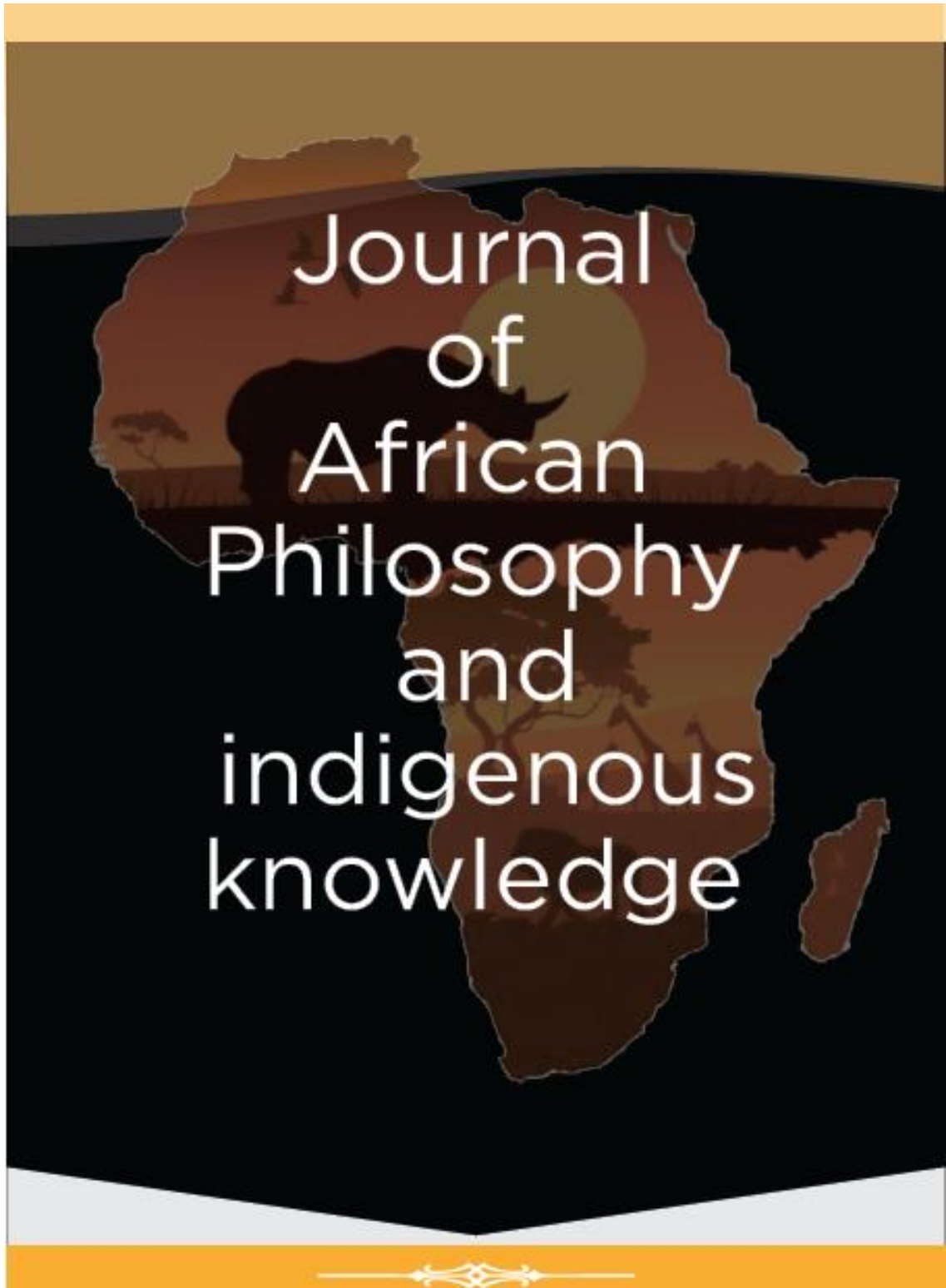




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EDITORIAL NOTE

The articles assembled in this issue collectively advance a compelling argument: that sustainable development in Africa requires a fundamental re-centering of indigenous knowledge systems, cultural practices, and philosophical traditions. While the contexts range from disaster risk reduction in Zimbabwe to digital pedagogy in Yorubaland, from inclusive education in Nigeria to agricultural trade resilience across East and West Africa, a unifying thread runs through each contribution the necessity of culturally grounded, context-specific solutions to African challenges.

Esther Ogunwole and colleagues open this issue with a critical examination of culturally responsive inclusive education in Ado-Ekiti, Nigeria. Their study reveals that while teachers demonstrate some familiarity with inclusive practices, significant gaps remain in pedagogical confidence, classroom management, and cultural sensitivity toward learners with practical needs. The findings underscore a vital insight: inclusivity cannot be achieved through Western-derived models alone; it demands teacher training that is both culturally grounded and responsive to local realities.

Complementing this work, Funmilayo Olu-Ajayi makes a persuasive case for integrating indigenous knowledge into Nigeria's science curriculum. Her argument that traditional practices herbal medicine, local farming techniques, ecological wisdom can enrich scientific education challenges the lingering colonial assumption that indigenous knowledge is antithetical to modern science. Instead, she envisions a blended pedagogy that honours both knowledge systems, fostering environmental awareness and community engagement among learners.

The geopolitical dimensions of indigenous resilience are explored in Charles Apokhume and Olileanya Ezugwu's examination of tariff vulnerability in Kenya, Ethiopia, and Nigeria. Their findings challenge conventional narratives of African agricultural vulnerability by demonstrating that external trade shocks, rather than merely destabilising, can catalyse indigenous-led value chain development. This reframing from sites of perpetual dependency to spaces of creative resilience offers a powerful counter-narrative to dependency theory's more deterministic conclusions.

From Zimbabwe, Owen Mafongoya and colleagues interrogate the cosmological approaches to disaster risk reduction among the Ndaue people of Chimanimani. Their documentation of indigenous forecasting indicators, sacred rituals, and cultural practices reveals sophisticated systems of anticipatory action that have sustained communities across generations. Yet these systems face existential threats from climate change, Christianity, and modern science threats that the authors argue must be addressed through genuine integration rather than mere acknowledgement.

This issue presents a groundbreaking study on Másòyínbó (Olálékàn Fábílólá) and the architectures of a decentralised Yoruba knowledge economy. The study reveals how

digital technologies, often viewed as instruments of cultural homogenisation, can be strategically indigenised to foster linguistic consciousness, economic sovereignty, and epistemic repair. Másòyínbó's model transforming Western technological platforms into spaces of Yoruba cultural affirmation offers a replicable framework for African scholars seeking to bridge tradition and innovation in the digital age.

Extending this conversation on epistemic repair, Agbegbedian Anthony Oghenevwoke offers a critical evaluation of the concept of man in Urhobo traditional philosophy. His study directly refutes lingering colonial notions of the "irrational" preliterate African society, demonstrating that the Urhobo, like other African peoples, possess a coherent logical system through which man is understood as both a historical and metaphysical being. This philosophical grounding, the study shows, is not abstract speculation but the very foundation upon which Urhobo norms, values, and survival as a people rest.

Complementing this philosophical inquiry, David O. Ovuede and Agbegbedian Oghenevwoke Anthony examine the impact of modernity on marital dispute resolution within Benin Kingdom, Nigeria. Their research unmasks how the imposition of Native court systems and British morality displaced the traditional Ọkaegbẹe (patriarch) institution, fundamentally altering the power dynamics of conjugal conflict management. By revealing the nexus between modernity and the diminution of indigenous governance structures, the authors demonstrate that contemporary marital discord cannot be fully understood nor effectively addressed without reckoning with the colonial erosion of culturally anchored resolution frameworks.

Together, these articles issue an urgent call: the decolonisation of African knowledge systems is not merely an intellectual exercise but a practical imperative for sustainable development. Whether in education, agriculture, disaster management, or digital economies, the contributors to this issue demonstrate that Africa's future lies not in abandoning indigenous traditions but in creatively reimagining them for contemporary challenges.

We invite our readers to engage deeply with these contributions and to join the ongoing conversation about how African philosophy and indigenous knowledge systems can shape more just, resilient, and culturally affirmed futures across the continent.

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IMPACT OF MODERNITY ON MARITAL DISPUTE RESOLUTION BY THE *OKAEGBEE* INSTITUTION IN BENIN KINGDOM, NIGERIA

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Abstract

*Myriads of changes interfaced marital dispute resolution and the *Okaegbēe* (patriarch) institution entrusted with the norms and values of filial and conjugal relations in Benin Kingdom. Whereas modern systems remain dominant and problematic, seldom attempts associate the diminution of marital cohesion with modernity. This paper examined the institution of marriage in Benin Kingdom and unmasked the impact of modernity on the traditional systems of marital dispute resolution by the *Okaegbēe* institution; and also unveiled the changes that have affected the processes of marital dispute resolution. Both primary and secondary methods of data collection were adopted for the study. Nine (9) Key Informants were interviewed while four (4) Focus Group Discussions were conducted. The secondary sources included published textbooks, journals and online materials. Findings revealed the nexus between modernity and diminution of influence of the *Okaegbēe* institution in the Benin traditional system of marital dispute resolution. The imposition of Native courts systems altered the power dynamics, displacing the actual personages in the administration of justice and replacing them with colonial agents that interpreted native laws through British morality. Marital dispute resolution in Benin Kingdom has been impacted by modernity which occasioned new trends and patterns of conflict management.*

Keywords: *Modernity, *Okaegbēe* institution, marital dispute, resolution, Benin Kingdom,*

Introduction

Africa today is inundated with initiatives effacing traditional patterns of dispute resolution. In Benin, the advent of British conquest in 1897 marked an intense drive to modernise or abolish customary practices under the pretext of

being contrary to British conceptions of human rights (Ovuede, 2016:171).

These intrusions compromised the sanctity of marriage, with reverberating effects on social stability. An instance of interference was the proscription of polygyny through judicial activism and advocacy of divorce. Marriage in Benin

is a sacred institution, preceded by rites, accepted as a contract between families, performed by the *Ọkaegbēe* (patriarch) or their representatives, conducted for a man and one or more women primarily for procreation. Marriage in Benin is interlaced in the *Egbēe* (compound family system) from which there are recognised rights of consultative dispute resolution by the family and village headman (*Odionwere*).

The employment of betrothal, facial incision, oath-taking taking and swearing on an ancestral shrine *Erinwinwowa* were traditional initiatives proscribed as primitive culture by British standards. However, the modern initiative instituted the imposition of litigation, oath on Christian and registry marriages and the relegation of the larger family. In same line, Cooper avers that “missionary practice focused on the individual, shunning aside kinship groups, councils of elders, age-group, and other collectivities basic to African social life” (Cooper, 2005:27). Parrinder (1956:111-121) notes that the perceptual and value changes that became the reality of Christian and Islamic proselytism sapped the spiritual authority of traditional institutions. According to him, whereas the chief is the one who sits on the stool of the ancestors, some Christians now say “I now go to church, I am not under the chief”. Igbafe (1979:231) observes that the colonial initiative witnessed the commercialisation of marriages at the expense of conjugal morality which was definitely a result of the changed conception of justice and which the native court system introduced.

The imposition of modern courts and administrative policies as dynamic elements of marital dispute resolution

instituted indiscriminate divorce, seduction, run-away-wives and the diminution of family cohesion. In this light this paper examines the impact of modernity on marital dispute resolution by the *Ọkaegbēe* institution in the Benin Kingdom. It investigates reforms aimed at modernising marriage through judicial processes, exacerbating social stability. It provides answers to questions on the dynamic changes instigated by modernity and the survival of the *Ọkaegbēe* institution. It concludes that the *Ọkaegbēe* has been impacted by modernity such that the institution is no longer in its original form; however, it remains relevant in marital dispute resolution in Benin Kingdom.

Methodology

This study was carried out in Nigeria, specifically in Benin, Edo State. The study was conducted in the Bini-speaking parts of Edo South Senatorial District, which comprises seven local government administrative areas of Oredo, Ikpoba-Okah, Orhionmwon, Ovia-North-East, Ovia-South West and Uhunmwode. Purposive sampling and snowball techniques were used. Primary data were gathered through Key informant interviews, focus group discussions, In-depth interviews and participant observation. Archival materials were sourced from the National Archive, Ibadan and the Palace Library, Oba's Palace, Benin City. Secondary data were derived from published books such as *Egharevba's* Benin Law and Custom and *Osemwowa's*. The customary laws of the Binis. The sample size is made up of family heads in 21 village councils, which is inclusive of about 210 families with *Ọkaegbēe* as patriarchs. In-depth interviews were conducted with the

Esogban of Benin Kingdom, six *Odionwere* the Chairman of Christian Association of Nigeria Edo State chapter the Chief Imam Benin Central Mosque. Data for the study was content analysed using descriptive and narrative approaches. This entails rigorous study of data from different sources in order to have a greater understanding of the subject matter.

Theoretical Framework

Modernity and the general system theory

This study explored the theories of modernity and the general system theory. The theory of modernisation views the world and social cultural ideals as constantly changing and being impacted by change. Thus, tradition and the rational ideal is constantly impacted by change and change becomes the only constant, but rather than a marked departure from the past, it bears with it, elements of older traditions. While Giddens (1990:1) used such terms as radical, high and low modernity to draw distinctions on an advance stage of modernity, he notes that a variety of terms such as post modernity, post capitalism and so forth has been used to refer to this transition which leads to a new type of social system. Accordingly, “it is often said that modernity is marked by an appetite for the new, but this is not perhaps completely accurate. What is characteristic of modernity is not an embrace of the new for its own sake, but the presumption of wholesale reflexivity which of course includes reflection upon the nature of reflection itself” (Giddens, 1990:52). However, this reflects an incarceration in the caged of rationality. In Durkheim’s view, modernity is defined by its organic solidarity and the

weakening of collective conscience (Durkhiem, 2004:416). This explains in part the elitist interpretation of the roles and function of the *Okaegbēe* in marital matters, its yearnings for discontinuity with the compound family system and advocacy for change.

Walonic (1993) defines a system as any pattern whose elements are related in a sufficiently regular way to justify attention. However, Doughert and Pfalgraff (1981:102-125) postulate the system theory as a series of relationships among independent and dependent variables. According to them, a whole that functions as a whole by the interdependence of its parts is called a system, and the method that aims at discovering how this is brought about in the widest variety of systems is called general systems. The general systems theory sees the world as a giant organism with different but interrelated parts that are mutually interdependent. What is more is that an impact on any of the subsystems has an impact on the entire organism. The system effect of inputs is explored to examine initiatives aimed at modernising marital dispute resolution through administrative policies on the *Okaegbēe* institution.

Dynamics of marital life in the Benin Kingdom

In Benin culture, until a man is married and produces offspring, he is not seen as a responsible member of society (Amadasun, 2014). It is the practice of the Benin to conduct marriage either by betrothal (in the case of infants), marriage of grown adults and marriage by proxy, where the spouse may be represented at his or her wedding. This obtains where the couple cannot be physically present at their wedding

ceremony. Often, marriage by proxy is conducted when either or both couple live abroad and decide that a relative should stand-in for the performance of marriage rites. However, due to the centrality of marriage in Benin, it is regulated by custom down to the smallest details (Egharevba, 1949:15). Igbinopkogie and Ehator (1997:7) observe that such a union is legalised by the payment of bride price or bride wealth. Undoubtedly, marriage in Benin is not conflict-proof as it is generally a mechanism for social stability; owing to its management, it has a high propensity for conflict generation. This is ingrained in its perception as a yardstick for evaluating status and as a resource-based institution germane in establishing rightful heirs to a deceased's estate.

While it is expected that all unmarried girls are virgins, the question of virginity does not invalidate marriage (Ogiegor, 2014). Though if on the seventh day after consummation of marriage, the bride's mother receives the White cloth of virginity from her son-in-law on her visit, it indicates that her daughter was well guided and married as a virgin. Egharevba (1949:17) avers that the purity of the bride is the pride of her mother and attracts an expensive gift, such as an ox or necklace, for the bride. This was a tacit act that was aimed at curbing promiscuity, viewed as inimical to social harmony. Egharevba rightly contends that if an unmarried girl is impregnated, the family may not allow her to marry her violator, and he has no right or authority over the child without customary expenses to the bride's parents (1949:19).

According to Roth (1993:39), it is customary among the Benin for a man to immediately marry a girl he has raped;

if this act was committed at night, both of them would be married at dawn. However, if the victim is a child, the rapist would be compelled to pay specific fees to the victim's father. It is incontrovertible that in pre-modern Benin, a child born before marriage belongs to the girl's father, while a child of another man born after marriage is called a bastard-*Obviroyi*. It literally means the child of a thief, and such a child is treated as a slave. Accordingly, he may be given to the *Oba* in exchange for a title or sold as a slave; such a child can be redeemed by his biological father with the payment of fixed fees.

Dynamics in Marital Dispute Resolution in Benin Kingdom

Marital dispute resolution in Benin customary practice transcends the immediate couple and may involve family elders depending on the nature of the dispute. Post-marital settlement in Benin was virilocal (Ogiegor, 2014). Furthermore, in Benin mari Customarily, a man is expected not to have sexual intercourse with his wife during her menstruation *Udiamwen* (Isien, 2014). She is expected to leave her husband's room and retire to a small hut or her room till the end of her menstruation. However, disputes emanating from the insistence of intercourse during a woman's mense, if not resolved by the couples may be reported to the elders for quick resolution. In this instance a woman may not be ill treated for refusal of sexual intercourse during her menses. The period of menstruation is considered a time of a "woman's "uncleanliness. However, at the end of her menses, she is expected to take a good bath before returning to her domestic routine; it is also expected for a woman to be

circumcised. Here, a portion of the clitoris called *Akpikò* is excised. This ceremony known as *Arue*, perceived as inhibiting sexual promiscuity emanating from indiscriminate libidinal drive triggered by clitoral spasm, is carried out by older women and sometimes by the matriarch (*Edede-Iyaegbèe*) or by some native agents called *Isiwu* (Isien, 2014); this practice is now however prohibited by extant laws of Edo State (Imoukhuede, n.d:1-2) While the traditionalists insist on female circumsticion contemporary legislation regard this practice inhumane in breach of human dignity and in contravention of section 34(1) of the Nigerian 1999 constitution (as amended).

Additionally, it is morally reprehensible for a man to persist with sexual intercourse with his pregnant wife or while suckling her baby. This period may span upwards of two to three years. In the same line, open conflicts arising from refusal to be uncovered by her husband under this condition is quickly resolved in her favour. It is clear that the drive to mitigate sexual urgings amongst its libidinous male population accounts in part for polygyny. Accordingly, in a polygamous marriage, the husband has the right to make his most senior wife the *Okhuogua* which means the coordinating wife who mediates on minor disputes amongst the other women.

Another institution closely associated with marriage was pawning, an ancient practice of given someone as a guarantee for a loan. Igbafe (1979:250) explains that a man could pawn himself and any of his children. However, either parent could pawn a child without the consent of the other but what could be done was for the aggrieved parent to

redeem the child through the full payment of the debt. Nonetheless, a Pawnee could marry a woman or his daughter to a pawned man. The status of the wife and the offspring at the redemption of the loan was based on the correctness of behaviour of the pawned man; otherwise the wife and children returned to the Pawnee.

Furthermore, marriage among the Benin was highly ritualised as the bride is made to swear an oath of fidelity at the ancestral shrine (*Erinwinwowa*) of the husband's family. A cock, a bottle of gin and kola-nuts is used for this oath. Here, the couple knee before the *Erinwinwowa* —as directed by the *Ọkaegbèe* the custodian of the ancestral shrine that host the *Ukhure* of her in-laws. They are blessed as the woman is presented as a wife and swears to her fidelity while married to her husband. In the event of violating this oath, without performing requisite sacrifice calamity is believed to come upon her children or husband (Amadasun, 2014). It is the duty of the *Ọkaegbèe* and elders to see that adultery (*Nọfioweyọha*), considered inimical to peace in the community is prohibited. Once the bride price is paid, any child produced by the wife is considered the bonafide property of her husband. Nonetheless, in the case of divorce, the bride price is returned and the woman is made to perform requisite rites at the husband's ancestral shrine to set her free. This was largely occasioned by the willingness of her deceased husband's family to see her remarry outside the family. However, divorce was also permissible on cases of impotence (*Awakia*) symbolically referred to as *Okpia nọ khokho eha ma riọka*, meaning a man whose cock cannot eat corn (Amadi, 2015). This was a serious condition that could make a girl

return to her family and her bride price refunded. Customarily, the wives of a deceased that had children are left to go absolutely free to remarry any man they like.

Researches from the field indicates that widows (Okhuo no dẹgbe) are not expected to marry the first man that has sexual intercourse with them, he is accepted as someone who has come to cleanse her. In the marriage of a widow, no dowry is paid, but her new husband is expected to take care of her children from her previous marriage, the contention is that if he is pleased with her, he could marry any of his daughters from another woman to any of her sons from previous marriages without obtaining dowry. Roth (1993:37) documents that if a widow has a son, she is made to serve him and no suitor might marry her except with the provision of another girl or woman as replacement. In essence, it is only after the suitor has provided a wife for the son that his consent could be obtained to allow his widowed mother remarry.

However, while adultery is condemned, a man is permissible by public morality to be polygamous. Roth (1993:33) observes that a Benin man could have as many women as he can provide for. This cannot be an alibi for divorce; however, in the case of an adulterous woman her husband's family can divorce her on the grounds of adultery. In contrast to the belief that a man cannot commit adultery under Benin traditional laws, adultery applies to a man (Osemwowa, 2000:32). Accordingly, if a man engages in extramarital affairs with a married woman, he can be charged for adultery by the rightful husband and his family. Roth rightly observes that,

If any man is suspicious of the levity of anyone of his wives, he tries all possible means to surprise her in the act, without which evidence he cannot punish her; but if he succeeds in his endeavours, he is thereby lawfully entitled to all the effects of her paramour, whether consisting in slaves, cowries (their money), elephants' tusk, or any other mercantile commodity... (1993:37-40).

He observes that the husband may send her away, where she may pass on for a widow and subsist with any learned trade. To avert this humiliation, the family of the adulterous wife is at liberty to appease the husband with presents to forgive her, and she would be allowed to return to his home. However, this appears to be an over simplification of the processes of mediation and reconciliation with regard to the grievousness of adultery in Benin Kingdom.

Methods of marital disputes resolution by the *Ọkaegbẹ* institution

In Benin, the *Ọkaegbẹs* preside over conflict resolution, including marital disputes, either in his compound or in his inner chambers at the ancestral shrine. While the *Ọkaegbẹ* is the patriarch of his extended family, he presides over the extended family council (*Iko-egbẹ*) that is made up of all

male heads. The ancestral shrine houses the *Ukure* (staff) of the founding elders of the family. What is of note is that each Benin man has his *Iko-wa* (house-council) that is made up of all adult male sons. While the *Okaegbē*'s decision is supreme over matters affecting the extended family, house heads have authority over matters affecting their household. A major strength of the *Okaegbē* is in the consultative resolution of disputes with adult males of his patrikin. Here, he is assisted by the next in line of seniority by age difference of natural birth (*Ozukpogieva*) and the third in line (*Ozukpogiaha*). It is worth noting that the *Okaegbē* represents the extended family in the village council.

The village council is headed by the *Odionwere* as an agnate and gerontocratic headman. He sits over conflict resolution in his house or at the *Oguedion* which houses the *Ukhure* of the founding elders of the village council (*Iko-Edionbvo*) with the four most senior elders known as the *Edion nene*. The *Odionwere* presides over all matters of conflict resolution; with the advent of the monarchy, these meetings could be chaired by the *Enogie* (Duke). If any man believes his wife is seduced or defiled by another man, he has to make his petition through his *Okaegbē* or other relevant channels to the *Odionwere*-in-council who may confer with the *Edion nene* and, as the case may be, call on the *Okaegbē* of the accused and the aggrieved family to a council's meeting. In this regard:

If found guilty, the adulterer is fined *Ẹkpeti wo degbe*, equivalent to twelve shillings (12s) in colonial times. In

addition, he is made to offer a female goat, kola nuts and drinks to appease the elders for his abominable act. After this is done, the *Odionwere* and the elders will give the offender permission to go and settle with the husband of the woman he defiled. The husband of the woman is at liberty to demand that he comes to his family to meet his *Okaegbē* and make necessary sacrifices that are peculiar to propitiate their ancestors to cleanse the family of the iniquity that he has committed to prevent the wrath of the dead ancestors (*Amadasun*, 2014).

The adulterer is made to pay for the clothes the woman was wearing at the time he uncovered her and present drinks and kola nuts. The offender is asked to bring a special kind of kola nut that comes in four pieces; this is broken during the reconciliation and prayers for appeasement. One piece is broken and shared between both men; the rightful husband and the adulterer. This is a serious oath in Benin custom that they would not harm each other again and that the offender has been genuinely forgiven. This reconciliation process reintegrates the offender as a cleansed individual, fearing no further harm to his life, back into society. It is also a form of rehabilitation where the offender is

made to desist from craving other people's wives.

In the case of the adulterous woman, the husband is at liberty to put her away. However, this does not rob him of his right to keep her upon being asked by the *Ọkaegbẹe* and elders of his family. If he so chooses, a process of ritual cleansing called *Azuo* is initiated. In the application of *Azuo*, the woman is asked to present a female-goat and an antelope's hand. The husband and his wife are asked to stand naked in opposite directions before adult family members, with their palms on their knees and their buttocks against each other. In this awkward position, a big clothe is used to cover both of them, the female-goat is slaughtered and its head dripping with blood is used to rub the husband from his neck to his scrotum and through from the woman's private part to her neck (Amadasun, 2014). The entire goat meat is then used to prepare a ritual meal. Furthermore, the woman is made to prepare pounded yam and *Eguisi* (melon) soup with no leaves for the elders. This ritual process is conducted under the supervision of the *Ọkaegbẹe*. However, the adulterer and her husband are not allowed to partake of this ritual meal (Ogiegor, 2014). After this is done, a special leaf called *Afor* is used to sprinkle a concoction made from an admixture of native chalk and salt on all their property and around the house. The emphasis is that native chalk symbolises purity and salt is believed to be a preservative and a costly material. These items collectively portray a new beginning for both couples.

However, a serious cause of marital dispute is the case of *Ẹbilovbiẹ*. This is a dangerous charm that is believed to invoke the personage of her

husband on an intruder to enable him to rape her without resistance. On the occasion of *Ẹbilovbiẹ*, the woman is expected to complain to her husband, who must immediately notify his *Ọkaegbẹe*. After due consultations in the *Iko-Egbẹe*, the woman would be called in to narrate her experience. During field work in Urhonigbe on 22rd June, 2015, a case of *Ebilovbie* was reported by a widow to the Oka-Evbou-in-council through the Okaegbee of her late husband's family. While the male accused was made to stand before the elders council, she recounted her ordeal "he comes into my room at night taking the personage of my late husband to rape me. But once he stands up leaving the room, I see him in his true form that he is not my late husband. I have confronted him on this matter but he laughed at me". Ofnote, the accused denied the charges and stated his willingness to prove his innocence at a set date, however, he expressed his wish that henceforth the widow would no have such experience. Once a case of *Ẹbilovbiẹ*, is suspected, the *Ọkaegbẹe* and elders of her husband's family quickly inform the *Odionwere*. Here, the charged offender is brought before the village council and made to swear before the village ancestral shrine, whereupon his guilt is established, and he is made to swear to desist from this evil practice. Nonetheless, it is believed that those who use this charm die untimely as an omen of ancestral intervention afflicting culprits with strange diseases and sudden death (Umwani, 2015).

While adultery in all ramifications is prohibited by Benin law, with the advent of kingship in pre-colonial times, adultery with any of the king's (*Ọba*) wives was punishable by death. Roth has given an insight of the

size of the *Oba's* harem as having hundreds of women (Roth, 1993:37-40). Many of these women were presented as gifts to the monarch. It was also possible for an adult male relative to pronounce *Igbanon* a female relative, declaring her as betrothed to the king. Usuanlele (1989:5) accounts that a man may pronounce *Igban* on his unruly wife and this was principally done to subject her to the rudiments of discipline and training enforced in the *Oba's* harem. Here, she is exposed to the dignity of labour and hard work serving the *Oba's Ikhuo vbe Erię* (Iloi or Queen). The husband may redeem her after the payment of some fees and certain rituals are performed.

In pre-colonial times, the pronouncement of *Igban* over a woman meant no one was at liberty to have an amorous relationship with her. The woman upon whom *Igban* is pronounced became the exclusive property of the monarch; if violated, the adulterer and adulteress may be executed. Citing Landolphe, Roth (1993:39) avers that a woman accused of adultery was brought before the judges who made her kneel in a public place where two circles are drawn around her big toes. He contends that two pots are placed in front of her, containing a good and bad concoction. If she makes a guilty plea to the charge of adultery, she is given the bad potion to drink, and she is poisoned. If she stands in denial of the crime, he documents that her tongue is rubbed with an herb, the juice of which made it swollen and protrude out of her mouth. Accordingly, he notes that a cock's feather is passed through it and if there are no credible witnesses to convict her, the feather is withdrawn and another herb is applied that restores it to normalcy; she is

allowed to return to her matrimonial home and reintegrated into society.

Burial Rites and Marital Dispute Resolution

In Benin custom, the eldest son or younger brother of a deceased is at liberty to marry his young widows or virgin wives, and childless wives are allowed to remain in their late husband's house, caring for the children in the house. However, the processes of inheriting the property of a deceased, including his widows, are laced in the performance of his burial rites. As long as his senior son is alive, no one can deny him the right to bury his late father. He is called the *Omo-Odion* and identified as the *Ovbiohinmwin* or child of the corpse. However, failure to perform his father's burial ceremony, including *Isoton* and *Ikpowai*, denies him the authority to inherit his father's property. Nevertheless, subject to family considerations, he may make use of them but upon his death the property returns to the younger brother who performs the burial rites and inherit his father's property denying the elder brother's children the right of inheriting their grandfather's property that would have passed on to them following the principles of primogenitor (Amadasun, 2014).

Researches indicate that the wives of a deceased are principal and valuable property to be inherited. In the performance of burial rites, disputes may arise if the in-laws refuse or do not perform the presentation of tubers of yams to the family of the father-in-law. If a son-in-law fails in his duties to his father-in-law when he was alive, his gifts may be rejected; the same applies to children who were not properly

married. Egharevba (1949:74) avers that a son-in-law who has not fully participated in the funeral rites of his father-in-law stands in forfeiture of his betrothed wife and any part of the dowry already paid is returned to him, and all connections with the family of the deceased is severed. Accordingly, a married woman is expected to shave her hair at the demise of her husband as a symbol of respect for the dead and swear to his corpse. The wives are made to drink the water used to wash the corpse; any of the wives who refuse to drink may be disinherited with her children (Amadasun, 2014). This ritual is often required by the *Ọkaegbẹ* after due consultations with other family heads when there are controversies surrounding the demise of their late brother.

Nonetheless, each wife is expected to confess to her husband's corpse any atrocity she might have committed directly or indirectly against him and declare if she had extra-marital escapades while he was alive. Egharevba (1949:74) contends that she is allowed to declare her intention to marry any of her lovers at this point, and then the corpse is laid to rest. Rather than an act of rare barbarism, this is a pattern of marital dispute management to clear her of complicity in the death of her husband. It is also expected of a man to mourn his wife at her demise for five days, lying on the bare floor without changing his clothes. Uncontrovertibly, it is the duty of the *Ọkaegbẹ* and family heads to see that every rite is carried out to the last detail. While these trends of conflicts are associated with marriage, they are resolved by the *Ọkaegbẹ* institution, ensuring that all rites are performed by the spouse, children, kin and affines of the deceased.

Dynamics of Modernity on Marital Dispute Resolution

The British conquest of 1897 witnessed an avid drive to demonise Benin's traditional practices and to modernise or abolish them under the pretense of being contrary to British perception of natural justice and human rights. There was a deliberate process of entrenching British precepts and values on the conquered people. In this, the institution of marriage was attacked by the colonial authority, as one of the *jus beli* for war was an alleged involvement of Benin Kingdom in slave dealings. This was instrumentalised to manage an impending crisis that starred at the conquest of Benin Kingdom. Undoubtedly, the abolition of slavery served a functional purpose as it lured young boys away from their masters to return to the deserted town as they stand in forfeiture of their slaves if the latter were to return before them. However, the abolition of slavery had an irreversible effect on marriage.

The colonial authority abolished marriage by betrothal in 1905 and claimed it had an ambiance of slavery as it negated the rights of consent from the girl child. It is noteworthy that the British were more interested in abolishing cultural practices no matter how humane with apathy to understudy these institutions and the impact of its modernising influence on the entire cultural stratum of the people. In this pursuit, the colonial authority introduced western education and argued that the young girls of 12 or 14 years should be in school rather than be betrothed and educated in the traditional arena on domestic chores and home-making (Isien, 2014). This initiative had a dynamic effect as it eliminated a ready

source of revenue and altered a system of service-labour from suitors. In this quest for modernising native practices, the colonial authority found ready an ally in the variety of Christian missions set loose by church schisms in Europe and energised by the conquest of Benin Kingdom. What is clear is that the missionaries did not only demonised traditional practices but obtained the canonisation of laws to abolish any betrothal or marriage between Christian converts and traditional worshippers. Igbafe (1970: 82) documents that the Roman Catholic Church, Christianity, encouraged monogamy. However, the colonial situation was worsened by cases of missionary agents violating school girls in their churches and schools.

So great was Church interference in marriage that Christian faithful were guided to marry within the faith. The dynamic effect of Church interference was wholly felt in the unnecessary delays in marriage and the inclination for divorce on the grounds of conversion to Christianity. Accordingly, it was the expectation of the Church for Christians to marry fellow believers (Imasuen, 2015). In same line, Islamic teachers considered marriage as a natural means of conversion and it was only proper for a Muslim woman to be married to a Muslim and members were so advised (Enabulele, 2015). Unarguably, both modern religions (Christianity and Islam), placed restrictions on the level of involvement in marital rites by converts. The reality is that most Christian and Muslim faithful reject swearing on ancestral shrine on religious ground (Isien, 2014).

In its tirades, the British viewed the institution of pawning as bearing the hallmark of slavery and abolished it. The

process of divorced was modernised and liberalised that all that was needed was for a woman to say that she had been betrothed or married against her will, perhaps feign conversion to Christianity. It suffices to state that the introduction of Native Courts was in furtherance of British modernisation through judicial activism. Clearly, the British introduced the commercialisation of divorce that was sustained through dubious judicial and administrative policies alien to the Benin kingdom and its society. It is irrefutable that the Courts were in docile compliance with the whims of the political Resident and solicited the relegation of traditional laws perceived as inimical to British morals. The introduction of divorce by court judgment which was quiet modern altered the view of most women who now saw marriage as a temporary union of credit facility to be repaid and abrogated at the whims of the woman.

This changed perception affected the system of communality which had been the pillar of the Benin traditional system; from its effects no one was immune. In 1944, the British Resident in his reply to the proposed Compulsory Registration of Native Marriages indicated that dowry under Christian marriage is a civil debt. The letter of the Acting Civil Service Commissioner to the Resident Benin Province avowed that only those with registered marriages as Civil Servants were qualified for extra baggage allowance under General Order 42457. This, in effect, meant that those with Native Marriage were denied certain economic benefit accruable to those with Marriage certificates. What is of further value is that the British were determined to institute social acculturation through administrative orders.

Uncontrovertibly, Western education institutionalised a new system of morality and a trend of youngsters that were vicious revolutionaries and difficult to persuade into marriage. Another modern facility that altered the dynamics of marital dispute resolution and diminished the stability and sanctity of marriage was the increase in mobility and establishment of new markets. The increase in mobility and creation of new markets in big towns such as Lagos eliminated the regulatory rights of husbands as well as the *Ekhen* (long distance traders' association). Traditionally, husbands could monitor their wife's trading activity; however, for long distant traders they had regulatory mechanisms such as the *Odionwere* and other market heads that prohibited promiscuity amongst the women. This was eclipsed in the modern trend where women embarked on lone travels. No doubt, this situation exposed Benin women into the hands of seducers (Isien, 2014). It became commonplace for women to abscond from their matrimonial home through the aiding and abating of long distant drivers. This resulted in an avalanche of cases of divorce and run-away-wives. What was more, in 1914 the traditional taboo *Igban* was removed. This placed the royal harem in jeopardy of miscreants and seducers aiming to diminish the status of the monarch humbled by British conquest. The substitute for the removal of the death penalty for complicity in adultery was the payment of £100 or three years' imprisonment while the *Ikhuovbe Eriemoroba's* wife was liable to a fine of £50 or a year's imprisonment. For the average countryman, he was liable to a fine of £5 for an adulterous affair with his neighbour's wife while the woman was liable to a fine of £2 (Egharevba, 1949:18) or imprisonment

of three to one month of incarceration respectively. The obvious was a surge in promiscuity that was exacerbated by the monetisation of adultery. Yet, the committal to imprisonment was a mockery of tradition and these sanctions were ineffective in curtailing this ugly trend championed by modern liberalism.

Further in the dynamics of colonial modernisation of marriage in Benin kingdom was the introduction of Christian and Court marriages or marriage by registry with Ceremonial wedding by military and para-military organisations as necessary variants. These modern types of marriages are a symbolic show of individualism primarily of two consenting adults. According to the *Odionwere* of Evbuogida (2014), women who could not obtain the consent of their families were early candidates of these types of marriages and simply opted out of such unions at will, leading to social disharmony. He asserts that in these types of marriages, the idea of betrothal was eliminated. In this changed circumstance, youngsters were expected to inform the registrar of their marriage intentions and a date was set. However, while it was the expectation of the court that the parents of the couple had given consent before the oath of marriage was administered, in practice, anyone could be hired to stand-in for them.

Furthermore, the courts have shown uttermost parsimony in investigating the background of intending couples for witchcraft, insanity, leprosy save for their criminal background and not for a genetic line of banditry. Field data confirms that in the case of Christian marriage and marriage by Ordinance, the administrative priest or registrar plays the role of the

Okaegbē, no matter his age. A more radicalised performance is that in many unions the pastor and his wife play the role of the *Okaegbē* and the guardian of the newly wedded couple, eliminating the *Onosuowan* and the youths. Rather than resolving perceived conflicts in marital disputes, modern approaches have presented deep-seated conflicts and economic waste. It is observed that marriage by Ordinance is regarded as “School children’s marriage” and it is not recognised by the elders (Isien, 2014). Those who have not performed traditional marriage rites are not viewed as in-laws and are excluded from all family business until such rites are performed. To avoid this conflict outcome, multiple marriage ceremonies are conducted—Traditional—Christian—Court marriage, all to be celebrated by the same couple. The irony is that the economic burden on young intending couples has resulted in calls for family intervention to offset costs in a socio-economic system that champions individualism.

Nonetheless, the tragedy is in establishing which conjugal laws take precedence in the event of disputes. Of note, any divorce in this circumstance, exclusive of the performance of traditional rites of separation, in the event of intercourse with another man, her activities are perceived as adulterous (Amadasun, 2014). Field data confirms that if a woman’s dowry from her previous marriage has not been returned and rites of separation performed, she is perceived as being in an adulterous relationship with any man that marries her, even after separation by court order. It is avowed that regardless of dissolution of marriage by court judgment, the families of her traditional marriage regard upon whom their dowry

is on as their wife. In the changes instituted by colonialism, Native Councils were up to enforce modern laws and diverse administrative technologies were invented to alter traditional patterns of marital dispute resolution.

An immediate aftermath of modernisation was the conflict of how to compensate a suitor who had laboured in servitude to pay a part of his bride price for the betrothal of a girl. Second, there was the conflict of quantifying what amount of the dowry in Benin culture that was refundable under modern laws. In its attempt to manage these conflicts, the British pegged the refundable bride price at £10 and £12 in 1920. However, the labour performed for a betrothed child well entrenched in the Edo culture of *Omo-na-biese* (a proper child), an epitome of humility, patience and service was displaced, this had no British equivalent. Undoubtedly, the British strategy of modernisation was in fact a tactic for undermining tradition through divisive means of intrigues and destabilisation. This culture clash evidently emanated from British perception of its colonising interest that was practically economic driven. In these strings of its modernising influence on marital matters, a mammoth mechanism directed at modeling a giant labyrinth of exploitation was created. An outcome of these changes occasioned by modernity was an increase in cases of adultery. What is clear is social chaos instigated by the drive to enforce British commercial interest guise as its concept of natural justice in a kingdom rapaciously violated by colonial caprices.

One aspect of marital dispute that was modernised was the custody of the children. While Benin traditional laws gave custodial right of the children to the legal father, British laws gave custody of the children to the natural father. By this intervention, seducers were emboldened to impregnate other people's wives and later paid a redemption fee to secure parental rights. Igbafe (1979:227) aligns with the view that modernity in marriage initiated a conflict of values that yielded the urge among youngsters to abandon tradition in pursuance of seduction. According to respondents, in the late 1950s and 1970s, technologies such as photography had impacted on marriage in Benin Kingdom, as parents contracted marriages with the aid of pictorial presentation to intended couples (Isien, 2014) While this highlights trust in the judgment of parents and continued the practice of betrothal, in modern times, girls are given up to trust in social media who readily believe whatever a man uploads on the internet as his social profile and get married to him. This trend has placed a sizeable number of Benin girls in the whims of seducers and fraudsters.

In modern times, women are expressly given to seducers who may abandon them for another escapade. In this arrangement, sexual intercourse becomes a norm which has altered the expectation of marrying a virgin. The elimination of the value of virginity has an effect on the bride wealth and ability of the bride's mother to receive valuable gifts from her son-in-law. What is more is that, modernity introduced the concept of late marriages where women get married in their mid-thirties, and forties. It must be emphasised that the commercialisation of divorce is a

modern concept in Benin Kingdom intended to free-up labour for the capitalist industrial combines.

Conclusion

There is no doubt that Benin Kingdom has been impacted by changes instituted by modernity. The institution of marriage has not been immune to the forces of modernity which has also impacted on its compound family system headed by the *Ọkaẹgbẹe*. The imposition of the Native Court system through its judges and proceedings had a tremendous impact on the ability of the *Ọkaẹgbẹe* to mediate in marital disputes. This was made worse as traditional laws and customs of the Benin were examined under colonial morality. Responses from respondents blamed the refusal to swear to the oath of fidelity on ancestral shrine by most couples as a major cause for infidelity, and this was hinged on modern belief systems; Christian and Muslim faiths. This aspect of modernity has multifaceted and multidimensional impact as ancestral reverence is central in marital dispute resolution. Additionally, a sizable number of *Ọkaẹgbẹe* allude to modern beliefs and abhor ancestral worship.

The demystification of tradition through indiscriminate divorce enhanced by court judgment, economic liberalisation and individualism instituted socio-chaos and increased the number of unmarried women in Benin. In this light, economic liberalisation and the feeling of individualism have made the conveying of family meetings for consultative resolution of disputes nigh impossible. From the findings, through interferences in marital dispute, modernity had impacted on the entire Benin sub-cultural system with

reverberating effects on paternity rights and inheritance. The study unearths the reality that the imposition of modern systems of marital dispute resolution had impacted on the ethical values of the Benin to which the traditionalist holds sacred. However, the study hints on continued consultation of family heads—*Egbee* including the *Okaegbee*—and its participation in varied degrees in marital dispute resolution.

Conclusively, marital dispute resolution in Benin Kingdom has been impacted by modernity which occasioned new trends and patterns of

conflict management. Rather than eliminating the *Okaegbee*'s approach of collective consultations of family members and the ancestors in conjugal matters, the *Okaegbee* institution remains relevant in marital dispute resolution in Benin Kingdom.

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