fundamentals of African Conflict Prevention and Management

Traditional philosophy of conflict prevention, management and resolution are almost similar in all cultures of Africa. The indigenous African person sees human existence as unified, interlinked and integrated in a web. This logically makes an African person to see fellow member in a society as a 'member of the human family' or 'blood relations." Till today, people are taught to live in harmony with others right from childhood. The use of proverbs, idioms, folktales and songs to describe the nature of the world and how to live in love, harmony and peaceful manner with one another is a traditional way of preventing, managing and resolving conflicts in Africa. Peace messages were also embedded in traditional norms and legal rules guiding the behaviors of members of the society. Norms, for example, have their origin in natural phenomena as understood by myths of origin, historical development, philosophy, heroism, religious beliefs and the generally accepted code of behavior within the society. For example, perception of the cosmos as a dynamic social and spiritual entity informs the norms that govern behaviour in traditional settings.

The essence is to avoid the wrath of God, the Creator, other lesser gods, deities and ancestors as well as avoid condemnation of members of society. It is also aimed at keeping harmonious relationship by not insulting the spirits of individuals in the same way that new legal system ensures compliance with letters of social contract in the modern state.

In the past, rituals treaties and blood covenant were used to remove fear, and engender trust, bind families and villages together in order to avoid war. Powerful deities were involved in treaties and covenants, which make violation difficult because of the fear of the consequences. Institution and the celebration of festivals were occasions during which songs and stories were used to extol virtues of peace, honesty, and harmonious living. Marriages were used as a means of preventing and managing conflicts. Marriages reduced inter-group wars, as children who possessed mixed blood were used as ambassadors of peace to prevent, manage and resolve conflicts. Oath taking was used to establish truth and guilt and discourage dishonest attitude and evil actions in society. Sanctions were also imposed on families or individuals who were seen to have contradicted the custom and traditions of the people in order to deter others from engaging in behaviors that would engender conflict, such as stealing, willful murder, incest, abuse of elders, rape and false witnessing.

The institutions such as family, council of elders, and clan in a community were used in the task of conflict monitoring and prevention. These institutions were factored into conflict management enterprise through the kinship, and kingship systems. In a typical traditional in Yorùbá society anybody who broke any of the norms, rules and regulations was referred to as a bastard with a proviso that not all who were born into a disputed parentage were bastards. The saying is *"Kì í se gbogbo eni tí wón bá bí fún àlè ní hùwà omo àlè, ìwà omo àlè lo hù yìí"* meaning "not all who are born into disputed parentage behave bastardly, this behaviour of yours is bastardly."

Ethical standards emphasized in Yorùbá society included respect for elders and abhorrence of greed, avarice, violence, covetousness, stealing, and infidelity, poke-nosing into others affairs, use of insulting language, lying, betrayal and all other anti-social behaviors. Whenever somebody was guilty of any of these bad behavior, other family members were always unanimous in condemning him or her. Even when an individual had grievances he or she must be courteous in pursuit of the matter.

Taboos were also meant to regulate behaviors through prohibitions. They reinforced norms. Essentially, they had spiritual undertones attached to them which created fear of dire consequences if they were disregarded. They were also to reduce the incidence of conflict. For example, sitting at the door of a house was prohibited while it was raining; this was to avoid obstruction of people who might be running into the house while it was raining. If this was not done, it might be an opportunity to provoke the other person. When certain signs or symbols (ààlè) were put on the farmland, they signal prohibitions which must be honored.

The foregoing submissions have earlier been articulated by Ottite (1999:12) who describes African conflict management as "the mobilization of cultural expectations, if not imperatives, such as African hospitality, commensality, reciprocity and belief systems". Thus, mediation and negotiation of compensation, restitution, reconciliation, sacrifices, ritual cleansings and atonement are germane to African conflict management outcomes.

The principles of peaceful living and group spirit subsume individuals' rights and interests in Yorùbá indigenous setting. An individual is not as important as the group. Yorùbá people say *"igikan kò le dágbó se"* meaning " a tree does not make a forest" and *" Enìkan kì í jé àwá dé"* meaning "no individual claims is all sufficient in a group". In pronouncing awards, the overall interest of the family is considered. This is why in most situations the consequences of actions are first tackled before the issues. In matter concerning money, it is common to hear such witty saying like *"Owó yóò tán, omolúàbí ni yóò kù"* meaning 'money involved in a relationship will be earned and spent only good character will suffice'. However, all the mechanisms put in place did not foreclose occurrence of conflicts. But when conflicts occurred, they were quickly attended to in traditional tribunals. How then did this tribunal work to get results, thus we can examine their procedures.

## Procedures in Traditional Tribunals

The observation of conflict resolution session in traditional tribunals shows that in every conflict resolution session, stakeholders-analysis is germane in ensuring even representation of all the parties involved. It is important to identify all those who have a stake in an issue to ensure that every interest is taken care of before a commencement to proceed. This practice is strengthened by a Yorùbá witty saying that *"A kì í fárí lé yìn olórí"* meaning "decisions are not taken behind key stakeholders". Thus, all the people who have a stake or interest in a case are summoned by the elders. Having brought all the stakeholders together an elder is called upon to lay the premise for the invitation. This is usually a re-enactment of family history and ethos. After this, the primary parties are called upon to give an account of the conflict in which they are expected to present in clear terms, the issues, interests, needs and grievances that cause the conflict.

This is followed by cross-examination, which allows question and answer session for each of the parties. Through this, facts are reiterated by each of the parties and issues are clarified. Facts that cannot be sustained during cross-examination are rejected or modified, while those that pass the litmus test form parts of the basis of the decisions taken. After the cross-examination of the primary parties in a conflict, the *mógaji* would call on other people who have interests in the case to make their submissions.

Eye-witness account is also very crucial in the traditional tribunal. The witness is expected to be neutral and unbiased, though this is hardly achievable in a lineage setting as was discovered in this study. Few people were also willing to volunteer information and testify on domestic conflicts. Informants interviewed said this was due to the fact that they did not want to be joined as either secondary or shadow parties in the conflicts. It was not uncommon to hear those called as witnesses only pleading for settlement without volunteering information. People would only say *"e sá bá won parí è"* meaning "please just settle the matter for them". However, in few cases of inheritance and land sharing, witnesses do not shy away from that responsibility.

This is due to the importance attached to inheritance and land in Ìbàdànland. People often say *"ení bá dáké, tara rè a bá a dáké, e má tojú mi yàn mí mébo"* meaning "whoever keeps silent in such instance would be cheated" For example, in the land dispute involving Tèmiladé Adébóyè and Kólá Lágbàyì of Mosáderin lineage, six witnesses from both sides spoke extensively on the matter. It became difficult to sieve falsehood from the truth. However, mógàjí and the elders were able to reach a conclusion on the matter through cross-examination wherein some witnesses faltered.

In taking account and calling to witness, Yorùbá people believe in the power of oration and this is why it is a common to hear such phrases like *"Ejó là á kó ká tó kó ìjà"* meaning 'before quarreling with somebody we must articulate the issues properly, and thus, *"A gbó ejóenu enìkan dá, àgbà òsìkà ni"* meaning "whoever takes decision on listening to one side of a story is wicked". Therefore, every primary party must be allowed to talk, and this is followed by cross-examination. Use of proverbs, witty sayings, cognomen, allusions, hyperboles, metaphors and other figurative expressions are preceded by request for permission which must be granted by the elders.

Folkloric songs were often rendered as "moral-suasive" lyrics which were aimed at inculcating values in the people. These songs encourage probity, chastity, honesty and orderliness in the lineage. When these songs are sung in the course of conflict intervention, they are to bring to the fore the direction of resolution of that conflict. Such songs include:

Ìjàpá ń ràjò, ó lóun ò máya lo
Ìjàpá ràjò tán, aya bá àlè lo
Ìjàpá tàjò dé, ó dàpón àpàpàndodo.
Báya bá koni, ká mú rágbá ta rágbá
Ká mú ràgbà ta ràgbà.
Atidána wúndíá kò tó nnkan fákoni okùnrin.

This means:
Tortoise is embarking on a journey without taking the wife along
When tortoise left, the wife went away with another man.
When tortoise came back from his sojourn he became a bachelor.
If a wife deserts a man; he works harder
He works very hard

To pay the dowry of a young girl is not difficult for an industrious man. This means that if a wife deserts a hardworking man, it is not difficult to get a new wife. Thus, the encouragement is for the man is to forget the runaway wife and forge ahead. Folktales are also used to situate conflicts in such a way as to bring down tension and relieve overwhelming sorrow. Such folktales give historical information, ritual guidelines, simplicity and restraints. They have mediating impetus in conflict situation. Folklore, according to Finnegan (1972: 127 – 128), can be used for upholding political authority, or for attacking it, for passing tradition or for challenging it… mediating in the human psyche, joining people or separating them.

Allegories are also told to approximate human behaviours to those of animals. When they form the basis of judgment, they are aimed at pointing out moral lessons and expose human fallibility. They are didactic. The stories of the tortoise, squirrels, rabbits and snakes are commonly told to illustrate basis of human actions and inactions with a view to bringing out human foibles that must be tolerated for peaceful co-existence.

## Bases of Decision Making in Ìbàdàn Traditional Tribunal

Belief in communality of existence forms the basis of decision and is usually anchored with proverbs. The lineage, like any other strand of the society, is seen as an entity that must not be broken. Everything must be done to keep it intact. The usual prayer preceding and closing a peace or conflict management session is: *"Olórun má ba ebí wa yìí jé"* meaning "may God not allow bad affliction in our family" or *"Olórun má jé kí ebí wa yìí túká"* meaning "may God keep our family intact." In the course of mitigation in a conflict, emphasis is on keeping the relationships existing among family members intact. And the call for sacrifice on the part of the aggrieved to achieve this is always pursued with vigor by contributors at conflict resolution sessions. This is achieved through a win-win outcome often made possible through negotiation, and a give and take spirit.

In order to achieve lasting peace compromise form the basis of adjudication in the informal tribunals. This compromise may be rooted in existing concessions, new realities or anticipated outcomes. Elders were quick in pointing out the need for compromise. Compromise is often based on existing commitments, pledge, promise, covenant, agreements, precepts and contractual relations. In order to sustain requests for compromise, proverbs, maxims, anecdote, precedents and stories are told to enhance their profitability and necessity. It is in the light of this that Olaoba's (1992) submits that sources of traditional law include among others, its source from precedents, proverbs and maxims. These can be used to instruct as well as provide the basis for settling conflicts in traditional African society.

History of the lineage is very important in reaching decisions. It is meant to give account of origin and relationship of the lineage. However, the difficulty about some lineage conflicts, especially those relating to land, inheritance and chieftaincy matters is that the evidence is mostly based on oral history said to be handed down from father to son for several generations.

However the history may be colored with personal preference, sentiments, exaggerations and insinuations to achieve parochial interests, needs and motives. Historical accounts point to the tradition of origin, migration and settlement patterns to distinguish relationship from the augmented autochthonous population of Yorùbá cities by migrants from Ile-Ife and its environs.

Reference to legendary acts of ancestors in and outside the lineage is part of the historical expedition in resolving conflicts. An account of this nature is meant to find critical points of divergence and convergence from the submissions of disputants in a conflict. Such account is also meant to assuage and persuade the disputant to emulate such a heroic act. Command and precept earlier set out through legislations by chiefs' decrees, legislations by chiefs and warnings by the progenitors of the lineage also play important roles in decision reached during lineage court sessions.

More compelling sources of judicial decisions are those related to religious beliefs. Traditional African religions have its fundamentals in belief in the Creator, deities, gods, ancestors and other unseen forces. Scholars have noted that an average African person (the Yorùbá in particular), are very religious people. In Ìbàdàn for example, conflict resolution is anchored too much on religiosity. Conflict handling session is riddled with prayers both from the disputants, the witnesses and third-party interveners. At every point, prayers are said and the responses to them are always unanimous. Curses are abhorred and condemned by all when an individual utters them. Belief in the efficacy of prayer is widely acknowledged by respondents in this study. Even when conflict had been resolved, they anchor its sustainability on prayer. Second, swearing and oath-taking are very crucial in reaching conflict resolution decisions. People swear profusely with the god of iron, god of thunder, ancestors and the Creator, Olódùmarè. When oath-taking is carried out, it forms the basis of expected behavioral change from parties in conflict. For example, it is believed that when people are asked to swear or choose to swear by themselves, the spirit of these supernatural powers are enough to monitor further actions by each of the parties in conflict. Ògún and Sàngó are two supernatural beings or legendary personalities who abhor theft, greed, deceit and betrayal. To corroborate this assertion, Oyebode (2005: 132) cites the following from his informant:


Ògún ò féró
Sàngó ò fé ètàn
 Ení bá ríjà Ògún rí
 Ení bá ríjà Sàngó rí
 Kò ní í parò - sètàn jalè ni Koso
Meaning that:
 Ògún detests lies
 Sàngó detests deceit

Anybody who has witnessed Ògún vex
Anybody who has witnessed Sàngó vex
Will not lie and deceive to steal in Kòso (the home base of Sàngó)

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Other elements of religion considered in decision-making are divination to investigate hidden facts; thus its revelation must be believed.

The type of deities worshipped in the family, and the secret societies of the disputants belong to is part of the trial which by ordeal embrace the lineage that determine decisions taken in choosing punishment for an offence, and in offering sacrifices to the gods. For example, anybody who is a worshipper of Sàngó is not asked to buy a snail and snake to appease the god. In like manner, spirituality has strong relationships with the nature of incantations recited by the *mógàjí* and the elders. Laurie (2000) notes that in Africa "conflict resolution can draw upon some of the rich possibilities inherent in ritual to mediate and resolve protracted disputes. Rituals may be particularly useful in treating the deeply entrenched ethnic and religious conflicts that are currently disrupting the world." Africans belief which addresses the spiritual and psychological dimensions of protracted conflicts cuts across all cultures and it is given prominence in lineages. Such spiritual concerns are adequately addressed if genuine reconciliation would come up even in domestic, land or intra-lineage conflicts. In traditional African society, the question is not who is going to win or lose, but how to attain a win-win outcome for the disputants so that both psychological and spiritual well-being of the society and the people is ensured. In the present context, things are changing fast as a result of divisive factors and modernity that alter the composition of human settlement especially Ìbàdàn city in the 20th and 21st Centuries. And in unity with the above, findings from this study aligns with scholars opinion that conflict management by the traditional institution is a mix or diffusion of conflict management systems in religious, social, cultural and political practices (Osaghae, 2000: 209).

## Changes Wrought on Traditional Tribunals by Factors of Modernity

Christian and Islamic laws now contribute to the bases of decision of the lineage heads since the 19th century up till today in Ìbàdàn, and in fact, elements of Christianity and Islam seem to be waxing stronger in all the lineages studied. Lineage members either have Christian or Muslim names or predominantly profess either of these two modern religions. Those who are *Sàngó, Obàtálá, Oya or Ògún* worshippers have either Christian or Muslim names. Generally, all of them put traditional religion at the background until during discussion when they unconsciously betray their belief in the tenets of African religions.

In a typical lineage traditional, Christian and Islamic religious tenets combine to form the kernel of juridical decisions. It is very common to observe a mógàjí shifting from *Odù Ifá* corpuses to Bible verses and to Qu'ran verses. This finding strengthens Olarinmoye's (1991) submission that traditional laws, English laws and Moslem laws are being wedged together to run lineage affairs in Ìbàdàn.

Laws relating to inheritance, marriage relationships, properties, contracts and leadership are many in the Ifá corpuses, the Bible and the Quran. *Mógàjí* and the elders often utilize the tenets of these religions to reach decisions on conflicts brought to them. Conflict prevention, conflict resolution, peacebuilding, peacemaking, conflict transformation, peace education and peacekeeping methods are also resplendent in traditional and modern religious practices from which elders borrow upon.

Western countries' laws have had a long history of indisputable incursion into African ways of life, especially in Yorùbáland. Nigeria jurisprudence borrowed greatly from English laws (British and American laws). The experience of colonialism in the hands of the British Empire accounted largely for this. Thus, Western laws on human rights, individual rights, capitalism, and criminal justice procedures affected and influence actions and decisions taken by traditional institutions. And whenever their actions or decisions would negate Nigerian laws, they were quick to abandon the old practices. For example, in most lineage tribunals, trial by ordeal and secret trial by secret societies have virtually disappeared, and if a case involves criminal act, most elders quickly inform the police.

From the foregoing, this paper confirms earlier submission in related studies by scholars that Nigerian judicial system in the 20th and 21st centuries is an ad-mixture of African traditional values, religious beliefs and state laws (Olarinmoye, 1991; Albert, et. al., 1995; Osaghae, 2000 and Amuwo, 2009). This study also asserts that traditional institutions borrowed largely from traditional and modern legal sources in preventing and managing conflicts in indigenous lineage settings. Thus, emphasis of third parties in conflict handling is of value as consensus and social cohesion are essential elements of conflict prevention and resolution. This study establishes the fact that traditional and modern peace practices and conflict resolution strategies fuse together in a veritable space, provided by the traditional tribunal at the lineage level.

## Improvement Brought via Factors of Modernity to Traditional Tribunals

Modernity has advanced as well and challenged practices of traditional legal institutions in Ìbàdàn. In a recent study, Oyebode (2012) notes that Western education; new legal system and technology were found to have enhanced the values of traditional legal institutions. He also submits that lineage institution has great prospects as it engages and integrates some modern institutions of conflict management. It is also revealed from Oyebode's study that respondents who favored Western education are 86.0%, new legal system are 66.4% and technology are 53.2% as having enhancement values through positive interactions with traditional institutions. These interactions respondents opine enhance the performance of lineage leadership. Respondents in Oyebode's study also note that Western education has improved the knowledge and exposure of those appointed as the *mógàjí* of lineages. Education has helped them to document facts about their lineages, thus, having records as reference points for future generations. It is argued that educated *mógàjí* performs better as a conflict manager. It is also submitted that Western education has brought an increased awareness on individual rights. Interviewees' responses in this study confirm the foregoing, as they argued that traditional tribunals of this day are more responsive, and liberal in their outlook.

This paper also finds that a new legal system has also curbed the excesses and autocratic tendencies of lineage leadership. Civil and criminal laws guide conflict transformation and resolution practices of the institution today. Most families now reject conflict resolution practices that are tagged obnoxious, uncivilized or contradictory to fundamental human rights. This rejection has further put lineage institution within the realm of acceptable social mechanisms in the 21$^{st}$ century. New legal institutions are also assisting traditional tribunals in their task of conflict management through resolution of age long conflicts. This collaboration has helped in the de-escalation of many conflicts that may have become violent. The police, the courts and other government agencies now contribute to the sustainability of these tribunals, by rendering necessary assistance.

Findings of this study show that the globalized legal system has also enhanced the traditional tribunal's conflict resolution practices through borrowings from other cultures. The numerous international laws and conventions now guide lineage practices. Informants opine that the resultant flow of information, trade and networking arising from different cultures are most likely created access to the best practices in the institution handling of issues. Respondents also claimed that they utilize legal practices from other climes.

Information communication technology has been helpful in the spread, storage and retrieval of information at the lineage level. Utilization of technological devices like cell-phones, automobile, radio and television have enhanced dissemination of vital information to lineage members. Circulation of announcements of death, meetings, festivals, births and other urgent matters are made much easier through these technological devices. More so, the roles of electronic and print media in conflict management have been well documented (Oyobode, 2005, Olaoba, 2002, Raimi, 1995). Respondents in this study note that apart from disseminating peace information, the electronic media also create platforms for conflict resolution which are similar to traditional tribunals; such platforms include programs on radio and television. Traditional institutions are also engaged in the proceedings of electronic media programs.

## Challenges Posed by Factors of Modernity to Ìbàdàn Lineage Tribunals

Some factors of modernity have challenged traditional tribunal .Oyebode's (2012) study revealed that negative perception of foreign religion had 86.4%, while new trends in  urbanization had 72.2%, politicking had 79.2%, modern economy got 52.0% and industrialization had 77.2% of the respondents. They described these factors as having inhibiting effects that challenged the institution. Those who argued that these factors of modernity have inhibiting effects confirm Fortes's (1949), Balewa's (1994), Albert, et al's (1995) and Zartman's (2000)  arguments that factors like colonialism, urbanization, post-colonial politics, industrialization and imperialism have wrought negative changes on African traditions and values.

They opine that Nigeria, like any African country, is at the receiving end of Western values and that colonial rule in Africa and in other parts of the world had a grand design of altering the traditional, cultural, economic and social ideologies of the colonized in order to change their orientation towards Western values. These were to be achieved through rapid urbanization, industrialization, Westernization and globalization.

Some interviewees contend that factors of modernity such as phenomenal urbanization, modern policing structure and politicking, adversely affect the traditional tribunal. They opined that these tribunals are no longer able to uphold African ethical values due to foreign practices that have been globalized. These practices include immoral dresses, lack of respect for age and materialism. This finding aligns with the impact of modernization on African institutions, though exaggerated, captured by Zartman (2000: 227) when he notes that "modernization in itself breaks down the tissue of traditional society". Scholars like him argue that traditional practices were affected negatively by modernity due to "inconsistencies" with modern civilization. Modernity rejected such traditional judicial practices because of their failures to recognize the worth of individuals, individual rights and justice system of fair hearing and other universal practices. However, some informants noted that feelings of inferiority arising from the colonial experience have equally affected traditional practices. This aligns with Abidde's ( 2011: 80) finding when she notes that the entire African continent "suffers from inferiority complex – a complex that posits Western is better, foreign is healthier, and anything white is much better and desirable". Her argument is that cultural imperialism has imbued in and African inferiority complex which is noticeable in current African ways of life.

Religious bigotry especially among converts into Christianity and Islam has eaten deep into the psyche of some Ìbàdàn indigenes to the extent that they could not separate cultural practices from religious rituals. They have been so brainwashed that anything African in content and context is not good. Rather than patronize the institution, they prefer to go to church or mosque leaders who hardly know anything about the background of cases brought to them. The result is that these religious leaders would gloss over the matter only encouraging them to accept their fates. They are hardly contended with the outcomes of such interventions, and that is why after some time, the conflict would rear its ugly head again.

The attendant problems of unplanned urbanization are poverty, slums, personal alienation, and rejection of tradition and development of individualistic tendencies. All these have wrought on the strength of lineage as a socialization forum in Africa. One other serious challenge emanating from the force of modernity is the dispersal of lineage members to different places due to a growing urbanization and industrialization in Nigeria. Lloyd (1967: 184) observes that "the well educated men and women of the elite, the skilled factory workers, the clerks and teachers usually live in the modern town far from the compounds of their parents and brothers". Many Ìbàdàn indigenes now live several kilometers away from their ancestral compounds, and are most often alienate themselves from traditional assemblies.

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The phenomenal physical development of Ìbàdàn and expansion to hitherto known rural areas are making people lose their traditional roots *(orírun)*. Villages are consumed into new neighborhoods and estates with landlord/landlady associations and others taking over the role of traditional tribunal. Móníyà, Sháshá, Olódó, Oórunsógo, Ìjokòdó and a host of other newly developed areas only have the presence of informal tribunals that are an outcomes of informal gatherings, because of the embrace of modern organizational structures which allow many culturally divergent people to come together without necessarily using any specific people's culture to resolve conflicts. These organizations include landlord/ladies association, trade unions and co-operative societies.

Nowadays, respondents are of the opinion that traditional tribunals no longer serve as fora for the training of the younger generation in conflict intervention techniques as obtained in the past. Thus, young people are either excluded from the process or they fail to show interest in the forum. This is contrary to Turtoe-Sanders' (2011) findings about the past when traditional parents taught their children about life and told old stories of achievements of legends of families and community members who existed before them. All these she argues influence aspects of a child's personality: emotions, etiquette, motives and hospitality. She contends that conflict resolution practices were all developed in early childhood. Unfortunately these days, some Western educated patents are aloof from their children, and invariably, children no longer develop attributes that will make them become good third-party interveners.

## Conclusion

There is a lot of transformation taking place in Ìbàdàn traditional tribunals. Changes are noticeable in the area of philosophy, composition, procedure, judgment and execution of decisions as well as in the training of children in traditional ways. However, this transformation is both positive and negative. In a typical indigenous setting in Ìbàdàn, every family continues to have lineage tribunal at the urban center; this corroborates Ajayi,s (1985) find that the family remains the nucleus of the African political set-up, and the family remains the basic unit of traditional authority out of which elaborate structures of administration and socio-political hierarchies in terms of group, villages, towns, provinces, states and ancient empires, and kingdoms governed.

In spite of the dominance of factors of modernity, an average Ìbàdàn person has over time adapted to the cultural environment as a way of ensuring equanimity with self and thes cosmos. There is a general belief among Yorùbá people that whoever breaks the family tie puts self in a state of peril. Except in few cases of self-estrangement, most people in Yorùbáland still keep in touch with their lineage even if they settle outside the country. Although the cosmopolitan nature of Ìbàdàn city may tend to make a person individualistic, competitive and egalitarian in the 21st century, yet as tie to the traditional authority has largely remained unbroken in greater circumstances. The people of Ìbàdàn like most African people remain African no matter the extent of Westernization they have passed through. Even in a state of dilemma, they constantly remain culture conscious.

The people of Ìbàdàn are promoting the ideal promoted by Ugwuanyi (2002) who recommends the inclusion of African values in the concept of modernity and a rehabilitation of African memory and an empowerment of African imagination for self-evolution and positive self-appraisal. This ultimately leads to self-confidence and self-development of Ìbàdàn as an ancient-modern city as both traditional and modern legal practices are mutually inclusive in traditional tribunals in Ìbàdàn. This disposition guarantees harmonious society through respect for rules and regulations and observance of tradition. Rather than promoting only the super values exemplified in the court process, borrowings are often made from Yorùbá cultural practices.

The people of Ìbàdàn have historical consciousness that constantly reminds them of where they are coming from as they also look at elements in other cultures that help them forge ahead and cope with modern challenges. Ìbàdàn city is now perceived as a larger family that is kept intact by both those born there and strangers through a fusion of cultural practices. The lineage of king's tribunal continues to enjoy patronage from Ìbàdàn sons and daughters, as well as other inhabitants of the city. Thus, there is an increasing need to develop the virtues, values and conflict management mechanisms that can help Ìbàdàn develop as it is gaining the status of a mega city.

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