

## EMERGENT ISSUES IN CUSTOMS AND TRADITIONS OF YORUBA KINGSHIP AND CHIEFTAINCY: THE CASE OF ORILE-IGBON AND IBADAN

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This study examines kingship and chieftaincy issues in Orile-Igbon and Ibadan with a view to enunciating emergent challenges in Yoruba kingship culture. It explains the Yoruba perspective on kingship, using socio-historical and anthropological methods of data collection. The analyses are done qualitatively; the study explains the epistemology of the Yoruba kingship system as a culture that has been overwhelmed by a westernized structure which created issues of contestation that challenge Yoruba kingship as an institution. The article seeks to contribute to kingship scholarship in particular and to research in the humanities in general.

**Keywords:** Heritage, Development, Culture, Change and Society

### Introduction

Traditionally, the Yoruba king used to occupy prime position in the affairs of his people and perform important roles in the development of his community. He was the symbol of his people's culture and tradition. As a leader, he was crucial to harnessing social, political and economic factors and charting the course of their development. Yoruba kings were seen and revered as divine kings with all the dignity and allure of leadership. Hence, their authority could not be questioned or challenged. However, the imposition of colonial government changed their preeminent position, so that the kings had to seek permission from the constituted authority before they could function effectively in their domains. Their appointment had to be approved by this constituted authority that also had the power to remove them if they refused to comply with government dictates. Their

sovereignty, as well as authority, was transferred to the British sovereign, as noted by Sir Ralph Moor in 1897,<sup>1</sup> when he asserted after the conquest of Benin that, "...the white man is the only king in this country and to him only service is due". In other words, Yoruba kings within British territories were mere 'chieftains' of the British sovereign who was the only ruler, thus the nomenclature of 'chieftaincy' which placed the king on an equal footing with his chiefs under the colonial government. This, by implication, demoted him to second place in the running of the affairs of his people, while the government usurped the power to appoint and demote a king against the custom of the Yoruba people.

In Obaro Ikime and Michael Crowder's view, the issue of chieftaincy as a nomenclature for the king is problematic.<sup>2</sup> Nonetheless, the nomenclature or the term 'chiefs', which the colonial administration gave to all categories of indigenous rulers,<sup>3</sup> remained unchanged even after independence. The present study takes further the position of Ikime and Micheal Crowder, by focusing on kingship and chieftaincy in Orile-Igbon and Ibadan that have in recent times distorted kingship and chieftaincy customs in both communities. It is worthwhile at this juncture to explain what kingship and chieftaincy mean etymologically to the Yoruba people generally. To say that somebody is a king in Yoruba society is simply to say that the 'person holds a preeminent position', while 'chief' means to accord a rank or office to an individual. A chief can be removed by the king since he primarily accorded him the office. A king, in the Yoruba context, could only be asked to 'go and die' if he contravenes the customs of his people. He cannot continue to live among his people but the chief when removed can still live among his people. Thus, the king traditionally rules for life. He is *kabiyesi* – 'one that nobody dares question or query'. It is therefore impossible to have two kings in a Yoruba community, but there could be and indeed are many chiefs, primarily representing the king in their respective domains or serving as a council of ministers and advisers. The Yoruba word for king is *oba* (the head of everything), the chief is an *ijoye*, someone appointed by the *oba*. In the ideology of the people, the *oba* represents *Olodumare* and the ancestors as soon as he is endowed with the sceptre of authority, the pledge to the cult of ancestors, all of which confers on him the spiritual power needed to represent his people and a symbol of their cultural heritage.

In the Oyo-Yoruba area, which is the focus of this paper, the *oba*'s appellation included *Iku baba yeye* – the possessor of the power of life and death. The problem is the continued application of the word 'chieftaincy' to Yoruba

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<sup>1</sup> ATANDA, J. A. *Kings in Nigerian Society through the Ages*.

<sup>2</sup> MICHAEL, C., OBARO, I. (eds.). *West African Chiefs: Their Changing Status Under Colonial Rule and Independence*.

<sup>3</sup> ATANDA, J. A. *Kings in Nigerian Society through the Ages*.

traditional rulers and their perpetual subjection, to the dictates and manipulations of the institution through Chiefs Law. I have argued that the reason for the incessant interference in the selection, appointment and promotion of kings and the elevation of chiefs by the government is to exercise political domination over the traditional elites. The question is why has it been very difficult to review the colonial Chiefs Law relating to kingship in Yoruba society since independence in line with the traditions and customs of kingship that were practised before colonial administration? This paper argued the need to repeal the colonial chieftaincy laws which have subjected the *oba* to the British sovereign and to project compliance with the customs and traditions of Yoruba kingship as part of decolonization process. For instance, at the beginning of colonial rule in 1898, the Resident Officer stationed in Oyo explained to the kings and *bales* the policy of the government with the instruction that ‘the appointments of chiefs were the prerogative of the colonial authority’.<sup>4</sup> In 1910, the Native Authority Ordinance placed the *oba* under the British administrative officers, who were to rule through the *oba*, educate the *oba* on their duties without political authority but were to rule with the support of the Resident and approval of the Governor.<sup>5</sup> In this arrangement, the *oba* had no legal function, unlike in the precolonial period. This was followed by the colonial chieftaincy edict of 1933, which was again amended in 1954 and referred to as ‘the Chiefs Law’ signed by Her Majesty Queen Elizabeth II on 20th June 1957.<sup>6</sup> The law stated that “chief means a person whose chieftaincy title is associated with a native community and includes a minor chief and a recognized chief”. The 1954 Chiefs Law stipulated that the selection and appointment of chiefs are subject to the approval of the Governor, indicating the imperial status of the law and suggesting that it was primarily enacted ‘to ensure that only those who are ready to identify with the colonial government are made kings’. The 1954 Chiefs Law which reviewed the extant edicts thus eroded the traditional hierarchy between the king and the chief with the aim of distinguishing Yoruba kings from Her Majesty the Queen. The ‘chiefs’ however, served under Her Majesty the Queen for the period the colonial government lasted using the Chiefs Law to regulate their activities. In the post-colonial era, the Chiefs Law was reviewed by successive governments with feigned allegiance to the traditions and customs of the people and particularly the custom of king making.

For instance, Part 1 of the Oyo State Chiefs Law explains that “the ruling house in relation to a chieftaincy means the descendants of a linear ancestor entitled in accordance with customary law to provide from among their own

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<sup>4</sup> Ondo State. *Report of the Morgan Chieftaincy Review Commission*, 1979, Vol. 1. p. 29.

<sup>5</sup> BADE, G. *Kabiyesi’ an Endangered Species?*, p. 12.

<sup>6</sup> National Archive Ibadan. *Supplement to the Western Regional Gazette*, 15 March 1956, Vol. V, No. 14, Part A.

ruling house a candidate or candidates for appointment by the kingmakers as holder of that chieftaincy".<sup>7</sup> Part 2, section 4:4 adopted from 1975 (16) and 1996 (8), states that:

...in the exercise of their powers under this section, a committee shall ensure that no family is declared as a ruling house which is not generally recognized as such ... by the community with which the chief concerned is associated and in particular shall not declare as a ruling house a family which has been in the remote past so recognized...<sup>8</sup>

Section 14 of the Law gives reasons for qualification for appointment in line with Part 1 of the law as follows:

- a. he is proposed by the ruling house or the persons having the right to nominate the candidate according to customary law;
- b. (i) he is a person whom the ruling house or the persons having the right to nominate candidates are entitled to propose, according to customary law, as a candidate; or  
(ii) he is unanimously proposed as a candidate by the members of the ruling house or the persons entitled to nominate candidates.

In addition to the above policy statements nonetheless, the Chiefs Law also grants the Governor the prerogative to either approve or set aside the appointment of the recognized chief i.e. king.<sup>9</sup> This ouster clause was indeed a contradiction and remained an albatross in the development of kingship culture<sup>10</sup> which largely impacts the social and political systems, with the representative institutions being confronted with issues that endanger the age-long 'culture' with serious implications for the Yoruba social-political system. This article, therefore, examines kingship and chieftaincy issues in Orile-Igbon and Ibadan with a view to discussing emergent challenges of the traditional institution in contemporary Yoruba society.

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<sup>7</sup> Oyo State. *Chiefs Law*, Cap. 28, Oyo State Government, pp. 378–405.

<sup>8</sup> Ibid.

<sup>9</sup> National Archive Ibadan. *Supplement to the Western Regional Gazette*, 20 June 1957, Vol. VI, No. 29.

<sup>10</sup> Kingship culture is used to describe the custom and tradition of king-making in Yoruba society.

## Orile-Igbon Kingship Culture

Orile-Igbon is a traditional settlement located along the Ogbomoso-Ilorin highway. Igbon (as it is commonly called) is at present under the Surulere Local Government Area of Oyo State. It is about 10 km north of Ogbomoso. The Olugbon institution is an ancient one, believed to have been founded by an adventurous Prince of Ife called Ese, around the 7th and the 8th centuries. Ese, though had ruled and reigned in Igbon-Ile<sup>11</sup> independent of Ile-Ife and Oyo, was said to have been the initial titular head of Ogbon-Morun, in Ile-Ife, from where he migrated to found Igbon. When he finally settled at Igbon, he adopted his initial title of Olugbon. Igbon tradition revealed that he left Ile-Ife with Oranmiyan who also founded Oyo-Ile at the northern end of Yorubaland. The relationship, according to tradition, made people refer to Olugbon as *atele-Alaafin*, the follower of the Alaafin,<sup>12</sup> meaning the next in rank to the Alaafin. In the heyday of the Oyo-Empire, when the Alaafin was regarded as the supreme head of all Oyo-Yoruba kings, chiefs and princes, Olugbon also exercised substantial power as head of Ekun-Osi, a sub-division of the Oyo-Empire. He shared borders with the Onikoyi, the head of Ekun-Otun, and the Aresa, the head of Ibolo and Epo provinces.<sup>13</sup>

According to Igbon king-makers, Ese,<sup>14</sup> (the first Olugbon) had three children, who would later form the three ruling houses of Igbon. The three houses, according to tradition, later had five male children, which enlarged the ruling houses to five since the rule of inheritance confers such a status on every male child born in the ruling houses.<sup>15</sup> The five male children are Tanmoni, Ajayi, Ogungbade, Olugbode and Adeyelu. The five ruling houses that had ruled Orile-Igbon in a successive order of rotation<sup>16</sup> based on traditional principle and convention to the position of Olugbon by the ruling houses up to 1982 are as follows:

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<sup>11</sup> This information was supplied by the Olugbon ruling house during fieldwork on 24 March 2021.

<sup>12</sup> FOLARANMI A. *Igbon and Her Neighbours*.

<sup>13</sup> *Ibid.*

<sup>14</sup> I interacted with the Jagun Olugbon and other kingmakers in Igbon. The Jagun Olugbon himself informed me that he knew five successive Olugbon, from Orisafayo who led Igbon back to the present site, Oba Idowu, Oba Oyedele Oladokun who founded Ladokun village near Ogbomoso, and Oba Adegboyega Osunbade.

<sup>15</sup> BASCOM, W. R. The Principle of Seniority in the Social Structure of the Yoruba. In *American Anthropologist*, 1942, Vol. 44 No. 1 pp. 437–46.

<sup>16</sup> The Olugbon of Igbon Chieftaincy family of Ogbomoso, request for ruling house declaration under S.4 (2) of the chiefs law, 1957 of the customary law regulating the selection of the Olugbon of Igbon chieftaincy, Annex A, p. 2.

- a. Tanmoni (the ruling house of Oba Oyedele Akanni Oyewale III)
- b. Olugbode
- c. Adeyelu
- d. Ogungbade
- e. Ajayi

Customs of kingship in Orile-Igbon in particular and among Oyo-Yoruba social groups are similar. Culturally, an *oba* is selected among the *omo-oye*, that is, those born within the ruling houses, depending on the convention which differs from community to community as noted above. In some Oyo towns, for example, it is the *aremo* (primogeniture) – the firstborn of a ruling Oba. In other places, the ruling houses rotate the position. Nonetheless, the Oba must be from the male lineage, since Yoruba society is predominantly cognatic. In line with the customs and traditions, the candidate(s) for the selection must be presented to the kingmakers by the family through the Mogaji of the relevant ruling house for approval; but “where there are more than one candidate, the kingmakers<sup>17</sup> shall vote and the candidate who receives the highest vote shall be appointed”.<sup>18</sup> The death of Oba Adegboyega Samuel Osunbade, Adeyelu II, the Olugbon of Orile-Igbon on 14 October 2016, created a vacuum, while the process of selecting a new *oba* for the people of Orile-Igbon in Surulere Local Government Area of Oyo-State degenerated. The Local Government that has statutory rights on chieftaincy matters, contrary to the Chiefs Law quoted above, mandated contestants to obtain forms from the Local Government office to indicate their intention to enter the contest for the throne of Olugbon, in line with the pronouncement of the government of Oyo State to democratize kingship and chieftaincy institutions, which the ruling house rejected as being anathema to the customs and traditions of kingship succession in Orile-Igbon.

### Ibadan Chieftaincy Culture

The Ibadan chieftaincy structure begins with the *Mogaji* who occupies the lowest rank of chieftaincy in Ibadan. The Mogaji is the head of a nuclear family unit or *Molebi*. The size of each *molebi*, which makes up an *ebi*, varies in number; it may be below fifty and at times up to a hundred but must consist of descendants of

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<sup>17</sup> Igbon kingmakers include the Areago Olugbon, Jagun Olugbon, Balogun Olugbon, Ikolaba Olugbon and Otun Olugbon and Iyalode.

<sup>18</sup> The Olugbon of Igbon Chieftaincy family of Ogbomoso, request for ruling house declaration under S.4 (2) of the chiefs law, 1957 of the customary law regulating the selection of the Olugbon of Igbon chieftaincy, Annex A, p. 3.

one progenitor. A Mogaji is appointed by members of his compound (*Agbo-Ile* or *Idile*), after which the family would seek the confirmation of the Olubadan in council.<sup>19</sup> In Ibadan tradition, the family head is the Mogaji referred to as *Oloriebi* among other subgroups. He primarily holds the family together as the leader. He also represents his family within the Olubadan council and, by his position, contributes to the development of his family in particular and Ibadan at large. He also settles disputes arising from family differences. Literally, ‘he is to prevent the family roof from falling’, being the pillar on whom every other member rests. Customarily, therefore, chieftaincy in Ibadan is patrilineal and the position of the Mogaji is rotated among sections making up the extended family.<sup>20</sup> It should be noted that the Mogaji is the starting point through which an individual can be elevated to the highest position of *Bale* of Ibadan. The *Bale*, it must be pointed out, was the highest traditional chieftaincy in Ibadan customs and traditions of kingship<sup>21</sup> until 1932 when the title was changed to *Olubadan*.

Ibadan chieftaincy tradition is a republican system with two broad lines of authority, which are the *EgbeAgba* (civil) and *Balogun* (military). The *Olubadan*, as a convention, is selected from these lines of authority on a rotational basis whenever an *Olubadan* joins his ancestors. It is not a hereditary title but a social process of ‘elevation by vacancy’. In other words, an individual can only be elevated or upgraded when there is a vacant chieftaincy. But on 19 May 2017, the Oyo State Government constituted a panel to review the Ibadan Chieftaincy Law of 1957.<sup>22</sup> The panel, after several consultations, submitted its report which recommended that 32 chieftaincies be upgraded to crown status under the *Olubadan* without recourse to Ibadan traditions. These comprised 11 high chiefs and 21 *bales* to the position of crown *oba*.<sup>23</sup> The State Government acted on the report on 17 August 2017. The Governor announced the elevation of twenty-one chiefs and five *bales* in Ibadan to crown *oba*. The State Government’s position was that “there is need ... to change with the changing times as tradition and culture change with time..., we are democratising chieftaincy and expanding the

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<sup>19</sup> OGUNDIPE, Y. B. *Kingship and Chieftaincy in Ibadan*, p. 2.

<sup>20</sup> *Ibid.*, p. 9.

<sup>21</sup> The *Bale* of Ibadan was elevated at the instance of the *Alaafin* of Oyo since according to tradition he had the best claim to be the *Oba* of Ibadan. See letter from the Resident, Oyo Province, E. J. G. Kelly, to the Honourable Secretary, Western Province, Ibadan.

<sup>22</sup> The Nation Newspaper, 20 January 2018, *Court Nullifies Olubadan Chieftaincy Review*.

<sup>23</sup> The Punch Newspaper, 12 July 2018, *Chiefs Elevated by Ajimobi may not Become Olubadan*.

rulership system”.<sup>24</sup> The *Olubadan* in disagreement declared that “as the *Olubadan*, I am merely a custodian of the traditions and customs of Ibadan people. With an oath before our forebears, I do not see how as a monarch I will compromise the traditions and customs of Ibadan people”.<sup>25</sup>

The two examples above remain a contentious issue and have created tensions within the two communities. It has pitched the *Olugbon* ruling house against the Oyo State Government, demanding the removal of the appointed *Olugbon* on the ground that he is not a member of the *Olugbon* ruling house and that his appointment was against the custom and tradition of kingship in Igbon. They argued that the government cannot select a king for them. The *Olubadan* argued that the right to wear a crown is determined by traditions and customs.

The question, therefore, is who has the right to select a traditional *oba*? Secondly, whose duty is it, or who is responsible for promoting a traditional chief in Ibadan or how has it been done traditionally? Thirdly, what traditional role has the state government? The social and political implications of state involvement in the appointment of traditional kings, alias chiefs in the contemporary period, and perhaps the question of hegemony and power relations between the traditional and political elites are at the heart of the crisis. The present study is a contribution to the dynamism of Yoruba kingship culture, its significance for cultural continuity and its necessity for social identity as a contribution to the humanistic study and historical scholarship of Yoruba society.

### **Traditions and Customs of Kings’ Selection in Ibadan and Igbon**

A major issue at the heart of this discourse is Oyo-Yoruba tradition and the custom of kingship and chieftaincy. In practice, the derivation of traditional power and authority has not followed a single pattern. Rather, it is a more open system of chieftaincy succession through some rotational order.<sup>26</sup> WALE Oyemakinde further posits that chieftaincy and royalty are the prerogatives of princes and princesses of the royal household.<sup>27</sup> In other words, an intending king must have royal blood running through his veins. But it should be noted here that among the Oyo Yoruba, resourcefulness was important to kingship or to

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<sup>24</sup> The Guardian Newspaper, 18 August 2017, *Ibadan Chieftaincy Review: 11 high chiefs, 21 Bales recommended for the Beaded Crowns*.

<sup>25</sup> The Punch Newspaper, 4 December 2017, *Ibadan Chieftaincy Reversible – Olubadan*.

<sup>26</sup> OYEMAKINDE, W. The Derivation of Traditional Power and Authority in Nigeria. In *African Notes*, 1979, Vol. VIII, No. 2, pp. 27–35.

<sup>27</sup> *Ibid.*



becoming a king in the past, though in recent times blood relationship remains the strategy.

In addition, settlement pattern is an important feature of social organization/institutions through which leaders emerge in Yoruba society. In fact, both are interconnected so that it is hardly possible to separate settlement (structure) from social institutions and the people's view of traditional leadership.<sup>28</sup> But more importantly, the pattern of settlement in Ibadan dictates a flexible republican structure of two broad lines of chieftaincy without recourse to royalty or cumbersome king-making processes: Ibadan recognizes military capability and achievement rather than birth,<sup>29</sup> though it is promotional from *olori-ile* (family head) to *Mogaji* (lineage head). Ibadan has no sacred king since chieftaincy is promotional from the bottom up, i.e., the *Mogaji* is appointed by the chiefs to occupy vacant titles of the lowest ranks and when a chief dies those ranked below him move to his position, thus creating a vacancy at the bottom.<sup>30</sup>

On the contrary, in Orile-Igbon, birth and royalty are an important marker. The Olugbon is a sacred institution with the strong influence of the six kingmakers: the Areago, Jagun, Balogun, Ikolaba, Otun, Bara and Iyalode.<sup>31</sup> Their role as king-makers is very significant to the smooth running of the town. If they select the wrong candidate, the people would suffer from bad leadership. Hence, the king-makers always resort to *Ifa*, after the family have taken their part in choosing a candidate. The candidate must be the actual son of the Olugbon lineage from one of the five families (*idi-igi*). He must be of unquestionable character and physically normal. The king-makers have to look for all the vital attributes of leadership in the competing princes before final selection. The king-makers also perform the coronation rites, after which the king will be more than an ordinary individual. He will become an institution that must be respected as second in rank to the divinities.<sup>32</sup> From installation, he speaks the mind of the ancestors, and his words are regarded as a sacred message.

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<sup>28</sup> Traditional leadership is a form of leadership in which the authority of a town or settlement is largely tied to tradition or custom. The main reason is that it "has always been that way".

<sup>29</sup> OYEMAKINDE, W. The Derivation of Traditional Power and Authority in Nigeria. In *African Notes*, 1979, Vol. VIII, No. 2, pp. 27–35.

<sup>30</sup> The nature of Ibadan traditional practice before 1936.

<sup>31</sup> At the time of this research work only three of the six king-makers were available – Jagun, Otun and Iyalode.

<sup>32</sup> Traditionally, the Olugbon is next in rank to the Alaafin of Oyo; he was the head of Ekun Osi and had unlimited power except for the power of death.

## **Emergent Issues in Customs and Tradition of Kingship and Chieftaincy in Orile-Igbon and Ibadan**

It would be a serious thing not to allow a chief to wear a crown if he was entitled to do so by birth and position..., if a man had a right by birth and position, it would be a serious thing to interfere with it... this would be an unjustifiable encroachment on rights and privileges.<sup>33</sup>

The above statement affirms the position of the Olubadan and the Olugbon royal families' insistence on the traditions and customs of their forebears. It also suggests total adherence to the tradition and custom of kingship, and therefore the promotion of the idea of cultural continuity, which Eggan explains as the spread of cultural heritage from one generation to another, including the means through which the transmission takes place.<sup>34</sup> Every culture has cultural scripts concerning the favoured patterns of thoughts and actions that are considered cultural ideals, scripts that become a major source of cultural continuity.<sup>35</sup> This was probably the line of thought of the government on chieftaincies from 1952. The 1952 and 1957 laws required the state government's approval of the appointment of the recognized chieftaincies. It is also vested with the powers to approve the appointments to the minor chieftaincies, subject to a locally-based authority known as the prescribed authority.<sup>36</sup> The law gazette in 1959 gave Ogbomoso local government prescribed authority over minor (recognized) chieftaincy matters. Therefore, whenever a vacancy existed in the position of a minor chieftaincy, the chieftaincy committee would mandate the appropriate family and, based on existing tradition as noted earlier, would select a candidate whom they would present to the committee for approval and installation.

The elevation of the *Bale* of Ibadan and Ogbomoso in 1976 was at the order of the Alaafin of Oyo, Oba Lamidi Adeyemi, in consultation with the Oni of Ife, the Owa Obokun of Ilesa and the Orangun of Ila. This was sequel to the Bale Ibadan's (Bale Gbadamosi) application to the Oyo State Council of Oba to be elevated to a beaded crown. The Oni of Ife, in his address in support of the application at the conference of Yoruba *Obas* held on the 7 and 10 May 1957, explained the reasons for the elevation of Bale Ibadan as the contributions of Ibadan including her roles in Oyo-State, that:

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<sup>33</sup> N. A. I. Government Gazette, 28 February 1903, p. 106.

<sup>34</sup> EGGAN, D. Instruction and Affect in Hopi Cultural Continuity. In *Southwestern Journal of Anthropology*, 1956, Vol. XII, No. 4, pp. 342–366.

<sup>35</sup> GREENFIELD, P. M., COCKING, R. R. (eds.). *Cross-Cultural Roots of Minority Child Development*.

<sup>36</sup> Oyo State. *Chiefs Law*, p.10.

It is not the hood that makes the monk; it is not the beaded crown that makes an Oba. ... you have in the hierarchy of chiefs great rulers such as the Olubadan of Ibadan..., the fact is that non-wearing of the beaded crown by them does not detract a jot from the importance and dignity attached to their titles and personalities.<sup>37</sup>

In the case of Ogbomoso, the Bale of Ogbomoso attempted to wear a beaded crown but was rebuffed by the Council of Obas and Chiefs in 1973 at Ile-Ife. Nonetheless, the enviable position and contributions of Ogbomoso sons to the greatness of the Oyo Empire, the strategic position of Ogbomoso, its symbolic roles in the promotion of Yoruba cultural heritages, including its 'military prowess'<sup>38</sup> past and present, were among the reasons for the *Soun*<sup>39</sup> of Ogbomoso's elevation. Alaaḡin Adeyemi, while moving the motion for the Soun's elevation, explained that the new position would advance unity among Yoruba Obas.

The question, therefore, is what has changed and why did the state government decide to ignore the Oyo State Council of Traditional Rulers and the Alaaḡin in the promotion and elevation of Ibadan chiefs in 2017? And why has the State Government ignored Orile Igbon traditions and customs of kingship and chieftaincy including the extant laws of chieftaincy in Oyo State in the appointment of the Olugbon of Orile Igbon after the demise of Oba Adegboyega Osunbade in 2016? Secondly, what informed the sale of nomination forms at the level of local government, particularly for a position that is rooted in customs and traditions, i.e., indigenous (home-grown) democracy?

This was the position of the Alaaḡin and the Oni of Ife in the elevation of the Olubadan and the *Soun* in 1976 as a product of ingenuity. Ibadan and Ogbomoso's contributions to stability in Yorubaland cannot be overemphasized. These two important communities hosted millions of Yoruba men and women who fled from wars in the pre-colonial and colonial eras. They have continued to accommodate Yoruba sons and daughters by providing social and economic succour to many.

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<sup>37</sup> His Majesty the Ooni of Ife, Oba Adesoji Aderemi, statement in support of the elevation of the Bale of Ibadan and Bale Ogbomoso in 1976.

<sup>38</sup> Unlike other Sub-Yoruba groups the customs and tradition of promotion in the Old Oyo Kingdom includes resourcefulness. It was significant in the elevation of individuals to positions of authority. An individual must show that he possesses this attribute either in a war situation or in social encounters.

<sup>39</sup> Soun is the title of the Oba of Ogbomoso. The title was coined from the name of the founder of the town.

## In Defence of Customs and Traditions of Kingship

An examination of chieftaincy laws in post-colonial Yoruba society cannot be fully undertaken without a brief consideration of the historical dynamics that have underpinned the institution since the colonial era. These are very important in situating the emergent tradition in proper perspective. As posited by Shai, Molapo, and Sodi,<sup>40</sup> “to understand the past and future, it is important to draw on history”. Adebajo,<sup>41</sup> supporting this view, also asserts that “to understand contemporary events and for a better future, one must inevitably understand the past”. It is to this, that kingship and chieftaincy have been subjected under contemporary institutions of government. Of particular importance in the history of kingship as an institution is its subjection to the political elites. It is worth noting that a king is different from a chief in the view of an average Yoruba man. As noted earlier, the first challenge was nomenclatural, i.e., using the term chieftaincy for all categories of leadership.

Obaro Ikime and Michael Crowder consider the issue of chieftaincy as nomenclature for kings to be problematic. The king (*oba*) is the ruler and the chief (*ijoye*) is a lesser chief subordinate to the king, helping the king in day-to-day affairs. The intention of the colonial authority to subjugate Yoruba kingship was to protect the institution of the British sovereign as explained by the Resident when he said that “only the queen is the king here”. Hence the relegation of their position of authority and power or the crown, or at most the relegation of the crown to a mere ceremonial authority. Thus, in the post-colonial politics there emerged between the traditional elites and emerging political elites a new dimension of power politics with both struggling for power rather than re-establishing and re-consolidating the customary position of the kings in the social-political system. The political elites have in different ways, and for various strategic considerations, mutated the shape and form of the customary authorities. The appointment and selection of kings are now the prerogative of the government. This contradicts the government’s constitutional position of protecting the customs and traditions of traditional institutions. The *oba* exclusively derives his power, or sovereignty and legitimacy from the customs and traditions of his community.<sup>42</sup> The people see him as the representative of the

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<sup>40</sup> SHAI, K. B., MOLAPO, R. R., SODI, T. The USA’s Post-1990 Foreign Policy towards West Africa. In *Journal of Contemporary History*, 2017, Vol. XLII, NO. 1, pp. 154–173. DOI: <https://dx.doi.org/10.18820124150509/JCH42.v1>.

<sup>41</sup> ADEBAJO, A. *The Curse of Berlin: Africa after the Cold War*.

<sup>42</sup> KARLSTRÖM, M. Imagining Democracy: Political Culture and Democratisation in Buganda. In *Africa*, 1996, Vol. LXVI, No. 4, pp. 17–34; O’LAUGHLIN, B. Class and the Customary: The Ambiguous Legacy of the *Indigenato* in Mozambique. In *African*

gods and by implication Olodumare, this being the reason why he cannot be questioned or queried because doing so amounts to questioning Olodumare – the Supreme Being or the gods. Therefore, the attempt by the government to democratise and liberalise the institution, as was the case in Ibadan and Orile-Igbon, is an affront to the people's customs and traditions, and a challenge to the authority of Olodumare, the Supreme Being. The government's argument is that customary institutions are not democratic "principally on the grounds that the right to choose one's representatives is a fundamental and basic human right in contemporary democracies"<sup>43</sup> and that kingship and chieftaincy are more or less "a caste in which only birth members can postulate to the role of chiefs".<sup>44</sup> The hallmark of this school of thought, which the emerging political elites subscribed to, is, therefore, that traditional and modern forms of leadership cannot co-exist because they draw their legitimacy from two distinct sources. This polemic, in my view, cannot be justified on the basis that if traditions and customs are allowed to function effectively then they have the capacity to build trust among citizens and thus complement modern forms of government by bridging the gap between citizens and government. This is the position of Olaoba,<sup>45</sup> Owusu,<sup>46</sup> Blom,<sup>47</sup> Senyonjo,<sup>48</sup> when they note that the two forms of ideology can co-exist complementarily. In their opinion, the customs and traditions could invigorate cultural values necessary to generate a common bond of solidarity. Therefore, they contend that the institution can neither be simply legislated out of existence nor merely be relegated to being part of a traditional social sphere distinct from the modern world of civil society. According to them, the institution is not static and frozen in time, but like all aspects of culture and tradition, it grows and adapts

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*Affairs*, 2000, Vol. 99, pp. 5–42; RIBOT, J. African Decentralization, Local Actors, Powers and Accountability. In *UNRISD Programme Papers on Democracy, Governance and Human Rights*, 2002, Paper No. 8.

<sup>43</sup> RIBOT, J. C. African Decentralization: Local Actors, Powers and Accountability. In *UNRISD Programme Papers on Democracy, Governance and Human Rights*, 2002, Paper No. 8, p. 69.

<sup>44</sup> Ibid.

<sup>45</sup> OLAOBA, O. B. Paradox of Power Kings in Contemporary Nigerian Society. In *Ela: Journal of African Studies*, 2001, Nos. 9–10.

<sup>46</sup> OWUSU, M. Domesticating Democracy: Culture, Civil Society and Constitutionalism in Africa. In *Society for Comparative Study of Society and History*, 1997, Vol. I, pp. 120–152.

<sup>47</sup> BLOM, A. Ambiguous Political Space: Chiefs, Land and the Poor in Rural Mozambique. In WEBSTER, N., ENG-PERDERSEN, L. (eds.). *In the Name of the Poor: Contesting Political Space for Poverty Reduction*.

<sup>48</sup> SENYONJO, J. *Traditional Institutions and Land*. [online] [cit. 31 October 2021]. Available from <http://www.federo.com/Pages/TraditionalInstitutionsandland.htm>.

itself to the changing values and aspirations of its people because it does not exist in a vacuum. It is the ordinary people who condition it and reshape it to be constantly relevant. They also submit that the values of democracy, participation, and respect for human rights, mutuality and cooperation with others all influence the nature and functioning of traditional institutions and governance in the contemporary society.<sup>49</sup> An institution, we must note, is symbolic of the cultural heritage of the people and therefore it is an essential part of their fundamental right to culture. It is indeed a part of the people's democratic culture which has remained over time without compromise. Even if it is not compatible with western democracy and the decentralization process, this does not make it undemocratic. Rather, it can be managed in such a way that it can accommodate some cultural practices and values to strengthen the democratic process which seems not to work in Africa generally and in Nigeria specifically.

The argument here is that within the framework of customs and traditions,

subjects are fully aware of the duties the Oba owes to them as they are of the duties they owe to him and are able to exert pressure to make him discharge these duties. ... A chief may, in fact by popular will, be stripped of his chieftaincy if his behaviour is not that expected of a chief and associated with the office. In this sense, the power of chieftaincy largely rests with the chief's subjects and should a chief not live and lead as expected, the subjects have the mandate to ask for his removal. Kingship and chieftaincy is therefore widely perceived as an embodiment of virtues of political accountability, transparency, service and probity.<sup>50</sup>

The foregoing explains the belief of the people in the traditional institutions. Hence, the insistence on the need to allow them to choose their kings and chiefs based on customs and traditions. In 1903 Governor Macgregor explained that intervention in the selection and elevation of chiefs without recourse to the customs and traditions of the people is a denial of natural rights and privileges. The consequence of the government's encroachment on and denial of cultural rights is a disruption of the social identity acceptable within the society. It jeopardizes membership cooperation, commitment and total involvement in the overall community's common good. Such a suppression cannot wipe out the influence of the institution, as available evidence reveals that people are not in a

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<sup>49</sup> CHINSINGA, B. *The Interface between Tradition and Modernity: The Struggle for Political Space at the Local Level in Malawi*, pp. 255–274.

<sup>50</sup> MOTO, F. Domesticating the Definition of Democracy. In *Ewalo: A Forum for Social Development*, 1998, Vol. II, pp. 24–43.

rush to move away from their customs and traditions.<sup>51</sup> In fact, political elites have on several occasions turned to the traditional elites to motivate citizens in turbulent times to entrench and sustain their legitimacy, indicating the hold of the traditional institutions on their subject and suggesting the importance of customs and traditions by allowing the people choose a leader they could respect, honour and appreciate when the need arises. The hallmark of democracy is acceptability and the sovereignty of the people in a polity. In the same way, the customs and traditions of the Yoruba people display the relevant features and values of democracy including representation, acceptability and the sovereignty of the people that need to be sustained to bring about social and political developments across communities through citizenship commitment and cooperation.

The idea is that to disregard or trample on traditional institutions is to antagonize the people and perhaps even to arouse their opposition.<sup>52</sup> Perhaps, even more importantly, tradition gives us our identity, our values, and a way of discriminating between change as progress and change for the sake of change.<sup>53</sup> At the least, what could be done is to complement the western democratic models of governance with Yoruba customs and traditions as explained in the Oyo State Chiefs Law. This was the situation with the elevation of the Olubadan and the Soun of Ogbomoso in 1976 including the selection of the Olugbon of Igbon, Oba Adegboyega Samuel Osunbade, Adeyelu II.

## Conclusion

In this paper, I have discussed the emergent challenges of the Oyo-Yoruba tradition and custom of kingship and chieftaincy as a product of colonialism that arose from the attempt by the colonial authority to subject the Yoruba crown to the British sovereign. Thus, this article has argued that the nomenclature of 'chieftaincy' which places the king within the ranks of chief is contrary to Yoruba kingship culture because the idea, by implication, demoted the king to second place in the running of the affairs of his people. The power to appoint and demote a king by the political elites is against the customs of the Yoruba people,

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<sup>51</sup> The kings daily entertained and conducted customary courts in their palaces, which suggests that the people have faith in their leadership and that their word is much respected, their praise much appreciated, and their example emulated.

<sup>52</sup> SENYONJO, J. *Traditional Institutions and Land*. p. 5. [online] [cit. 31 October 2021]. Available from <http://www.federo.com/Pages/TraditionalInstitutionsandland.htm>.

<sup>53</sup> MOLOTLEGI, L. *Hereditary Rule in the Age of Democracy*. Paper presented at Brown University, MacMillan Hall, 31 October 2002, p. 11. Also available from <http://www.watsoninstitute.org/>.

particularly against the etymology of the term *oba* to the Yoruba people. Moreover, the continued application of the word 'chieftaincy' to Yoruba traditional rulers and their perpetual subjection to the dictates and manipulations of the institution by government or the constituted authorities in the contemporary period through the Chiefs Law are the reasons for the constant interference in the selection, appointment and promotion of chiefs, since the Chiefs Law is probably made without necessary input or cognizance of the customs and traditions of people not ready to cast aside their tradition.

This article has therefore stressed the need to repeal the colonial chieftaincy laws which place the *oba* under the British sovereign and to make it more compliant with the customs and traditions of the Yoruba people as a part of the decolonization process. This would allow contemporary institutions of government to have a full grip on social and political developments from the grass roots level and make society a better place, with fewer social and political disagreements, and to create some form of social solidarity within the towns and the villages that have disparate groups, because evidence from fieldwork in Igbon reveals that the people are still very close to their tradition, which they are not in a hurry to abandon. The social and political implications of the government's involvement in the selection and promotion of chieftaincy, the paper argues, are an infringement of the people's cultural rights. Rather, the people should be allowed to bring about change within the context of African traditions and cultural values inspired by the cultural continuity and solidarity necessary for social development.

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