

Chapter 2

One Space for Two Justice Praxes in Nigeria: The Yoruba Experience in Stakeholders' Restoration

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ABSTRACT

The Yoruba people have unwritten normative, proverb-driven traditional jurisprudence to resolve all emerging disputes. Regrettably, colonialism suddenly emerged to compel the Yoruba people to drop their restorative treatment of the primary justice stakeholders and replace it with the castigatory European justice paradigm. This chapter studies the inclusive character of the traditional justice system of the Yoruba of southwestern Nigeria. It collected secondary data from the internet and archival sources. Data analysis indicates that including the victims, offenders, and the community in conflict management enhances the Yoruba traditional conflict resolution skills. To creatively halt the miscarriage of justice in postcolonial Yorubaland, policymakers should transform the justice systems to ground solutions for disputes in local realities. Also, both justice systems should replace competition with cooptation and embrace a symbiotic restorative response to dispute resolution for the deepening of Yoruba jurisprudence.

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INTRODUCTION

Nearly all the traditional peoples of the world have developed homegrown conduct-regulating values and grievance-redressing norms that took cognizance of restoration during their evolutionary processes. Usually, traditional people are socialized, in their everyday interactions, to comply with their community norms. While the indigenous justice system of the Yoruba people does not unendingly castigate the offender, using cultural blessings, it deters a future commission of the same or other offences. Offender sanctifications stimulate the disputants, before the gods, to accept the decisions of the peacemakers without keeping any grudges against each other. Dispute settlements are customary practices driven by proverbs, traditions, and norms considered to be customary law, the sum of the practices, norms, values, and standards of indigenous people in their local communities that guide their daily routine. A particular country can have a significant number of traditional justice systems within it, as different communities often have their customary law. The customary law may be oral or written, and decisions may or may not be recorded as jurisprudence. Before the advent of the colonial invasion of the Yoruba kingdom, tested systems of arbitration had been established. Therefore, the colonialists did not meet the Yoruba people in a state of anomie. The occasional civil and criminal issues that emerged were within the capacity of the existing structures of the local governance to creditably manage. Therefore, the widespread social order that the colonialists met on the ground surprised them.

In the context of history, the colonial epoch began in Nigeria in the 15th century with the slave trade. The British determined the geographical profile of Nigeria by controlling an area now known as Nigeria through a process that was completed in five successive phases. The first was the settlement of Lagos becoming a colony in 1861. The Royal Niger Company controlled central Nigeria from 1886 to 1900. This event was followed by the amalgamation of its territories into the new Protectorate of Southern Nigeria. In 1906, the Protectorate of Southern Nigeria merged with the Lagos Protectorate (Coleman, 1963, p. 41-44). Finally, the Southern Protectorates amalgamated with Northern Nigeria in 1914, although a certain degree of administrative distinction between the Southern and Northern Nigeria was maintained (Crowder 1978, p. 191). As a consequence of the amalgamation, the three main ethnolinguistic groups comprising of Hausa-Fulani in the north, the Yoruba in the southwest, and the Igbo in the southeast emerged. Thus, some 250 ethnic groups and minorities' interests coexist in one country. The country is somewhat less than half Muslim (mostly in the north) and about 45% Christian with a wide range of indigenous beliefs shared by many Nigerians (Lewis et al., 1998, p. 27-28). Instead of adopting indirect rule the way the British colonialists had done, they should have adopted an integrative approach that would have blended the British judicial values

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