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Received 10 August 2016
Reviewed 31 October 2016
Accepted 1 November 2016
UDC 340.114:361.774

JUSTICE DRIVERS: THE SOCIO-COMMUNICATIVE FUNCTIONS OF YORUBA INDIGENOUS KNOWLEDGE

Abstract: *Justice is a widely attested sacrosanct lifeblood of every human society which requires fair-play and impartial judgment and is often represented by a woman holding a balanced pair of scales in one hand and bearing a sword in the other, symbolising carefully weighed evidence and protection of the innocent, as well as punishment for the guilty; at times, justice is blindfolded, indicating impartiality. Though universal, justice is driven differently in different societies, as it is a derivative of the culture and tradition of the people with, often, a blend of some foreign touch, establishing its universality – universal justice – a source of which is expected to be divine or supreme, attesting to a human inborn tendency. If justice is divine, then the source of true justice transcends humans, which translates into the fact that all human societies draw principles from this higher source and apply the principles so drawn in line with the peculiarities of their culture and tradition. Hence, the extent to which justice is manifest or practiced in any society is contingent on how close or far away the society is to applying the divine justice. Since no human society has been able to abide by these principles perfectly, humans can attain no perfect justice. A discussion of perfect justice, as exemplified by a particular society and thus expected to be imitated by another, is beyond the scope of this paper. This paper investigates what drives justice and how justice is driven among the Yoruba. This paper argues that the Yoruba exploit the socio-communicative value of taboos, proverbs and àrokò³ to sustain justice in the society. The paper presents the issue through the frame of the principle of shared knowledge and socio-cultural competence.*

Keywords: *justice, communication, shared knowledge, taboo, àrokò, proverbs*

Introduction

Injustice is everywhere in the world around us; as the Yoruba would say, *orí yéye ní m̀ògùn, tàìṣẹ̀ lójù* (“so many heads

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³ *Àrokò* is the Yoruba’s non-verbal traditional system of communication which makes use of symbols, objects and signs.

are found at the Ogun shrine; most of these are the heads of the innocent”). For example, an untold number of people have lost their lives to poverty, war, crime and terrorism. In October 2011, the U.N. Secretary-General Ban Ki-moon stated: “Our world is one of terrible contradictions. Plenty of food but one billion people goes [sic] hungry. Lavish lifestyles for a few, but poverty for too many others. Huge advances in medicine while mothers die every day in childbirth... Billions spent on weapons to kill people instead of keeping them safe” (Awake! July 7, 2011: 7).

In Nigeria, injustice seems to be the ‘staple’, the basic, popular, and common ‘food’ fed to the innocent and hapless souls. To illustrate, here are some common scenarios: in the market, a cup of rice is sold double the amount it was bought, yet the retailer quips, ‘*it’s because you be customer o!*’ In the court of law, an impoverished complainant loses the case to a wealthy defendant and loses what rightfully belongs to him; yet, it is claimed ‘*a fair judgment*’. In the university, a young woman fails a course because she rejected the sexual advances of the male lecturer. In the church, the clergy basks in wealth while the congregation patiently awaits their heavenly rewards for supporting the ‘*Lord’s ministry*’ and ‘*sowing seeds*’. At home, a man exercises his machismo by subjecting his defenseless wife to brutality for not getting his food ready on time or for shirking her sexual responsibility. The proverbs below underscore the ubiquity of injustice from time immemorial:

i. Ori yeye ni mogun taise lopo.

[lit] Head many at the shrine the innocent many

Many are executed at the shrine but most of them, innocent of the crime.

ii. Toba lase.

[lit] The king’s orders are supreme.

iii. Olowo legbon talaka.

[lit] The man is superior to the poor man.

iv. Ole laye ogba; ibi gbogbo logba alagbara.

[lit] The lazy are deprived, everywhere belongs to the powerful.

v. Okunrin le laya mefa koburu; oko kan soso loba Oluwa yan fobinrin.

[lit] Men can be polygamous; a woman is not permitted to be.

Each of the proverbs above underscores a point: oppression and injustice are all-pervasive, even among the traditional Yoruba society. The tears of the oppressed fill both the altar of sacrifice and the land. Such are the grim consequences of misapplication of concepts and casting aspersions on culture and tradition. Does this mean that the Yoruba before the incursion of the Europeans had no sense of justice or justice-inspired principles? We return to this question in another section of this paper.

The paper is structured as follows: the next section defines justice. Thereafter, we discuss the meaning of communicative competence, the theoretical underpinning of this paper. Next, we discuss drivers of justice among the Yoruba – Àrokò, Taboo.

Justice – what it is

Justice is a widely attested sacrosanct lifeblood of every human society which requires fair-play and impartial judgment and is often represented universally by a woman holding in one hand a balanced pair of scales and bearing sword in the other, symbolising carefully weighed evidence and protection of the innocent as well as punishment of the guilty; at times, justice is blindfolded, indicating impartiality.

Though universal, justice is driven differently in different societies. Its universality lies in the fact that it is a product of the conscience, a human pre-birth-built-in or inborn faculty that makes humans stand back, look at themselves or at a situation, and make moral judgment. One's sense of justice is often influenced by the environment, society, and experience. Olaoba (2001: 2) observes that the motivation for indigenous law upon which justice is based "derives essentially from customs and traditions" of the people with whom one lives. He adds that "the non-literate know the law through the various segments of the traditions that had over the years, been memorised". This paper hastens to add that justice these days is often a blend of some foreign touch, including associations or organisations and past judgments (precedence) in the community and or around the word establishing its universality. For example, the colonial administration established her first Native Courts as early as 1915, with Grade A court assigned only to Alafin of Oyo. Others

were assigned grades B, C, and D (Atanda, 1970 in Olaoba, 2001: 10).

Interestingly, the ultimate source of universal justice is expected to be divine or supreme. We mentioned earlier that Justice is derived from tradition. One of Yoruba traditions relates to the peopling of Yoruba land. The tradition suggests that the 'prehistoric man lived in parts of Yoruba land' (Ogunremi and Adediran, 1998: 4). This tradition claims that the human race had its origin at Ile-Ife from where all men migrated to other parts of the world. Whether this tradition is true or not, it highlights the fact that man has a common ancestor. If this is so, then the source of true justice is superior to human [sic] and this translates into the fact that all human societies draw principles from this higher source and apply the principles so drawn in consonance with the peculiarities of the people's culture and tradition. Hence, the extent to which justice is manifest or practiced in any society is contingent on how close to or far away from the principles of divine justice such a society has become. Since no human society has been able to keep to or apply these principles perfectly, humans can attain no perfect justice.

Therefore, a discussion of perfect justice, as exemplified by a particular society and thus expected to be imitated by another as a model, is beyond the scope of this paper. To this end then, this paper investigates what drives justice and how justice is driven among the Yoruba, the second largest ethnic group found in the south west part of Nigeria (Alarape and Pelemo, 2014: 641), with about 13 million speakers of Yoruba in the western part of Nigeria alone (Folarin, 1987). Thus, a study of what drives justice and how this is done among these people will be a worthwhile effort, considering their population. It is argued that taboo, proverbs and àrokò are among the major drivers of justice among the Yoruba, and they serve in this capacity because of their socio-communicative roles in society. The theoretical framework of the paper is communicative competence.

Communicative competence

Communicative Competence is a linguistic theory, which has a larger scope than Chomsky's linguistic competence. Gumperz (1982: 154, 206, 209) says it is the abstract cognitive knowledge which a native speaker of a language possesses. He concludes:

“This means that the ability to use linguistic variables, to shift locally current or styles, to select suitable phonetic variants, or prosodic or formulaic options, must form an integral part of a speaker’s communicative competence... Communicative competence can be defined in interactional terms as ‘the knowledge of linguistic related communicative conventions that speakers must have to create and sustain conversational,’ and thus involves both grammar and contextualisation” (Gumperz, 1982: 206-209).

Saville-Troike defines the term as follows:

“Communicative competence extends to both knowledge and expectation of who may or may not speak in certain settings, when to speak and when to remain silent, whom one may speak to, how one may talk to persons of different statuses and roles, what nonverbal behaviours are appropriate in various contexts, what the routines for turn-taking are in conversation, how to ask for and give information, how to request, how to offer or decline assistance or cooperation, how to give commands, how to enforce discipline, and the like – in short, everything involving the use of language and other communicative dimensions in particular social settings” (Saville-Troike, 1996: 363, in Wardhaugh, 2006: 250).

Observe that communicative competence is not just concerned with Chomsky’s linguistic competence, which he distinguishes from performance. Chomsky (1965: 4) makes this significant distinction, “We thus make a fundamental distinction between competence (the speaker-hearer’s knowledge of his language) and performance (the actual use of language in concrete situations)”. Adejare (1995) rightly observes that such a description is a superhuman, idealised hyper-abstraction of a pre-Babel speech community. Instead, rather, competence in this paper is concerned with contexts, social norms, tradition, custom, appropriateness, and unspoken nonverbal behaviors characteristic of a society, people and situation.

Interestingly, Wardhaugh and Fuller (2015: 66) say that communicative competence relates to the “sense of social norms in discourse that speakers within a speech community share, along with ideas about the social group identities indexed by various varieties or features of language used in the community”. They add:

“the term communicative competence... is sometimes used to describe the knowledge of how to use language in culturally appropriate ways.’It is the ability to produce and understand utterances which are socially appropriate in particular contexts, in contrast with linguistic competence” Wardhaugh and Fuller (2015: 230, 400).

Hence communicative competence as a highly complex ability includes grammatical accuracy, intelligibility and acceptability, contextual appropriateness, phonetics and fluency. Thus it includes linguistic, sociolinguistic (understanding of social relations and impact on communication), discourse (knowledge of rules of discourse and well-formedness) and strategic (ability to improvise one’s way to a solution when suddenly faced with language problems) competencies. Goodwin (2001) agrees with the above conclusion on the various components of communicative competence. He states that the components include discourse, intonation, pragmatic awareness and non-verbal communication.

Therefore, communicative competence is more akin to our discussion of justice as it seems to be societally conditioned and contextually based. The native speaker’s communicative competence informs how successfully he/she applies the justice drivers in a situation.

Drivers of justice

The traditional Yoruba society can be described and is indeed a community of ‘alákọ́rís’, a term which literally means “*eni ti o n ko ori; eni ti o n ko nkan sori*”, meaning “he who commits things to memory; he who learns by heart”. The traditional woman never went to school but she could commit to memory national history, narratives, panegyrics, family customs and traditions and even pass these on to the next generation. The men could use proverbs, connect actions or inactions with taboo or send àrokò to condemn, praise, and alert to danger. One would be wrong to claim that the traditional Yoruba society was full of monkeys, fools and stack illiterate, in this context. With those alákọ́rí characteristics, the people could rule, judge and perpetuate customs and tradition, preserving them until the era of the proud alákòwé or ‘literate’ community of this generation. How did they teach justice and effect it? Olaoba (2001: 3)

answers: “The traditional sources of information on the legal tradition among the Yoruba are numerous. The sources are derivations of oral tradition. They are the proverbs, maxims, precedents, taboos, folktales, etc.: they did so by the use of proverbs, appealing to the potency of taboo or by sending Aroko. We consider each of the following sections.

Proverbs

Proverbs are groups of words whose meaning, like idioms, cannot be arrived at from the individual words making up the proverbs. They are characteristically metaphorical, fixed and, figurative. Proverbs are neither merely used for decoration in conversation, nor simply play aesthetic roles in it; rather, they are at the fulcrum of acceptable medium of communication or knowledge transmission from generation to generation (Hussein, 2005). Hence, when a true Yoruba man or woman wants to use a proverb, he first of all acknowledges the elders or does so immediately after saying the proverb.

Stone (2006) says of proverbs: “Generally speaking, proverbs are popular sayings that express commonly held truths”, with their chief ingredients, according to James Howell, being “sense, shortness, and salt” (Stone, 2006: 2). They are, to quote Lord Russell, “the wit of one and the wisdom of many”. And, as Sir Francis Bacon had pointed out, “the genius, wit, and spirit of a nation are discovered in its proverbs”. Of course, the English word proverb does not accurately represent the Yoruba *òwe*. In fact, there exists no single English word that perfectly captures the very essence of the word. Therefore, Owomoyela (2005: 3) defines proverbs from Yoruba’s perspective as follows:

“Reduced to its essence, therefore, *owe* is a speech form that likens, or compares, one thing or situation to another, highlighting the essential similarities that the two share. In Yoruba usage, it is always at least one complete sentence”.

Proverbs among the Yoruba can be regarded as indigenous, since their operation is among the indigenous Yoruba people. By indigenous here, we mean the native or vernacular for transmitting and maintaining continuity in order to refine the moral and ethical behavior of members of a community. Olaoba (2001) explains that among the Yoruba, proverbs have always

been useful sources for legal tradition reconstructing as they are useful and relevant in settling disputes. The elders, by relying on proverbs, have answers to all problems in the society. Okunowo (2012) has this to say about proverbs generally and among the Yoruba in particular:

“Proverbs are figural and signifying acts of meaning that mediate interpretation and negotiate pragmatic signification at linguistic, philosophical and cultural levels. The depth of proverbs as metaspeech and verbal strategy in Yoruba rhetoric culture”.

Yes, proverbs are deep and carry heavy functional loads among the Yoruba.

Folorunso [2006] maintains that the Yoruba people had a way of settling disputes before the arrival of the white men and that many of our African disputes could be resolved in the African way. He observes that the Yoruba people are conversant with value justice; they make use of impartial witness. The Yoruba have a large collection of proverbs, mostly oral. Therefore, to illustrate the legal potency of the Yoruba proverbs, we provide some examples below:

1. Ole nii mese ole to lórí àpáta.

It is a thief that can discover the path of another thief on a rock.

The Yoruba’s effective system of justice is vivid in the principles contained in this proverb: “Put the round peg in the round hole”. Thus, when there is war, warriors, not farmers, must go and fight and, when there is famine, farmers, not carpenters are called upon.

2. Oko kii je ti baba ati omo ki o maa ni aala.

There is always a line of demarcation between the farms owned by the father and his son.

This proverb underscores the right to property. It emphasises that there is no need to claim what does not belong to one. Should one try to do so, the elders should look for the marks which prove ownership. Such marks may be concrete or abstract. If the property is tangible like land, the mark is seen in the form of landmarks. If the property is parenthood, the action and inaction of the so-called parents and child will reveal the truth.

Today, evidences such as the above are called exhibits in the court of law.

3. Omode o jobi, a gba o joye.

If you deny the child of the kolanut; then, you deny the elder of a (chieftancy) title.⁴

The proverb above emphasises legal rights, perhaps of the child or someone in an inferior position in comparison to another person. The proverb shows that before the advent of Europeans, the Yoruba had the ideas, concepts and principles about human rights and social responsibilities. If properly applied, this proverb demonstrates the shared rights between the rulers and the ruled; as the ruler has the right to rule by reason of his position, the ruled have the right to benefit from the rule. A ruler whose rulership benefits no one is guilty of gross violation of human rights and is expected to resign.

4. Bi a se beru ni a bimo.

No birth is greater than the other.

The proverb above establishes the right of every child. There is no place in the law for child abuse on the bases of colour, gender, or status in life.

Below is a proverb which establishes the legal rights of law enforcement agents:

5. Agbe foba kii jebi.

The king's representative or emissary is never guilty.

For example, among the Yoruba, the ilaris are the king's representatives who deliver his messages and carry out his orders; as such no one can disobey, arrest, or prosecute them as long as they do what the king requires.

Here is yet another proverb. In Faleti's Bashorun Gaa, Gaa kills king Majeogbe, because of a grievous mistake he committed. Gaa seeks the opinion of his cabinet members on the choice of a new king, but they refuse to talk. Their excuse for not talking is expressed through this proverb rendered by Samu:

⁴ In this context, 'kolanut' refers to a bribe and/or a tip.

6. Berin ba fon, omo erin o gbodo fon.

If the elephant blows its trumpet the
Young elephant must not blow its own

This proverb illustrates the Yoruba insistence on respect for the elders whereby the young are expected to remain silent when elders are speaking. Also, that the decision of the elders is final. However, when power and authority are abused, another proverb is used. This is illustrated in Faleti's text just referred to above, in which Gaa becomes high-handed and brutal. He also becomes a murderer when he kills Agbonyin, the only daughter of King Adegoolu. As a result of Gaa's wickedness, Samu, while discussing with Oyaabi, says:

7. Bata to n ro kolekole ko nii pe ti o fi ya.

The bata drum that sounds heavily will soon get torn.

In this proverb, Gaa's wickedness is compared to a drum that has become taut which, if beaten profusely, will rupture. The second part of the proverb, that is, the breaking of the drum, refers to the consequences of Gaa's actions. This second part therefore symbolises Judgement. The tearing of the bata drum is synonymous to death, the likely judgment or repercussion of Gaa's wickedness. The proverb also teaches that too much of everything is bad, while at the same time recommending caution, self-control and restraint. The proverb ultimately teaches that power corrupts and absolute power corrupts absolutely. But when one makes peaceful change impossible, one makes violent change inevitable and, eventually, no man is stronger than the clan. Every power has its elastic limit.

In Faleti's *Omo Olokun Esin*, Ajayi, because of his thirst for freedom, not only for himself but for the entire village, intentionally misbehaves and is ready to face the consequence. The messengers maltreat him and his mother's word for the tough-looking messengers of Olumoko is this:

8. Bi a ran ni nise eru a a fi tomo jee.

If we send a person a slave's job, he should do it like a child.

The proverb recognises the right of the master to direct one to carry out a perilous errand and the wisdom of the messenger to handle the message with care and caution to avoid the after-

effect of the bad or dangerous consequences is necessary. The lesson for all is to apply wisdom in carrying out any assignment we are given. The slave's job is very delicate, but with wisdom, it can be made easier.

We now turn our attention to taboo.

Taboo

In Yoruba land, taboo is also called *eewo*. It refers to the forbidden. When one goes against or violates a taboo, irrespective of their age, status or gender, the consequences are the same, emphasising that justice is the main feature of taboo. Each person is judged according to their deeds, irrespective of their status in life. In the table below are some taboos among the Yoruba:

No.	TABOO	CONSEQUENCES OF VIOLATION
1.	Do not draw water from the well at night.	It is easy to slip and fall into the well due to darkness or other mishaps.
2.	Do not draw water from a well while chewing stick (a form of tooth brush).	The water could be contaminated.
3.	Do not stand at a crossroad or road fork.	Esu, the god of iron gets angry and the offender may be knocked off by a running vehicle.
4.	Do not leave melon peels unswept over night.	It attracts flies which carry diseases.
5.	A pregnant woman must not go out at midday when the sun is at its peak or in the dead of the night.	The woman may soon run temperature, trip and fall in darkness or become injured, or bitten by reptiles.
6.	A king does not open the calabash.	When a king does, he dies.
7.	A friend must not betray another friend.	Betrayer has bad consequences including shame, banishment or death.
8.	One does not greet a king standing.	It shows disrespect and may incur the king's wrath.
9.	A daughter-in-law does not untie her wrapper before the father-in-law.	Immorality may result and the land is desecrated because father and son have had sexual relations with the same woman.

Again, observe how the Yoruba's sense of justice is seen throughout the various examples of *Aroko* above. Observe that the resultant effects of each *àrokò* are the same in each case. Of course, the highly placed have their own forms of *àrokò* which are restricted. Although there are elaborate forms of *àrokò*, the sense of justice is never compromised, as if the elaborate *àrokò* is stricter and the restricted *àrokò*, by virtue of those involved is relaxed. Indeed, there is cross application of *àrokò* among the Yoruba. The restricted may be from the royal to the ruled and vice-versa in the case of marriage, war and the rest.

Conclusion

In conclusion, we have seen that justice among the Yoruba is real and the drivers discussed here are among the carriers. Even so, it is important to stress that before a proverb, *àrokò*, or a taboo is used, sent or applied, the socio-communicative roles must be considered and weighed. By socio-communicative roles, we mean that consideration must be given to the social context of use, situation of use and appropriateness. This is because context and situations vary. Thereafter, the communicative effectiveness of the driver selected must be attested *vis-à-vis* the native speaker's communicative competence. The truth is that what is effective in one context or situation may be grossly ineffective in another depending on the status, age, gender, and relationships.

The communicative competence of the user is his succor. One who is communicatively competent as explained earlier knows what to say, how to say it, where to say it and when to say it. Since communicative competence comes with experience in language use, it seems to be the preserve of the experienced language users. As the Yoruba would say, *enu agba lobi ti ngbo*, meaning, "It is the elder's mouth that can determine whether a piece of cola nut is appropriate for an occasion".

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