

THE USE OF YORUBA PROVERBS IN INDIGENOUS METHODS OF ARBITRATION AND CONFLICT RESOLUTION

BY

Ojelabi, Isaac Kehinde (Ph.D)

+234-806-0162-709 tinukenny@yahoo.co.uk

Department of Religious Studies, College of Humanities,
Tai Solarin University of Education, Ijagun, Ijebu Ode, Ogun State

Abstract

The paper highlights the role and use of proverbial expressions in the indigenous methods of arbitration in the administration of justice in Yorubaland and in enhancing peaceful human co-existence to show how effective it was in the pre-colonial Yoruba society in maintaining law and order as well as social equilibrium compared to our modern day society. This is achieved through a content analysis of ten (10) randomly selected Yoruba proverbs. The paper argues that proverbs are useful in indigenous arbitration, conflict resolution, and in making people to live peacefully with one another. Considering the operational motives in arbitration, the paper focused on the use of proverbs in indigenous methods of arbitration and conflict resolution as a means by which justice is administered in Yorubaland and as it influenced the institutionalization of peace and harmony in pre-colonial Yoruba setting. It also examines the dynamic power wielding mechanisms of the arbitrators towards developing agenda for promoting peace and initiating goals of harmony in the society by examining the issue of justice in the proverb mechanism. The paper concludes that proverbs are indeed, vital in relationship management. It avers that anybody with a good understanding of proverbs and their implications for peaceful coexistence would appreciate conflicts as an intricate part of existence and harmonious living.

Key words: Proverbs, Yoruba, indigenous arbitration, conflict resolution

Introduction

Pre-colonial African society was largely traditional and preliterate but had political, social and economic structures, social control mechanisms, idea of law, sense of justice and fair play, and broad judicial system comprising adjudicative, arbitative and mediative methods of conflict resolution that was not really documented. During colonialism, according to Olaoba (2001), the traditional legal system and the custom on which it was built was highly influenced by colonial imported laws and its institutions had to pass through the tests of validity. The result of the so-called validity tests is that so many traditional institutions for dispute resolution were outlawed, restructured or functionally and operationally reorganized. All the allegations, imputations and insinuations of barbarism and savagery on customary law were meant to discredit and dislodge it, and substitute it with the English types. Today, from a purely numerical view-point, the preponderance of customary law over statute and English law is not in doubt.

One of the fundamental challenges that have confronted man in social history is that of the inevitability of conflict and disagreement in human relations. The reality posed by the challenge of conflict has more often than not, resulted into social problems, especially, when such conflicts

are not well and properly managed before degenerating into violent confrontations. In the opinion of Ojelabi (2013), history is replete with records of conflicts and armed conflicts at various strata of human relations. Whether at the inter-personal, intergroup, intra-group, intra-national or international arenas, conflicts have been found recurring in social relations. Nigeria in recent past has witnessed wanton wave of bloody conflicts, which had taken millions of innocent lives, and other inestimable material valuables. Millions of people are currently displaced and suddenly turned refugees. Violent conflicts in Nigeria (and anywhere else in the world) have disastrous consequences on social stability, peace, development and harmonious human existence. For these and other related reasons, scholastic concerns have been high in Nigeria (like else where) in understudying the origins, nature, rate, causes and effects of conflicts, as well as understanding the efficient modes of resolving conflict and engendering peace in the society.

In view of the sensitive nature of the issues of conflict, scholastic concerns have been multidisciplinary in approach, vis-à-vis legal, political, economical, diplomatic, sociological, historical and statistical approaches. In all these accounts, the focus has been on conflict resolution methods and peace studies theories while the area of the achievement of justice in such methods and theories are neglected. The conclusions stressed by Ojelabi (2013) in these approaches have for the most part, been on the need for political restructuring, promoting political, economic and corporate governance, respect for and observance of human rights, peace education, promoting dialogue, peace negotiations and agreement, stopping of proliferation of arms and granting of amnesty, etc. The point is that these approaches have not sufficiently proved effective in reducing the upsurge of violence and conflicts on the continent and not to talk of the communities. There is therefore, the need for us to examine the use of proverbs in indigenous methods of arbitration in the administration of justice in Yorubaland, in view of the disastrous consequences, which violent conflicts have had on social stability and human existence in Nigeria.

Concept of Yoruba Proverbs.

A proverb is a phrase, wise - saying, sentence, statement or expression of the folk which contains above all, wisdom, truth, morals, experience, lessons and advice concerning life and which has been handed down from generation to generation. Proverb is also seen as a short, generally known sentence of the folk which contains wisdom, truth, morals and traditional views in a metaphysical, fixed and memorizable form and which is handed down from generation to generation (Olatunji,1984). Proverbs is equally regarded as the horse which can carry one swiftly to the discovery of ideal. Proverbs as wise - sayings may sometimes give an indication of the moral ideas underlying the peoples' attitudes. The repetition of stories, proverbs and traditional saying, it is said, may be an integral element of culture, corresponding among illiterate people to literature among the literates (Taylor, A., 2003). There may as well be educational or a form of intellectual recreation. It has differently been construed to mean a popular saying among people, which is meant to advice, teach or warn. Proverbs gives us the insight into scientific expression of the Yorubas and then become very powerful weapons for creative knowledge and critical reasoning. It unites, builds and strengthens the epistemic economy of the Yorubas and contributed so much to the indigenous methods of arbitration and conflict resolution.

Concept of Indigenous Arbitration

Indigenous arbitration had been one of the significant methods of resolving conflict in traditional Yoruba societies. It has been adjudged a unique way of producing an arbiter who reached out to special decisions which the parties to the conflict must submit themselves to. Arbitration also produced the venue from where such decisions were arrived at and executed. Thus, there had been arbitral courts, tribunal and proceedings in Yoruba society through the ages. The operational model of arbitration had been couched in contentment of the Yoruba authorities, condescending interest of the parties to the conflict (the disputants) and the working schemes of the Yoruba customs and norms, which we must understand, gave arbitration an unconditional backing and implementation in the process of conflict resolution.

Arbitration can be simply defined as the enabling will and power to decide and determine a course of action quite instrumentable to decision making. The level of reaching out to a decisive and prompt action characterized arbitration. This simple definition will enable us to understand Yoruba will-power to engage in the absolute control of conflict resolution in their environment. Such a will-power must be understood by us to generate a process leading to development in the society. Arbitration functioned well in traditional Yoruba societies. The process of arbitration in Yoruba deferred markedly from those of the western societies as the differences were unfolded in the previous discussion.

Indigenous arbitration method had produced great levels of trust, confidence and mutual understanding in traditional Yoruba societies. As the judges, arbiters or arbitrators had lived up to their expectation of being impartial and had interpreted the customs and norms creditably suitable to issues of conflict handled in the arbitral proceedings. The juristic tradition anchored on arbitration had made it possible to yield positive results. The implementation of the arbitral decisions of the arbitrage practically fitted into the dynamics of cultural heritage, which had been bequeathed to the Yorubas by their forebears. Indigenous arbitration, therefore, had a long history of existence in theory and practice in pre-colonial Yoruba societies.

It can be surmised upon reasonable considerations of the features of arbitration in pre-colonial Yoruba societies that:

- it engaged the attention of the sage and the supernatural in Yoruba setting or environment.
- the arbitrators relied heavily on the dictates of the supernatural and tradition.
- the decisions agreed upon must be satisfactory to the parties in conflict and must be so popularly acclaimed to the populace.
- the decisions were flexible and had human face implementation; and
- the arbitral venue was conducive enough to allow for the interplay of the spiritual elements credited to influencing positive decisions.

Obviously, the flexibility thesis and the non-formal approach to the arbitrage usually made the decisions of the arbitrators quite acceptable and worthwhile in the traditional Yoruba societies. The decisions reached and concluded by the arbitrators in arbitral proceedings were not done in isolation of the supernatural that monitored, controlled and influenced such decisions. The level of justice with which the decisions were coached was, therefore, beyond man's or human's efforts. They were divinely derived and implemented on the axis of divine order.

Yoruba indigenous Mechanisms for Conflict Management

Before the advent of slave trade and colonialism, Yoruba societies had well-established mechanisms for conflict management, peace-making; peace education, peace building, conflict monitoring and conflict prevention. These institutions and methods were effective and highly respected and their decisions binding on all the parties concerned. The methods were relatively informal and thus, less intimidating. Those who used them were also more at ease in a familiar environment. The role of the chiefs, elders, family heads, and others was not only to resolve conflicts but also to anticipate and prevent conflicts. Yorubas were also very conscious of the fact that conflict could occur when two or more parties pursued incompatible interests or goals through actions that the parties tried to undo or damage each other (Olaoba 2002). The parties could be individuals, groups or villages or towns; and the parties' interests could differ over and ranging from access to resources, the control of political or traditional power, their identity to values or ideology. What was more peculiar to the Yoruba, however, was the place of the family in conflict detection, prevention and control (Ademowo, 2016).

Among all human societies, the family has been the oldest social institution. The identity of an individual is linked to that of his or her family and these families are formed by the acceptance of marriage alliances. Within the family, in most traditional and modern societies, there was (is) a strict hierarchy of authority, according to which the males ruled and held responsibility for the females (Sofola 1977). Brothers ruled their sisters and sons, even their mothers when they came of age or succeeded to the inheritance. Women, in most cases, did not enjoy any ultimate authority or responsibility for the household. The husband was the head of the family and it was clear that this headship was not a joint headship. When a woman was the head of a family or social group in a ruling family or where she was permitted to become a chief, it was largely a question of political-religious symbolism (as the case of the Regent which is still in operation in some parts of Ekiti and Ondo State), in which – by a legal function, a woman was treated as a man.

Families constituted the various communities in Yorubaland, for instance, most of the communities were divided into quarters (*Adugbo* in Oyo, *Ogbon* in Ekiti, *Itun* in Ijebu and *Idimi* among the Ondo). Each of the quarters was supervised by an important chief appointed by the *Oba* and these quarters' chiefs represented their people on the council meeting. In addition to the quarter chiefs, there were some traditional chiefs such as the *Balogun* (Warlord) and the *Otun* and *Osi Balogun* (right and left wing assistants to the Warlord). Each quarter was divided into compounds or *Agbo-Ile* whose heads were referred to as *Baale* (father of the house). The *Baale* was usually the oldest male member of the extended family; he was accorded much respect because of his wisdom, age and experience (Ayo 2002). The *Baale* settled disputes within his households, represented his family on the council of the quarter chiefs. The village or settlement usually represented a convergence of loyalties that made for a strong sense of community. Families and neighbours came together for work and recreation, as well as to resolve disputes between and among each other. The neighbourhood court played an invaluable role in this case, most especially in reconciling disputants, settling quarrels and imposing sanctions (Ademowo & Adekunle 2013).

Emphasis was placed on reconciliation and restoration of social harmony than on punishment of the conflicting parties. The administration of justice was also an open affair where all adults freely participated. There were no in-camera trials as court sessions and judicial processes were

held in the open with the parties in conflict being freely cross-examined. Truth was the object of the delivery of justice. There were also respected (and aged) men or women, often called 'Agba' (elders) or group of elders (Fayemi 2009). The proverbial and symbolic communicative resources at the disposal of the mediators are other benchmark of indigenous conflict management because conflict resolution and harmonization of thoughts required expertise in the people's oral tradition, good reputation, experience and a measure of objectivity on the part of the reconcilers (Ademowo & Balogun 2014; Fayemi 2009).

The structure of traditional Yoruba societies

The structure of traditional Yoruba societies was basically communalistic. Given the communal and solidarity nature of traditional Yoruba societies, everyone was seen as a potential contributor to peace making and keeping in the community. Whether young or old, male or female, rich or poor, everyone was expected to be the keeper and protector of the interests of others, and by extension, their own too (Gbadegesin 1998). In the submission of Fayemi (2009), no one can be considered educated or qualified to take part in communal discussion unless he is able to quote the proverbs relevant to each situation. He or she must be a good listener, among other qualities.

Age is also a factor, because to the Yorubas knowledge and experience are embedded in age hierarchy in African society, which are vital for social control (Delano 1979; Fadipe 1970). So, when in conflict, an elderly person is expected to be capable of bringing about the much needed peace, as embed in the proverb: *agba kii wa loja, ki ori omo tuntun o wo* (the elderly must endeavor to never allow issues to go beyond control). The implication of this is that an arbitrator was not necessarily the sole agent of conflict arbitration in traditional Yoruba societies. It should be noted that the communal structure of traditional Yoruba societies did not foreclose the insurgence of conflicts. Conflict is an unavoidable feature of social relations. In traditional Yoruba societies, conflicts were usually managed such that they did not degenerate into violence and armed conflicts. The early intervention of the arbitrator in reconciling the disputing factions usually saved conflict situation from escalating into violent situations. Whenever there was a dispute between individuals and different parties, primacy was given to restoring the relationships and to reach a compromise on how to improve future relationships. Reconciliation of conflicts was usually regarded as a social responsibility of the elders and this accounted for the Yoruba proverbially saying that *agba ki wa loja kori omo tuntun wo* (an elder cannot be in the market place and allow the reign of chaos). A person who watched while tension mounted between children, adults, groups and any warring parties was not seen as socially responsive. This social responsibility was voluntarily done, and institutionalized in different ways.

Within this context, the individual is so amenable to social control in the form of public opinion in a town than he is much less so in a large town than in a small one (Fadipe 1970). Thus, Fadipe reveals that: it is a norm that two people fighting must be separated for the sake of peace and humanity. After the combatants have been separated and efforts have been made to pacify them, either of them who remains aggressive and uncompromising will find himself/herself in a very awkward situation. It is the stubbornness and spiteful temper of the social non-conformist which are specifically disapproved of even if other facts of the case are in his favour (Fadipe 1970). Thus, like every other traditional societies, the traditional Yoruba communities have conscious desire to maintain solidarity of the group, and an unconscious acceptance of whatever is customary, indigenous and the norm. It is thus a truism that an average Yoruba man or woman

throws his/her weight into the enforcement of traditional codes expressed and encoded in proverbial wisdom and anybody that flout the social norm faces the social correction and sanction (Fadipe 1970).

In another way round, when there was conflict between or among the co-wives in a household, the elderly male or female members' intervened, and if they did not succeed, the matter was taken to the *Olori ebi* (head of the compound). Where the reconciliatory attempt of the *Olori ebi* (head of the compound) failed, the matter was then referred to a higher authority, which was the office of the *Baale* (head of clan). These were the judicial institutions in traditional Yoruba society that were primarily responsible for the arbitration and reconciliation of conflicts. These institutions were composed of the *agba* (elders) that we refer to as arbitrators (Fayemi, 2009) that have the final say. We think for any successful recommendation of the Yoruba model of conflict resolution as an alternative to the means of conflict resolution in contemporary world, it is instructive to have an appropriate understanding of the elements of which proverb is of paramount important, principles and workings of the eldership institution of conflict resolution in Yoruba thought. The indigenous method of arbitration was primarily for reconciliation of disputes and armed conflicts with the use of proverbs in relation to the settlement of the matter. Although, it did not have the force of law, but derived its authority from religious base, the use of proverbs, communal norms and values and social acceptability. What then are proverbs, and what is their place in conflict management in traditional African society?

Proverbs are the simple truths of life that contain the moral values of a society (Taylor 2003). Aside the aesthetic and figurative value judgment pervasive in proverbs; it also presents a graphic statement that expresses a truth of experience. Its beauty and some delight is that what it says is readily perceived and accepted as an incontrovertible truth. The truth presented in the proverbs is not logical, a priori, or intuitive truth: it is often an empirical fact based upon and derived from the people's experience of life, human relationship, and interaction with the world of nature (Yisa 1997).

Moreover, scholars agreed that traditional proverbs are the prismatic verbal expression of the essence of folk culture (Oladeji 1998; Nicolaisen 1994). This perception of proverbs is related to Ademowo's (2016) definition of proverbs as "short, traditional statements used to further some social end. Adeyemi (2014) also noted that proverbs remain a very powerful and effective instrument for the transmission of culture, philosophy, social morality and values and the sensibility of the people. In essence, the values of proverbs do not lie only in what they reveal of the thoughts of the people; they are also models of compressed or forceful language that make people behave according to norms and mores of the land. Other than their powerful verbal expression, proverbs have proved to be of great relevance/benefit to modern man (Ademowo 2014; Oladeji 1998; Makamani 2012). This is due to the fact that users with gifts of creativity who are familiar with its techniques may create new ones to avoid hackneyed expression.

Yoruba proverbial usage for indigenous arbitration and conflict resolution

The proverb according to (Olatunji, 1984) that "*òwe ni esin òrò, bí òrò bá sonù, òwe la fi ñ wá a*" – proverb is the horse which carries a subject under discussion along, and when such a subject goes astray, it is proverb that we use in tracking it" is that which many Yorùbá assent to. Proverbial and wise-sayings are media wherein the philosophical and theological thought patterns of the Yorùbá are revealed and expressed. We have many of such which portray the need of being

just in one's dealing with others and to persevere in observing the social norms all for the sake of harmony and tranquility in the society.

Proverbs like, "*eni da eérú ni eérú' tò*" – ashes blow in the direction of him who pours it; and "*eni gbin èèbù ikà orí ara rè ni yòò fi wu* – he who plants the seed of destruction, it is with his head that he would reap the harvest: surely go to portray the Yorùbá concept of justice.

The proverbial and symbolic communicative resources at the disposal of the mediator were other canons of indigenous conflict detection, prevention and control among the Yoruba. In other words, conflict resolution and harmonization of thoughts in Yoruba culture require expertise in the people's oral tradition, good reputation, experience and a measure of objectivity on the part of the reconcilers. As an illustration, Ojelabi, (2013) outlined some of the proverbs used by the Yoruba in the process of conflict detection, prevention and control. They are:

- i. *Anikan dajo o o seun, anikan dajo o seeyan. Igbati o ogbo t'enu enikeji, emi l'o da 'jo se?* (It is a shameful act to either adjudicate or arbitrate on a case on the basis of the statement of only one party. Why should the verdict be given when the other disputant is denied?)
- ii. *Bia banja, bi i k'a kuko* (Our being in conflict does not warrant wishing each other's death)
- iii. *K'eni ma binu kinu; ke ni ma baa j'ija kuja. K'eni maj'ija kuja, k'e ni maba j'ebi k'ebi* (Unnecessary annoyance begets avoidable violent confrontation. Avoid every slightest violent confrontation to prevent slightest culpability).
- iv. *Ore kinya ore, ajose ni n diku* (There is no permanent hostility in friendship; only that there is limitation in affective association)
- v. *Are maja kan kosi, a ja mare kan kosi* (No associates without dispute, no disputants without the possibility of reconciliation)
- vi. *A ki f'agada se 'le aye, irukere l'a fin tun lese* (The power of sword does not yield social co-existence; it is only through authority that social equilibrium is attainable)
- vii. *Bi a o ba gbagbe oro ana, a ko ni r'e ni ba sere* (Inability to forget the grievances of the past is the cornerstone of lonesomeness)
- viii. *Se mi n bi o l'ogun ore* (Seeking cause(s) of discord is the key to conciliation)
- ix. *Inu bibi o da nnkan. Suuru baba iwa; agba t'oni suuru, ohun gbogbo l'oni* (Indignation does not result in anything good. Patience is the best of character. A patient elder has everything)

From the above illustration of some of the proverbs used in the process of conciliation by the elders, we can see that proverbs are signposts in Yoruba conflict management system. Through judicious application of proverbs by the elders in the arbitative process, they calmed the nerves of the disputants; understood the cause of the conflict; encouraged disputants to nurture the culture of tolerance of other people's beliefs; illumine the minds of disputants in seeing and seeking non-violent alternatives when in disagreement with others; helped conflicting parties in the cultivation of attitudes that would restore the relationship. And finally, proverbs usually served as lubricating oil in searching for and ensuring that justice and fairness prevailed in the process of conflict arbitration. Proverbs (i –ix) given above are indicative of these functions of conflict management among the Yoruba, and how the elders explored wittingly the communicative essence of proverbs in managing conflicts in their social milieu. It is very clear now that the Yorubas have a wide range of proverbs that can be useful in supporting the

arbitration and conflict management procedure. Proverbs, if well apply, will promote such values as human cooperation, diversity and warning; this is in support of the fact that if the proverbial implications is studied, particular in indigenous languages, showing their logical structure and implications for conflict management, it would greatly enhance conflict management (Ademowo 2014).

It is Yoruba's inability to come to terms with these intricate linguistic-cultural elements that has made it impossible for authentic Yoruba contribution to effective conflict management. There is an urgent need for a rejuvenation of the linguistic-cultural elements that would enhance peaceful coexistence. This would inadvertently underscore the argument that Yorubas have linguistic-moral and rational capacity worthy of making its world humane and worthy of living. Hence we agree with the position that knowledge comes with virtue, and man would behave in a peace loving ways, and conflict appreciation manner, if they have the knowledge of what harmonious living entails, most especially through the use of the proverbs and the proverbial expressions (Oladipo 2009).

Conclusion

The foregoing Yoruba proverbs and their implications reiterate that proverbs not only sensitize people to conform to desired norms but also teach a method of expressing life which is aesthetically, nay pragmatically, flavoured. If more researches, documentation and expressive uses are carried out on proverbs, a good level of peace management skills would be developed across Africa. We agree with Adeyemi (2014) that, proverbs enabled people to conform to desired rules, mores and traditions as well as teach method of expression of the realities of life with aesthetic flavor, and that language and not weapon (a metaphoric strand like we have in proverbs) is central to effective communication and dialogue which is veritable instrument of mediation and conflict management anywhere in the world. Conclusively, we agree with Olubunmi (2010: 16) that the use of proverbs exhumes the values of good conduct, respect for elders and the young, warning and advice, cordiality and cooperation which are vital for peaceful co-existence. It is therefore imperative that the Yorubas look inward, and explore how these proverbs will be inculcated into daily usages and imported into peace education curriculum across levels.

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