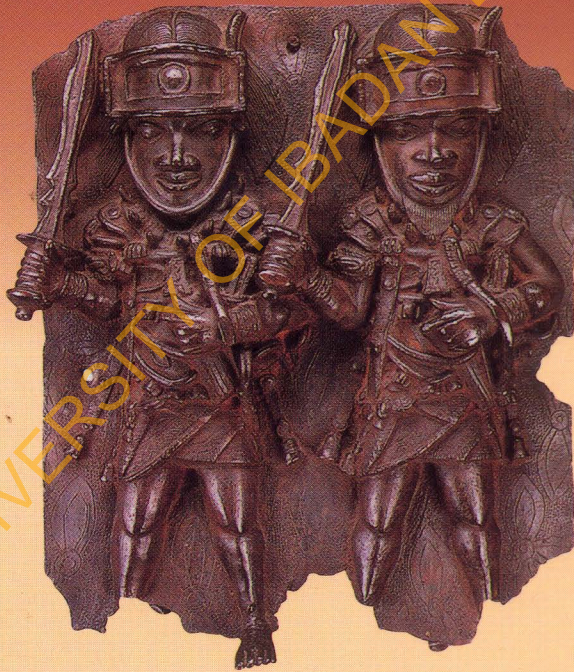


NEW PERSPECTIVES IN EDOID STUDIES:

ESSAYS IN HONOUR OF RONALD PETER SCHAEFER

Edited by Ohioma I. Pogosan and Francis C. Egbokhare



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Kwesi Kwaa Prah

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FOREWORD

The geopolitics of the Nigerian environment sets it up into majority and minority cultures based essentially on population. Very simply, the larger groups such as the Ibo, Yoruba and Hausa are regarded as the majority just as the smaller (independent) groups such as the Edo, Ibibio, Efik, to mention a few of them, are regarded as some of the minority groups. To be branded a minority group (or person) has tremendous negative implications within the Nigerian environment. One of these negative consequences is the lack of attention paid to understanding such minorities. While the minority groups are ignored, the majority groups get a lot of attention. They therefore appear to be representative of all other groups within the same geo-political environment. In some cases, traditional history even supports this position. But this is anomalous considering the fact that all students of culture accept it as inherently unique, even though dynamic. The bottom line is that majority cultures are well studied to the detriment of the minority cultures. This has been the case since the colonial build-up to independence and beyond.

Concerted efforts towards looking at minority cultures is relatively recent. Academic interest in the minority cultures is, at this period, making great advances. A reflection of this is Emai (a small Edoid language spoken in Nigeria), that has undergone the most extensive documentation of any Nigerian language in recent time.

Why Edo? Of the three regions that emanated following independence, the Midwest region was carved out of the former Western region. Then employing the same criteria of selecting majority and minority peoples, the Edo emerged the dominant group in the Midwest. This attracted a lot of attention to it. Since then, Bendel and Edo states have been formed. Such further fragmentation has led to the creation of more minorities. Edo, which seemed homogenous during the clamour for states is now multi "ethnic". In present Edo state, all the peoples of its northern region are in the minority. This realisation led to the formation of the (MCN) Minority Cultures Network and another stream of the Northern Edo Working Group.

The larger of the two initiatives (MCN) aims at identifying minority cultures for the purpose of studying them while the NEWG seeks to understand the minority peoples of Northern Edo. The collection of essays presented here straddle both groups - four of them deal with cultural issues relating to the larger, now dominant (but previously a minority) Edo of Benin, while two of

the remaining four deal, in the main, with historical and linguistic issues pertaining to the minority peoples of Northern Edo. “The idea of Edo: People, Place, Culture or Language” and “Relevant Linguistic and Material Evidential Inferences and Edo Histories” are more general in content but raise potential historical questions which it is hoped will help conceptualise Edoid studies and instigate continuing investigation of the “minority”. These essays are presented in honour of Ron Schaefer of Southern Illinois University at Edwardsville, USA, who turned 50, two years ago. Of the 50 years, 20 have been spent actively working (teaching and research) among the Northern Edo. The result is an enviable publishing record and a bright future for Edoid studies. Indeed Prof. Ron Schaefer has so much affected Edoid studies that this little contribution in his honour can only be considered modest. We therefore invite you to join in sharing these works in the hope that it will condition further research on the northern Edoid minority groups.

Ohionma I. Pogoson

And

Francis Egbokhare

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THE IDEA OF EDO: PEOPLE, PLACE, CULTURE OR LANGUAGE?

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1. Introduction

Neither in academic nor in popular discourse does the term *Edo* have uniform or compatible referents. It has been variously used to define spatial, ethnic, cultural and linguistic identities, but neither are these identities coterminous nor is there consensus about their scope, or even existence. Edo is in a sense a contested concept¹. Much of the confusion regarding the extension of the concept was already present at the point it was introduced into academic vocabulary.

The notion of 'Edo-speaking peoples' was first used by Northcote Thomas (see Bradbury, 1957:13) to refer to the groups that occupy present Edo State, and the Urhobo and Isoko of Delta State. Its introduction was intended apparently to define a linguistic community only. Thus, Thomas (1910:6) expressed the distinctness of Edo by comparing it to the neighbouring Ijaw, Yoruba, Igbirra and Ibo languages. However, in accounting for the co-occurrence of such words as *Oke* (hill) and *Okuta* (stone) in the Edo and Yoruba language families, he had recourse to the reductive argument that "the line of kings which formerly ruled the Edo came from the Ife country"², and that these objects being unknown in the Edo country the terms for them had to be borrowed (p.7). Here is already evident the error of attributing what pertains to the particular in one respect to the general in another respect. Edo as a descriptive label for a family of languages thus also became a designation for the people that speak the language.

But Thomas was a British anthropologist, albeit a colonial anthropologist that must generate immediately relevant, ordering, and, more importantly, convenient knowledge about the society (and history to the extent that it justifies anthropological generalizations) of 'native' peoples to facilitate a minimal and inexpensive colonial administration³. Particularly, in support of the

idea of Edo as trans-Bini peoplehood, Thomas (sections iv and vi) also generalized virtual uniformity of inheritance and kinship principles for the Edo-speaking peoples⁴.

What then is Edo? How is it to be understood and used? What are the 'proper' contexts and scope of its use? When is it endo- and exo-referential? In attributing ethnic, spatial, cultural and linguistic referents to Edo, questions of a spatio-temporal nature are inevitably raised, answers to which should properly delimit the range of use of the term. This essay primarily explores the historicity of the idea of Edo.

2. The Idea of Edo: History and Symbolism

Although Bradbury (1957:15), stating more explicitly what was implied in Thomas, generalized for the Edo-speaking peoples, the 'compact village settlement' as the basic unit of political organization, he however took for granted the existence *ab initio* of the city of Benin. For Ryder (1969:2), however, the emergence of a city-state in the Edo linguistic area characterized by rural formations is an anomaly that must be accounted for. According to Obafemi (1976:242), Benin, typical of the settlement pattern among Edo speakers, was originally a mini-state. By a mini-state he meant a settlement or group of settlements with neither a powerful royal dynasty nor a highly centralized government, and with reduced territory and population (p.202). But this conceptualization only makes a distinction among states on the basis of scale and not of type. This, perhaps, would make invalid the equation of the 'typical Edo village' with the mini-state.

Nevertheless, archaeological excavations have revealed a basal framework of contiguous compartments believed to be the territorial limits of village communities (Ryder, 1980:119). The point to note in the construction that follow is that every momentous stage in the process of physical and political transformation (state centralization and change in power relations) was symbolically marked by a change in the designation of the seat of the Oba's power. The change to Edo was the culmination.

It would appear that Igodo, the first *ogiso*, brought to an end the village phase of the development of Benin, subjugating the leaders of the other villages in the cluster. Egharevba (1968:1) writes that Igodo "one of the prominent leaders ... was made Ogiso or king". Although exactly how the initial process of centralization and transformation into a city-state took place is unknown, it

would not seem as if the Ogiso was a mere *primus inter pares*. The title itself, meaning 'sky-king', suggests that significant political differentiation resulted from the emergence of Igodo. Moreover, by the time of his death, the principle of hereditary succession had been introduced; he was succeeded by his eldest son, Ere.

The principle of hereditary succession was however also enjoyed by the chieftains of contiguous villages - the *oliha*, *edohen*, *ezomo*, *ero* and *eholo n'lre*⁵. These replicated in their mini-courts the court practices of the Ogisos; and in spite of the principle of hereditary succession, they were influential in determining eligibility for succession. They could have been the remnants of the over-thrown village order. Even if there is no evidence for such a conclusion, there is no doubt that they not only antedated the ogiso phase, but were already quite important (see Igbafe, 1979:5). About thirty-one Ogisos are reckoned to have ruled. The name of the Ogiso's domain was Igodomigodo. Could this have meant the 'domain of Igodo'?

"The reign of Owodo, the last Ogiso, was a long course of misrule, failure and anxiety" (Egharevba, 1968:2). He was authoritarian, not consulting with members of the state council in peacetime; and inhuman, for ordering the execution of a pregnant woman. For the latter crime, he was dethroned. His only son and child (succession was not exclusively patrilineal for female Ogisos had ruled in the past) Ekaladerhan had been manipulated out of contention for the crown. The Ogiso's 'royal' line therefore necessarily terminated. In order not to create a vacuum in government, Evián, reputed for his public service was appointed caretaker. But he saw himself as occupying the seat of the Ogisos, and therefore expected his eldest son, Ogiámwen, to succeed him; the chiefs refused. It was the consequent search for a 'natural' monarch that led the five Uzama chiefs, who had borne the brunt of the rise of Ogisos, to request for a king from the Oni of Ife⁶.

Whether there was indeed such a request, whether the succession crisis provided an opportunity for foreign invasion, or whether the popularity and influence of the potentate of Ife was such that invoking his authority provided legitimacy for the Uzama's candidate, whatever the exact character of dynastic transition, this period represented a turning-point in the history of Igodomigodo: it represented a change of order. While the Uzama represented the faction that would benefit from its inauguration, Ogiámwen and his followers represented the dispossessed and

disgruntled group. To regain what they lost with the rise of Ogiso Igodo, the Uzama chiefs welcomed Oranmiyan from Ife to the palace they built for him at Usama, conveniently located "in their midst" (Egharevba, 1968:9). But the continued resistance of the Ogiawwen group constrained Oranmiyan to bequeath the yet unsettled throne to his son by the daughter of an indigenous chief. Ile-Ibinu, meaning the 'land of vexation', given by Oranmiyan as he departed the city, symbolized the atmosphere of crisis and rancour in the city.

The new dynasty only got a foothold because of Uzama's support. Apparently in appreciation of this, Eweka I, the first Oba of the new dynasty, confirmed their hereditary titles, and made a law that every Oba was to be crowned by their leader, the oliha. But the Uzama also checked the expansion of Eweka's power, as the story of the destruction of the wealthy and powerful Onogie of Ego, his maternal grandfather, indicates.

The Ogiawwen group to which the Uzama chiefs had denied the throne also sought an alliance with the new dynasty against the Uzama. Its marriage into the Ogiefa family (Ogiefa is said to have accompanied Oranmiyan from Ife) already brought it close to its objective. But it was under Oba Ewedo, Eweka's grandson, that an alliance was struck. Ewedo was irked by the comparable position of the Uzama chiefs. However, he realized that as long as his palace was "in their midst", he could not reduce their powers. He therefore conspired with the Ogiawwen group and successfully moved his palace from Usama to a site that was a cemetery under the Ogisos (living with the dead being a source of mystical legitimacy). He went further to prevent the ada (sword of state) from being borne before the Uzama chiefs as was done for the Oba; deprived them of the power to confer titles; and significantly established a symbolic continuity with the Ogisos by obtaining their royal stool from the Ogiawwen family. He changed the name of his domain from Ile-Ibinu to Ubini⁷, perhaps to symbolize the better fortunes of the new dynasty under him⁸.

The setting for the last change of name is rather hazy. According to tradition, Oba Ewuare, then a prince called Ogun, was banished from the city. But he often secretly visited the city. This became known to the chiefs, who, led by the Ogiefa and Ogiawwen, wanted to trap and possibly kill him. This ploy was foiled by one of Ogiefa's slaves who helped Ogun to escape. Ogun finally became Obà Ewuare, and when his slave-saviour died, he

redeemed the body from the Ogiefa, and made a proclamation that thenceforth the city should be known by the slave's name. The name of that slave was Edo.

The reasons for Ogun's banishment are not given by tradition. What is certain is that he came to power forcefully having killed Uwaifiokun, the ruling Oba said to be his brother but a usurper, and causing "a great conflagration in the city which lasted for two days and nights as a revenge for his banishment" (Egharevba, 1968:13). He despoiled the rich (as was the case of the murdered Ekobe claimed to be the wealthiest woman south of the city) and eliminated the powerful (the Iken tragedy exemplifies this). Moreover, the alliance of the Ogiefa and Ogiamwen families, which had provided the springboard for the onslaught of the new dynasty against the accretive status of the Uzama chiefs, was turned against Ewuare. Do not these elements taken together suggest that Ewuare represented a new and probably foreign strand in the power relations of the city? In fact, Ryder (1980:115) has speculated that since Ewuare launched his attack on the city from the outside, "he must already have been master of another territory before he gained control of Benin". That territory could have been Udo, the most potent threat to the rising power of Ubini. It is worth noting that his early successors also had to forcefully establish their authority in the city, confirming perhaps its foreignness. While Eweka I directed that he be buried at Ife, indicating a relationship with that place, Ewuare opted for Esi near Udo.

It is against this background that the change from Ubini to Edo must be understood. Although Ryder (1980:114) interprets the change as motivated by "the hope of obliterating the memory of an older name - Ubini", or "to emphasize the physical transformation he had effected", a more fundamental motivation could have been to announce the victory of a new dynasty and bestow a new identity upon the city. It was not fortuitous that the city was named after a slave; it was that slave that made the new order possible. This symbolism could have accounted for the initial unpopularity of the name with the inhabitants of the city (see Ryder, 1969:10).

3. **The Possibility and Limits of Edo Ethnicity**

From the foregoing, the meaning to be attached to the phrase *i rhie Edo* ('I am going to Edo') uttered by an indigenous inhabitant of any village in the Benin Kingdom (approximately Edo South Senatorial District today) becomes unambiguous. In

times past, such a person from Urubi, Uselu and Uzebu, now part of the city, must have expressed himself in like manner. However, the self-referential expression *Edo ma khin* ('we are Edo') has been used to define the ethnicity of the people within this territory, corresponding to the exo-referential Bini⁹. The close association of the *Obaship* with this territory is the most important explanation for the emergence of this Edo identity. In this sense, the *Oba* of Benin is an ethnarch. But by what logic, and upon what evidence can Edo ethnicity be extended beyond this region?

In supporting the excision of the Benin and Warri provinces from the Western Region as Benin-Warri state at the regional constitutional review conference in September 1949, Humphrey Omo-Osagie had referred to the common ethnicity of the Bini, Itsekiri and Urhobo. He had argued that they came from "a common stock". (Minutes of Proceedings, 1949:5). But even Talbot (1926:17), having defined a tribe as "a group speaking the same language, with approximately the same customs, religion and state of civilisation, and often claiming a common descent", thought the Bini, Esan, Kukuruku and Urhobo were the sub-tribes of an Edo tribe¹⁰ (see tables 8 and 9).

In spite of the inaccurate sub-classification, particularly the definition of Kukuruku identity, there would seem to be a historical basis for this synthesis. Egharevba (1968:5) has recorded that all the peoples around the west of the Niger, excluding the Yoruba, originated from Benin: "The early people of the Ishan and Afenmai Divisions, the Eka [Ika] and Ibo-speaking peoples of the west bank of the Niger, Aboh, the Urhobo, Isoko and the people of Onitsha are all emigrants from Benin". If indeed the traditions referred to by Egharevba are correct that these peoples migrated from Edo, then they are certainly Edo peoples.

Orhewere (1988:10) seems to support this position, at least, with respect to the Ora. Although he claims that the records available are silent on events in the three centuries between 1200 and 1500 A.D., yet he dates the "time immemorial" of the Ora to the period of Eweka I (about the thirteenth century). Likely referring to oral traditions, he argues that the "physical separation of both Ora and Edo is due to migration". This, however, does not apparently mean that these settlers from Benin first peopled the Ora region. There must have been earlier inhabitants parallel to "the early men in the history of mankind", notes Orhewere, but nothing is known about them. But based on a totemic study of

Owan groups, Ogbomo (1997:53) has concluded, for example, that "the Ozalla villages existed prior to the arrival of Benin settlers", and that Benin immigrants could only have settled among established population groups. The same has been said for Ukpilla, Ibie and Wepa-Wano (see Bradbury, 1957:101).

Okojie (1960) too, traces the origin of the Esan to migrations from Benin. To suggest that the migrations occurred in waves, he adopts a 'civilizational framework' distinguishing between the Esan from Ishan units that "existed as inconsequential rather primitive fugitive hideouts" and the "proud and self-reliant Ishans". The former, the first inhabitants of the area, emigrated from Benin before the mid-fifteenth century, that is, before the emergence of Ewuare, and the latter as a result of Ewuare's harsh policies (pp.35-36). What these traditions seem to imply is that the only inhabited portion of the region early in the second millennium A.D. was Igodomigodo.

It follows that Benin, with its immediate environs, was the only centre of dispersion of fragments of a core Edo kingship group, the pattern of migration, and *ipso facto* of cultural and political influence, in this region being necessarily unidirectional. This tidy picture of the pattern of peopling is not without dents. Okpu (1977:10), having defined an ethnic group in terms of the possession of a common history and cultural values, identifies two referents for Edo:

1. "group of people who speak the Edo language, or dialects of Edo, i.e., 'Edo-speaking peoples'", and
2. "the ethnic group composed of peoples who speak Edo".

Although the practice has been to merge these linguistic and ethnic conceptions, what Okpu has done is to reduce the range of groups constituting Edo ethnicity by excising the Urhobo and Isoko, which he called the "Urhobo-Isoko ethnic group". While they may form part of those regarded as 'Edo-speaking peoples', they are not 'Edo peoples' since they do not share origin and history with the latter (cf. Ikime, 1980:94-95). This argument can be generalized for other groups.

The ethnic classifications used for the regional censuses of 1952 and 1953¹¹ seemed to have prepared the ground for such deconstruction. The definition of 'Edo ethnic group' by these

censuses only included the Bini and Esan 'sub-tribes' of Talbot, and excluded the Urhobo, Isoko, Etsako, Ivbiosakon and Akoko all individually considered a distinct ethnic group (see The Federal Government Statistician, 1953: Table 6; and Government of Western Nigeria, 1961: Tables 8 and 9). There is no doubt that Benin, particularly during the imperial phase of its history (between the fifteenth and seventeenth centuries) was an influential power in the region. The traditions of Benin seem to agree with those of neighbouring groups on the genetic relationship between the Benin monarchy and other ruling houses in the region (not excluding the possibility of political legitimation by invoking the name or authority of a powerful monarch). But to transform dynastic influence into an argument about ethnic origin will require more than the evidence of traditions of origin. Thomas (1910: 6), it should be noted, has already pointed out that there is "little uniformity of physical type among the Edo-speaking peoples".

4. The Cultural Argument

The apparent common elements in the cultures of those designated as Edo speakers have been used to support the notion of Edo ethnicity, and reflectively to defend dispersion from Benin: "All Ishan came directly from Benin as could be seen from the uniformity of features, language, custom, etc., all akin to Benin" (Okojie, 1960:30). Bradbury goes further to claim that the Edo-speaking peoples "share a distinctive substratum of cultural identity" in spite of "a wide range of variation in the scale and forms of social and political organization". Yet, perceived uniformities in the latter had earlier provided the basis for defining Edo ethnicity by Bradbury (1957):15-17). However, Ogbomo (1997:10) has argued that linguistic evidence "joined to a few scattered traditions" suggest that before the sixteenth century,

the Owan region fell more within the cultural sphere of the Yoruba than of Benin. Since the early history of Ondo has been linked to matriarchy and queenly rule, one might postulate that the tendencies obvious in the early history of Owan had been part of that Ondo-Yoruba influence.

One area that is thought to best reveal the cultural unity of Edo-speaking peoples is inheritance practice. Thomas (1910:64) claimed that "the scheme of inheritance is the same for the whole of the Edo-speaking people", and Bradbury (1957:15) after him noted that almost everywhere "the senior surviving son of a dead man is regarded as the chief heir to his property and the successor to whatever offices, privileges, and duties he may have had". The table below provides a general picture of inheritance patterns among Edo-speaking peoples.

5. Table

Thomas (1910:64) identified three inheritance patterns: 1. where the heir is the eldest son; 2. where there is a group of heirs consisting of the eldest sons of the wives of the deceased; and 3. where all the children are heirs irrespective of sex. To these must be added inheritance by either the brothers of the deceased or first daughter where there are no sons. The diversity of inheritance patterns would seem to oppugn the thesis of a peculiarly Edo inheritance scheme. Even the prominence of primogenitural succession cannot be considered as an especial Edo cultural symbol. It is only one of several possible patterns in a predominantly patriachal environment. In this connection, Ogbomo's finding that the Owan region was influenced by the matriachal culture of Ondo may not be irrelevant in accounting for the fact that at Otuo and Afuze, less under Benin cultural influence than were the towns of the Ora clan, daughters could be heirs to deceased fathers: in the former where there are no sons, and in the latter when a wife has only daughters.

General Inheritance Patterns among Edo-Speaking Peoples*

Bini	Property shared among first sons of the deceased's wives	Deceased's brothers become heirs.	Eldest son inherits the house the father lived, and may get the largest share of property.
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Esan	<p>a. Eldest son inherits all the property, but make gifts to his brothers who may be senior sons of the other wives.</p> <p>b. Eldest son takes largest share but others partake in sharing.</p>	Deceased's brothers become heirs but share to adult daughters	In Irrua, where no sons exist father's brother inherits main house while adult daughters partake in sharing other property. In some Uromi villages, the <i>Enogie</i> inherits such property.
Owan Groups	Property shared among first sons of the deceased's wives	Deceased's brothers become heirs.	The Emai may allow the daughter of a wife without sons a share
Etsako Groups	Inheritance depends on the form of marriage. Unless redeemed, the son of an <i>isomi</i> marriage ('incomplete marriage') inherits from his mother's descent group. For an <i>amoya</i> marriage ('complete marriage') the first son gets the first and largest share of deceased's property.	At Ibie and Ukpilla, the eldest daughter and then eldest surviving brother become heirs.	In Northern Ibie and Ukpilla, the first <i>amoya</i> son is the only heir. At Agbede, the first sons of all <i>amoya</i> wives are co-heirs. At Auchu and Uzairue, all <i>amoya</i> sons share in order of age.
Akoko-Edo Groups	<p>The eldest son at Okpe takes all the property.</p> <p>At Somorika, the eldest sons takes the first and largest share, and then the other sons share.</p>	Eldest daughter, and if childless, his brothers	The same applies to Ibillo but the daughters partake in sharing.
Urhobo and Isoko Groups	The sons, daughters and brothers of the deceased partake in sharing.	Deceased's brothers.	

**The rules of inheritance relate to deceased males.*

Source: Thomas (1910:Section IV) and Bradbury (1957:46-47, 77,96-97, 120,152).

6. Conclusion

The essay has sought to elucidate the proper referents of Edo and the scope of its use. From an endogenous perspective, these are fairly stable and specific, strengthening the view that the identity of a group is ultimately a psychological construct. The revolutionary symbolism of the genesis of the idea of Edo has already been noted. Although its meaning was originally spatial, it has also become a mark of group identity. Thus, the inhabitants of the former Benin Kingdom refer to themselves, and are referred to by neighbouring groups as *ivbi Edo* ('Edo people'). It would be strange to apply this label to those outside this orbit, or to the language they speak. This is not to imply that group identity is given; it is everywhere constructed. Just as the notions of Yoruba and Igbo nationality were consequences of the colonial situation, Edo had the opportunity of becoming the name for those now referred to as Edo speakers. The region was however lacking in imaginative political enterprises. The impact of local environmental peculiarities and equally potent but non-Benin influences, Ondo and Nupe for example, is a limitation of the cultural argument.

But there remains the linguistic categorization. It should be made more explicit that the notion of 'Edo-speaking peoples' was invented to facilitate colonial administration by reducing areas of diversity. So, to the extent that the peoples so designated do not think that they speak the same language, it is an external category that should have nothing to do with ethnic identity. So long as the linguistic classification Edo remains cognitive, only the alluring pitfalls of generalization and reification can be avoided. In this connection, it will be instructive to recall the reservation of Talbot (1926:16) concerning the classification of groups, that "language is a broken reed to rely upon - and customs still more so - in the elucidation of race [i.e., ethnic] distinction".

Notes

- 1 The feature of contestability that is being drawn attention to is the absence of agreement regarding meaning and limit of usage. See Lukes (1977:6) and Gallie (1964:188) for this minimal definition.
2. Although Hair (1967:1) has claimed as one of the results of the study of Nigerian languages since 1800, particularly using a comparative perspective, the elucidation of the history of Nigerian peoples, but to argue in the way Thomas has done from a linguistic to a historical fact is rather too simple. How then, for example, is the use of *Ekuye* for spoon among the Bini (the label for the current inhabitants of the territory of the Benin Kingdom), said to reflect Portuguese influence by Thomas (1910:7), and *sibi* (note its closeness to Yoruba *sibi*) for spoon amongst the Ora (of northern Edo State) to be understood?
3. The largely unsuccessful generalization of the practice of indirect rule for southern Nigerian communities testified to the inaccuracy of this colonial social science (see Ekeh, 1990:666-669).
4. The notion of 'Edo-Speaking peoples' is used in the essay as an external or cognitive description of a reality that exhibits much diversity.
5. These Uzama titles pre-dated the Ife dynasty. The Uzama titles of oloton and edaiken were established by Eweka I and Ewuare, respectively.
6. This variation is not without its difficulties (see Ryder, 1980:110-112). But the thread that is being drawn is the series of momentous changes that occurred, even though the exact conditions have become distorted.
7. Bradbury (1957:18) regards 'Benin' as "a non-Edo word of doubtful origin". It would not appear far-fetched to consider it a foreign, perhaps Portuguese, rendition of 'Ubini'.
8. Ryder (1969:6) has a somewhat similar interpretation of the name change: "possibly it indicates that Ewedo and his supporters in the struggle with the Benin chiefs still represented the alien element introduced by the new dynasty, and that his victory marked the triumph of that element over the Edo after an uneasy period of cohabitation and compromise"
9. No ethnic group is a timeless community. In fact, ethnic identity like national identity is everywhere a social and perceptual construct. Whatever the scope of externally observed or 'objective' commonalities (language, culture or shared historical memories) seeming to define a group (see Porter, 1997:108-109

and Smith, 1999:336), the most crucial criterion of definition is group self-consciousness. An ethnic group that is not a self-aware community is a mere social category (Breakwell, 1983:23).

10. Talbot's definition of 'tribe' would seem to be sufficiently unambiguous to suggest its interchangeability with 'ethnic group' (cf. Ekeh, 1990:660-665). His definition of Edo as a tribe, with the identification of particular groups as sub-tribes (in spite of the criteria suggested for defining a tribe), was a simple appropriation of Thomas' linguistic categories. Yet, he did not think language could help to conclusively distinguish or identify groups. For him, the true mark of distinction is physical character (1926:161).
11. Bradbury (1957:13, n.3) regards the ethnic classification of the 1952-53 censuses as "arbitrary". Yet, his adoption of such labels as 'Ishan tribes', 'Ivbiosakon tribes' and 'Etsako tribes' is not too far from the format of the censuses, although 'tribe' is used to describe a political unit without a hereditary chief, 'chiefdom' one with a hereditary chief (p.14, n.6).

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RELEVANT LINGUISTIC AND MATERIAL EVIDENTIAL INFERENCES AND EDO HISTORIES

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1. Introduction

The origins of African peoples are often shrouded in their myths and legends that can be found in their oral traditions. This immediately gives a hint, by implication that many of them have a long history. Oral traditions as a source of history has its problems - among them is the question of how far back human memory can go. Another problem, resulting from the above is how reliable these stories of origin are, having been passed down from several generations and also considering individual biases. These handicaps notwithstanding, the oral traditions of origin of several African peoples have provided valuable insights into their histories. When gathered and employed properly and then corroborated against other more concrete evidences, they have been found to be invaluable in identifying the origins of African and indeed other peoples of the world. Questions about the origin of African (indeed all) peoples are an on-going academic activity. Atanda has noted that questions about the origins of peoples are a function of their reasoning faculty and therefore constitute an index of man's historical consciousness without which he ceases to be rational (Atanda, 1980).

This paper raises questions about the history of origin of the Edo (Bini) and contiguous groups whose traditions of origin appear to bind them together. It raises other questions about the associations that have been made and seeks to confirm or refute them using concrete material and linguistic evidences. These groups are the Esan, Ora, Emai, Iuleha and the entire Edoid peoples who speak related languages and whose traditional origins have hitherto linked them with Benin. Do concrete evidences corroborate these bonding histories? How plausible are these histories when passed through the multi-disciplinary sieve? Indeed today there is a thriving monarchy in Benin, the ancient capital of the Edo. The origin of this monarchy and Benin brasscasting have traditionally been traced to Ile Ife, religious capital and cradle of the Yoruba civilization and a town with outstanding and ancient artistic productivity.

Until quite recently, a local historian, J.U. Egharevba, had answered many of the questions about the origin of the Edo. Egharevba, in his famous book, *A Short History of Benin*, narrates the origin of the Benin monarchy in Ife; Benin's other relationships with Ife. He also mentions the dispersal of Benin princes to found other groups of peoples who are now being referred to in this paper as the northern Edo. According to him, these contiguous groups had at one time or another been part of Benin but moved away from there to found their present abodes where they are presently situated (Egharevba, 1968). Usually such dispersals are motivated and often justified by tyrannical rules or the need to expand and grow. However it appears that as they moved away from the central Edo kingdom, they took only the basic Edo language. But what else, the arts, monarchy and form of administrative government? As a result of new information now originating from Benin itself about the authenticity of Egharevba's presentation and his version of Benin oral traditions, a new variant of the traditional origin of the Edo explaining the origin of the ruling dynasty has come out. This variant which accentuates the need for a re-examination of the various theories of origin of the Edo, their ruling dynasty and the art of brasscasting; and their northern neighbors, has been more or less upheld by present court historians. According to the Oba of Benin in the foreword to a book on Benin monarchy by Prince Ena Basimi Eweka, the introductory theme, which deals with the origin of the monarchy itself, "is thought provoking". He concurs substantially with the

theme of Benin monarchy as discussed in the book, not because he is the Oba of Benin, but because he finds the author's efforts to be in line with Benin ancient history handed down by their forebears. The book largely deals with the "Ekaladeran theory" of the origin of the Benin monarchy and its connections with Ife (Eweka, 1991).

Before going into the details of the traditional origin of the Benin and its connections with its northern neighbors, we should point out the need for a multidisciplinary approach to this paper. It was Graham Connah, the authority on the archaeology of Benin, who pointed out four sources for the history of Benin. According to him, historical records, principally the travelogues of the early European visitors to Benin between the 16th and the 19th century, oral traditions of the Edo, the famous Benin arts as well as the archaeology of Benin are major sources through which Benin history can be explained. Archaeology and the arts, like linguistics have great potential to provide what we term, in this paper, concrete material evidences with which to corroborate, uphold or refute the earlier two or other sources. Unfortunately while true that Benin arts are extant, many of the outstanding examples were lost to the British in the 1897 Benin/British war that Benin lost and resulted in the looting and burning of the Oba's palace. This unfortunate situation obliterated many useful materials for understanding Benin history and culture. Most of the ancient traditional Benin arts are, for example, now out of the reach of local scholars (Pogoso: 1997), having been sold in European and American auctions as early as the late 1890's and upwards. Indeed, a lot of the Benin artistic productions of the pre-1897 period are now in Western museums. Then the archaeology of Benin has not been undertaken on a wholesale basis, and no archaeological activity whatsoever has been undertaken in Northern Edoland. As a result of these lapses, scant material evidences in terms of the arts and other material culture are available at the disposal of the Benin scholar. Noting the paucity of extant material culture Atanda (1980), a historian, believes that language should be regarded as the most important determinant factor in considering a group as a group. Even Alagoa (Alagoa, 1978) also a historian noted language as the most obvious indicator of kinship among members of the various units of a "tribe". Having thus established the importance of linguistics in seeking evidences of contact, kinship and relatedness as well as the need for a multidisciplinary approach we shall now go back to the question of the origin of the ruling

Benin dynasty. According to Egbarevba, after the fall of the Ogiso dynasty, the people of Benin sent word to Ile Ife (See map) for assistance with the administration of Benin.



The map of South Western Nigeria showing Ile, Benin and some towns mentioned

He mentioned that Oduduwa, the Oni of Ife, sent his beloved son, Oranmiyan. As the tradition goes he first of all sent them lice to take care of as a test that they would look after his son Oranmiyan. The Benin people passed the test and Oranmiyan was sent in about 1170 AD (Egharevba, 1968:p. 90). But on getting to Benin, Oranmiyan found the Benin people to be very belligerent. He therefore spent just enough time there to marry Erinmwinde, daughter of Ogiegor and father a son. Oranmiyan's son was called Eweka. And it was to Eweka that Oranmiyan handed over the reign of power of the town, before tracing his steps back to Ife and subsequently to Old Oyo (Egharevba, 1968: p. 6-7). At a basic level, this popular account establishes the Ife origin of the Eweka

dynasty in Benin. But it is interesting to note that according to Ena Eweka, Oranmiyan entered Benin "amidst serious opposition of Ogiamien" (the administrator of Benin during the interregnum period) who refused him entry into the city which was still under the firm grip of his administration (Eweka, 1991: p.15).

In the emerging version to which I have referred earlier and that is now being vigorously pursued, Ekaladeran - a Benin prince who had earlier been banished is said to have wandered off into the forest and eventually appeared in Ife. He settled down at Ife, and rose to become a prosperous and important citizen and later king Oduduwa. This version is suggesting that Ekaladeran is Oduduwa who is referred to in Benin as Izeduwa or Ododoa (I have come home). According to the tradition, it was therefore to Izeduwa, the Benin prince that the Benin elders sent when they ran into trouble after the rejection of the Ogiso dynasty and Evian who administered Benin for nearly 40 years before handing over to his son, Ogiamen. But Oduduwa, now too old and set, and more or less a "Yoruba man" in Ife but still sitting on the Ife throne opts to send his son, Oranmiyan to help govern Benin. If truly Oduduwa is Ekaladeran, then it is quite plausible to believe that they would return to him for help when they ran into trouble, rather than ask a complete stranger.

What is however consistent in both versions is the existence of Ekaladeran. Egharevba also recognizes Ekaladeran, but in a slightly different way, as the banished Benin prince, the only son of Ogiso Owodo (the last in the Ogiso dynasty), who founded Ughoton, the famous Benin port town. Egharevba (1968, p. 2-3) adds that even though it was later discovered that Ekaladeran was unjustly banished and therefore invited back to his position as crown prince, he simply turns it down and disappears. But in the new version, Ekaladeran plays a more prominent role. He is reported to have wandered around in the forest before settling down in Ile Ife where he grew to become very successful, and became the Oni. Ekaladeran is therefore the Oni of Ife which Benin tradition credits with sending his son, Oranmiyan, back to his roots when his help is sought. It is even argued in Benin that the title of Ooni is translated in Benin to mean, "he is not" and is meant to point out the anomalous occupation of the Ife throne by Oranmiyan. (Personal Communication, Omokaro Izevbogie, 1983)

The interpretation of Egharevba's version for understanding Benin origin is that it implies an incontrovertible Ife, Yoruba

origin for the ruling Edo dynasty. And although art historical evidences from both towns support this position, there are still several unanswered questions and gaps that are yet to be filled. Some of the plausible arguments for the Ife origin of Benin arts over a local one include the confirmation of the antiquity of Ife art over Benin and the discovery of an Ife type sculpture in Benin (plate 1).



Plate 1: Small figure of an Oni of Ife found in Benin City (c. 1500)

This piece of sculpture in bronze is said to belong to the early period of Benin art and therefore, on the basis of its stylistic affinity with the naturalistic Ife pieces is believed to be an extant model Igueghae took with him from Ife. According to the oral tradition reported by Egharevba, the Oni accepted the request of the Oba of Benin for a brasscaster from Ife to teach the art of brass casting in Benin and he sent Igueghae (Egharevba, 1968: p.11).

Let us now return to the question of history. Consider the implication of the new variant that although the origin of the new dynasty may be traced to Ife, it was from parent stock Benin that it came. The origin of brasscasting in Benin is also credited to an

"Ife caster" who was sent to Benin to introduce the art tradition. We should prefer to lay this case to rest on the bases of out-weighing material evidences provided by the arts. We admit a possibility of the art tradition being introduced from Ife. But it neither detracts from the suggestion that it was Ekaladeran, the banished Benin prince who might have been sitting as the Oni, in Ife. Is there a possibility that the Ife we refer to is not that located where present-day Ife is situated? If so, there might be a chance for explaining such an unusual situation. But also, how a foreigner might have worked to reach the level of an Oni at Ife is a pertinent question that the Benin story does not explain. Or could we be dealing with two periods in histories that have been conflated? Could the Oduduwa incidence have predated the art of brass casting or indeed could both have been referring to two different Ife towns - an earlier and smaller settlement or a later and more prosperous kingdom? Undoubtedly, implausible stories abound in both Benin and Ife tradition of theirs and each other's traditions of origin. And if this were the case, it may explain why an Igueghae was sent to Benin to teach the art of brasscasting rather than an "Elu...something" (a more typical Ife name) or any one with a more Yoruba sounding name. Igueghae is with small doubt, a Benin name. Then it may also explain the reason why the heads of the Benin Oba's were sent to Ife, but to which Ife? Is it the Ife of our present experience or another one?

But it is noteworthy to mention here that there are traditional references to Uhe (Ife) in the traditions of other Edo peoples. It is supposed to be the land of purity, the place where the soul returns to, the source and beginning of life. Uhe is also the place where the migrating cattle egrets return. This suggests a northern location of Ife as opposed to the present westerly location. Is it not quite possible that two Ifes are in contention here? A Yoruba one from which brass casting was borrowed at a point when both Benin and Ife were established and perhaps competing kingdoms with some form of relationship? A confusion of names is easy to imagine over time in memory as a result. Traditional histories in both Benin and Ife have it that the head of dead Benin kings are usually taken to Ife and buried at a site called Orun Oba Ado. We assume that this means that the heads of the dead kings were simply being sent to their wronged prince, Ekaladeran, alias Oduduwa of Ife. The implication here is that previous contact existed between Oni Oduduwa (Ekaladeran or someone else) and

the Edo before representations were sent for help when Benin ran into problems with the Ogo dynasty. But, nowhere in the history of Nigerian peoples is such a tradition known to exist whereby heads of deceased kings are sent for burial elsewhere.

Indeed Orun Oba Ado (heaven of the Benin kings), an archaeological site in Ife that has been scientifically well investigated does not reveal overwhelming material evidences of the practice of burying heads of Benin kings there. Except that there is truly a previous Ife site, it is expected that substantial traces of Benin objects and even physical remains of past Benin kings will have been easily brought to light at Orun Oba Ado in Ife of our present experience. The results of Willett's excavations at Orun Oba Ado do not controvert claims in Ife that the heads of Benin kings were truly buried there. Then attempts to explain the lack of overwhelming evidences at Orun Oba Ado are implausible. Since this practice is said to have been carried on for over four centuries, one would have expected that the weight of concrete material evidence at the burial site should be lopsided. Here again we consider the possibility of an earlier Ife site that could have been peopled by diverse groups from where later migrations might have taken place. Then, we do not consider the interview of the "small boy" who claimed that he accompanied the bearers of the "head" of Oba Adolo to Ife for burial in 1888, to be reliable (Frank Willett, 1967: p.132). On the whole, even Willett does not accept *in toto*, the oral tradition of the suzerainty of Ife over Benin as explained in the origin of the present ruling dynasty of Benin. In his concluding response to the doubts cast by Ryder on the Ife/Benin relationship, Willett suggests that until when more sites are excavated in the confluence area and securely dated by radio carbon, 'we cannot hope to prove much'. He however believes that the whole idea "promises to be a very fruitful area for future work". The point must be made, before moving into the next section of this paper, that it is the origin of the art tradition in Benin and of the ruling dynasty that is believed to have a relationship with Ife. We do not think that this situation bears very much upon questions of the provenance of the Edo. Certainly, the weight of evidence on the links between Ife and Benin on the issues of the origin of the ruling dynasty and brass casting is on the possibility that there is connection. The question now is, what is the origin of the non-royal Edo or, shall we say, the autochthonous Edo. And what is his relationship with the Northern Edo groups.

This leads us naturally to kinship issues, which we have indicated earlier on, are best handled by linguistics. The paper now looks at the issues of language and their implications for the oral traditions that we are dealing with here.

The importance of Linguistics to history as we have hinted earlier on is now generally well known. Murdock writes that in the absence of written records, linguistic relationships provide by far the most dependable evidences of historical connections (1959: 12). Clark (1970: 7) speaking in similar vein, states that: Linguistic data are... providing a record of ethnic movements in prehistoric times as well as demonstrating the antiquity of the languages of Africa. These data are not only extremely precise but, when correlated with the archaeological evidence and oral history, should be able to provide ethnic and cultural affiliation for languages far back into the past, of a kind that can never be obtained from archaeology alone.

Elugbe (1992) enumerated the following as sources of the information that linguistic can provide to history. These are genetic relationships, prehistoric ecology and life styles, evidence of cultural contact, information about migrations, etc. He states that glottochronology, a logical arm of lexicostatistics, involves the use of lexicostatistical data to compute time or length of separation between languages. Glottochronology is an analogue of carbon 14 dating in archaeology (p.23). Written history is relatively recent in Africa. In spite of this situation, African history has depended largely on oral traditions, which as we have indicated earlier on, has its problems as a source for history.

Linguistic evidence therefore, can play a very important role in evaluating oral traditions and other sources of history. The various accounts of history can be corroborated, contradicted and balanced-up if linguistic evidence is employed in a principled way. This study represents such an attempt to deploy linguistic evidence in significant and revealing ways in the accounts of the histories of the Edoid speaking people.

The African continent has over two thousand languages; one quarter of these languages are spoken in Nigeria. Geographic overlapping and discontinuousness characterize the languages of Africa. Whereas related languages may be flung and scattered over geographical zones, enmeshed in between disparate languages unrelated languages may be geographically contiguous. According to Murdock (1959:12) if two people speak related languages,

however much they may differ in race or in culture and however remote may be their geographical location, either both have descended from a single ancestral society or the ancestors of one have at some time ... abandoned their own language and adopted that of their neighbors. Elugbe (1992) states that besides the political scramble for Africa, there was an earlier struggle for Africa, a prehistoric one that has created the existing linguistic diversity. The prehistoric scramble finds causes in desiccation of the Sahara and the restlessness of the prehistoric peoples. These have led to the separation of peoples in space and time and the mixing up of populations with distinct languages. The desiccation of the Sahara some 5,000 years ago caused a southward push of linguistic fragmentation (Dalby 1977: cf Elugbe 1992:15).

The family tree is a useful end product of a comparative and historical and linguistic study of relevance to history. It makes assumptions about genetic relationships between languages. It does not only define the existence of a relationship but also defines the degree of relationship between languages. This can easily be calculated from membership of a class and numbers of modes separating the classes. The family tree here is a genealogical table. Elugbe (1979) sums up the role of the family tree thus:

The family tree is a convenient way of showing at a glance the relationship between languages and language groups. It displays, in terms of 'branching' or 'splitting', the way in which the daughter languages are derived from the parent language. Innovations in sound, lexical and syntactic change helps us in determining the internal relationships within the group. As an instrument of prehistory, this method is one of the most reliable (1979: 89).

From Elugbe's linguistic classification of the Edoid languages, the northwestern Edoid languages are close to the original Edo language. But it is not only in language that such proximity exists. The northwestern groups principally inhabiting two local government areas, Akoko Edo and Etsako West are traditionally historically connected with the Edo. The local histories of their origin closely associate them with the Edo of Benin and this neither should surprise us. It is a fact in history that smaller groups desire to associate and be linked with the larger groups within the same vicinity. As a result, all the Yoruba, for

example, originate from Ife while many groups in the former midwestern part of Nigeria tend to trace their origin to the Edo, for obvious reasons, even though they may speak mutually unintelligible languages and their cultures appear at a base level to be distant from one another. The thinking is that much of the peoples inhabiting the Edo-Benin area and Northern Edo area are homogeneous. The reason is not farfetched. Indeed they are, to a reasonable extent, linguistically homogenous and then of course, they share a common history of origin from Benin. According to Ogbomo (1997), the general thrust of Owan tradition of origin suggests that the people migrated from the highly centralized kingdom of Benin. And here lies the problem.

There is a marked difference in the political organization of the Benin and the Northern Edo groups, which raises suspicions about the authenticity of the migration theories of the origin of the northern Edo people from Benin. Then elements of high culture, which ought to be transmitted between both groups if such a filial relationship is upheld, are scant among the Northern Edo. Consider that the spectacular castings of the Edo that stunned early foreigners and many of which were removed by the British in 1897 are unknown, even in an archaic form anywhere in Northern Edo.

The classification of African Languages and the Linguistic map of Africa are presented in figures (1) and (2). There are over 2,000 languages spoken in the continent. In spite of this number, African languages come under four families.

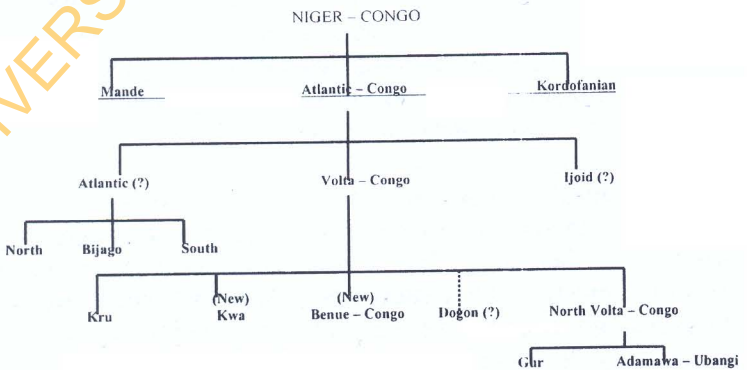


Figure 1: The latest classification of Niger - Congo (=Greenberg's Niger-Kordofanian) (Bendor - Samuel, 1989 : 21)

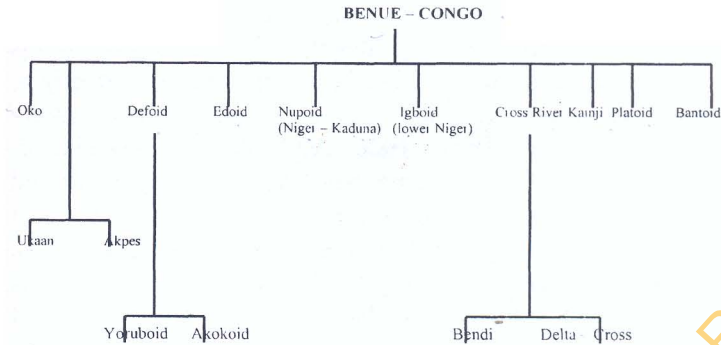


Figure 2: Benue - Congo family tree (Williamson 1989)

These are the Niger-Congo, Nilo-Saharan, Afroasiatic and Khoisan. The largest group of these is the Niger-Congo. Yoruba and Edo languages come under this group. The origin and homeland of this group is still being debated. But Welmers (1971), Heine (1979) and Horton (1982) locate it at the Upper Nile Valley, the valley of the Niger and Fouta Djallon and Nimba mountain ranges and the headwaters of the Niger respectively.

Elugbe (1992) opined that Welmers and Heine might have been referring to different times in history. He argues that "since Heine himself suggests that Niger-Congo peoples may have occupied larger parts of the Sahara, he must accept the merit of a postulated migration from the general direction of the Sahara ... the presence of Kordofanian peoples in the Sudan, in the absence of any claim that Niger-Congo peoples migrated in that direction, makes it likely that before the West African homeland, the Niger-Congo peoples were farther towards the central Nile valley (p8). Williamson (1988a: 93) locates the homeland of Proto-Benue-Congo from which proto - Yoruboid and proto - Edoid and other Nigerian languages derived in a loose sense in the Niger and Benue confluence. From here, they spread in all directions and occupied most of southern Nigeria and the middle belt. From here also, the Edoid peoples moved south to the west of the Niger (Elugbe 1992:24). The Yoruba peoples moved south.

Edoid histories can be examined on the basis of histories of origins and histories of relationships. The former establishes a descent, a source of being. The latter establishes kinship and common ancestry.

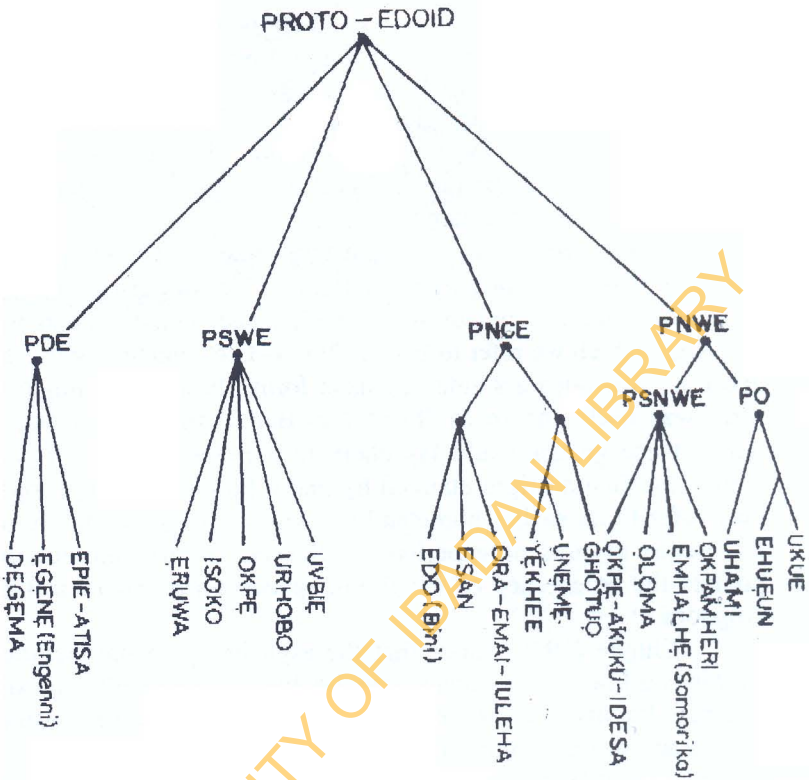


Fig. 3: The Edoid Family Tree (Elugbe, 1986)

From proto-Edoid, four distinct languages split up. These are PDE, PSWE, PNCE PNWE. Again, this means that Degema, Engene, Epie were once one language known here as Proto-Delta-Edoid; Eruwa, Isoko, Okpe, Urhobo and Uvbie were together in Proto-South-West-Edoid; Edo (Benin) Esan, Ora, Emai, Iuleha, Ghotuo, Uneme, Yekhee were all one language represented here as Proto-North-Central-Edoid and finally, Okpe, Oloma, Emale, Okpameri, Uhami, Ehueun, Ukue all were in Proto North-West-Edoid. PNCE split again into two languages, just as well, PNWE split into two languages; Edo, Esan and Ora-Emai-Iuleha are closest, and were once one language. Ghotuo, Uneme and Yekhee were also once one language. The important thing to stress here is that every node in the classification is a statement about relationships and origins. Members belonging to the same node

are related and descended from a common source. Historically speaking, a lot of implications arise from the family tree. For instance, it is clear that claims of Benin origin are very suspicious. There is in fact no way in which languages of the PDE, PSWE and PNWE can claim a Benin origin since about 2,000 years ago when they split up there was as yet no such entity. The only way a Benin (i.e. Edo) origin may be justified is if the original homeland itself was known by the same name.

It is interesting to note that Ora-Emai-Iuleha communities each claim separate origins from Benin. Yet linguistic evidence shows all of their languages to be one language at a point and such language, which we refer to here as "Proto-Ese" together with Esan and Edo, was once a single linguistic form. Except this linguistic form was itself known as "Edo" (i.e. Benin) there is no way in which these groups could lay claim to a Benin origin. In other words, the Benin origin claimed by many Edoid speaking peoples may refer to an earlier homeland known as Edo but certainly not the Benin of present experience. Several of the communities' predate the emergence of the Benin speech form and in fact the kingdom.

Elugbe (1979) states that the asynchrony in the historical claims and linguistic evidence may be due to time depth contrasts. Whereas linguistic evidence deals with time depth of a prehistoric type, traditions of origin may be referring to later migrations. In fact, stories of Benin origin may refer to later migrations from the Benin Empire to already established homelands. This is most likely to be the core since there is little affinity in art and religion between these groups and Benin. Finally, linguistic evidence tells us to trace Edoid peoples to a common origin, to a common homeland. The common language is closer to the Northwest Edoid languages in sound and morphology. NWE is less innovative than other Edoid languages. It is also here that we have small linguistic groups scattered among the hills.

Elugbe (1979) concludes that NWE must have been the longest of all Edoid speaking peoples at their present site. The area is closest to the homeland from which the Edoid-speaking peoples originate. If this homeland was known by the name "Edo" or "Benin", then stories of Benin origin are imaginable. Otherwise, it is preposterous to justify any Benin origin except otherwise there is a period of history predating the great empire for which oral traditions make no reference.

Finally in the Benin palace, a language said to be a mixture of Yoruba and Portuguese is spoken among the chiefs. It is even said that as a part of the palace rituals and rites of consecration of the chiefs, they are required to learn to communicate in this language. This is a further confirmation of the royal relationship between Ife where the Yoruba elements in the language could have come from, and Benin. Indeed it is on record that the Oba sent his son to Portugal to be educated in the culture and language of the Portuguese. This may have conditioned the development of the palace language.

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GROWTH IN BENIN CITY: POLARITY OR CONTINUITY IN SOCIAL CHANGE?

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1. Introduction

The process and pattern in urbanisation in Benin City may be said to have been unique to the city. It is one of the few cities in Nigerian and elsewhere that was redeveloped from the scratch following a man-made disaster. Following the political differences between the Benin Empire and the British authorities, Benin City was totally destroyed by a British expedition force. When the reconstruction of the city was embarked upon, it was under the suzerainty of the British which established formal colonial overlordship after their victory in the Benin Massacre of 1897. Yet, Benin City today is regarded as more of a traditional than a modern city.

Using the paradigm developed by Joseph Gusfield, this essay attempts to discountenance the modern-tradition polarity. We argue that the development of Benin City has been syncretic, combining both the traditional and modern in the process of social change. In most instances, this syncretism has been eclectic. The whole notion of a static or backward culture is presented as a fall-out of ethnocentrism and misplaced but popular theoretical models or stereotypes. The analysis is concluded with emphasis on the economic foundation of urbanisation and social change. Culture is presented not as an independent variable but as a constant in determining the direction, rate and quality of change. All known human cultures have sustained the growth and development of cities.

2. The Historical Development of Benin

Although the history of Benin dates to the 10th century AD (Egharevba, 1968), conscious effort to establish Benin City began with construction of the palace of the king (Oba) in 1255 AD

during the reign of Oba Ewedo. Twenty-five years later, a moat was dug round the nascent town at the instance of Oba Oguola to meet security needs. An outer moat was later built during the reign of Ewuare the Great whose rule in the last quarter of the 15th century witnessed the transformation of Benin into a typical African pre-industrial city. He constructed several thorough-fares the most famous of which was Akpakpava Street. Thenceforth, the title city was attached to Benin. The first Portuguese traveller to visit the city, Ruy de Sequeira met Ewuare the Great at court in 1472.

Right from the early times, the palace was the central focus of the settlement. Streets were built in such a way that they connected the palace through gates. This underscored the primacy of the Oba in the affairs of the city. Another notable feature was the habitation of different sectors (quarters) of the city by specific artisans. For example, medical practitioners stayed in Ewaise, musicians were in Ikpema, weavers in Owinna, smiths in Igun and the royalty in Ogbe. We conceptualise this as a form of functional specialisation of the different quarters.

Benin City was described in 1686 as a city with thirty main streets which were very straight and 120 feet wide and an infinity of smaller intersecting streets with buildings made of red earth neatly arranged on either side of the streets (Hodgkin in Sada, 1975). In 1800, the population of the city was estimated at 15 000 making it a large agglomeration considering the rural character of the surrounding areas.

In 1892, Oba Ovonramwen Nogbaisi 'signed' a free trade and protection treaty with the British, an undertaking that was to be abused five years later with an invasion and destruction of the city by an expedition force of the latter. Thereafter, the British established formal colonial over-lordship and took over the administration of the city. Modern urban growth commenced with the British administration.

Figure I: A Chronology of Significant Events in Colonial Benin City

1901	First Government School Opened
1902	Church Missionary Society School Opened; St. Matthew's C.M.S. Church Dedicated

1905	Post and Telegraph Office Opened
1908	Government Hospital Built
1910	Pipe-borne Water Introduced; Benin Prison Completed
1913	Fire in Ogbe Quarters (27 Persons Killed)
1917	Classification as a Small Town (Behind Forcados and Warri)
1918	Influenza Epidemic
1922	Oba's Palace Destroyed by Fire
1940	Building Rules Introduced
1959	Enactment of Town and Country Planning Law

In addition to the above, other developments that altered Benin City urban landscape during the colonial period include the beginning of a well-planned layout which was designated European Quarter for their own houses. Generally, the administration paid very scant attention to the development of the city. This was a result of the relatively minor economic significance of Benin City in export trade. After independence, the city was made a regional capital in 1963, a factor that accelerated its growth in rather momentous proportions.

3. **Summary of the Urban Layout (Zones)**

From our social-area analysis, four mutually inclusive districts or zones can be identified in Benin City. These are:

Commercial District: Incidents of residence are at a minimum here. The most notable and visible commercial area is the Central Business District made up of the popular Ring Road, the Oba's palace, the Central Hospital, Government offices and adjoining business houses including the Oba Market. The most important streets in the city converge into this central area. These are Akpakpava, Sakponba, Sapele, Ewaise, Mission, Lagos, Oba Market, Ibiwe, Airport and Adesogbe. Other areas in the commercial district are New Lagos Road (including the New Benin Market), industrial areas in Sapele Road and IkpOba Hill. Activities peak during the day time and are empty at night.

Significantly, the problems of poor sewage and inadequate planning are minimal. But immediately behind the well laid out streets are squalid neighbourhoods. The commercial district therefore consists of both the unplanned and the well-planned areas.

Indigenous Non-commercial District: A major part of Benin City falls within this zone. It is characteristically unplanned and congested both physically and morally. A majority of the streets are not paved and the entire area is liable to flood during the rainy season. Ogbelaka to the south east of the city centre, Igbesamwan, Eguadase and Ikpema to the east, Ihogbe, Evbiemen, Iwehan, Isekhere and Oliha to the northwest and Urubi and Iguisi quarters to the north make up the indigenous non-commercial district, the worst district in terms of quality of building and the general environment in the city. It is inhabited mainly by people of the Bini ethnic group.

Newer Residential District: This district is made up of areas witnessing very rapid development. Structures are invariably standard but planning control is weak. On account of this, much of the district is semi-slum.

Commercial activities are ubiquitous. Uhumwumidumwu quarter to the east of the city centre, Uzebu to the west, Uselu to the north and IkpOba to the east make up the zone which is a prime area for lower middle class elements and immigrants. The population here is therefore very heterogeneous.

Low Density Residential District: This zone lies in the peripheral areas in the city. The Government Reservation Area, GRA (formerly, European Quarter) to the south of the city centre, Ikpokpan Layout (Which is an extension of the GRA), Ugbowo to the north and Ekehuan to the west make up the zone. Commercial activities are at a minimum in the entire zone but especially in GRA. Physically, this is the best district in the city as all modern amenities are present, the roads are paved and the threat of flood is minimal.

4. **Tradition and Modernity in Benin Urbanisation**

Emphasis is usually placed on the resilience of tradition in Benin City without any special justification. It is proposed that the Bini are very particular and unchanging about their culture. Therefore, the strong overtone of tradition in the urban social structure is a function of strong attachment to culture. This is a sociological red herring as we are not told the qualities of a culture that makes it binding on its bearers while people of other cultures may not be so disposed.

Before the conquest of 1897, the social structure was dominated by the Oba, his chiefs and officials. The Oba was respected by all and his powers were awesome and feared. Traditional religion and a retinue of priests, diviners and doctors as well as the principle of succession through primogeniture strengthened his hands. Elsewhere, succession disputes undermined the status of monarch. Loyalty to the Oba was total and dissent was emphatically punished and discouraged. The power and prestige of the Oba as well as his strong rule promoted a mechanical solidarity among the people.

Another principal feature of the urban social structure was the organisation of trades. Artisans were organised into guilds which resided in specified quarters of the city. In this manner, membership of a guild transcended family loyalty even though families were the basis of the occupations that formed the guilds. The guild system sustained high quality products and the exclusion of impostors and untrained hands. It also prevented the democratisation of skills and possible expansion of production.

Further, as in many other African societies, there was a strong extended patrilineal family system and the rule of residence was patrilocal. Families were not only identified with their quarters but also with family compounds. Members who got married brought their wives to live with them in family compounds, which were presided over by patriarchs, the oldest father in the extended family. Neolocal residence was rare. As the family expanded, more buildings may be raised within the compound or extensions may be added to the original house. Family land both within the cityscape and the outlying farming areas was a central cultural category.

The conquest of Benin in 1897 abruptly truncated the above structure. For example, the Oba was, without prior notice or expectation was removed from the governance of the city and kingdom at large. His chiefs and other operatives were similarly

relegated. In their place was the new colonial administration. New rules and methods of governance were introduced and the primacy of the traditional system disappeared. In other parts of Nigeria, colonial conquest and imposition were less dramatic.

The first colonial Resident, Captain E..P.S. Roupell ordered the cleaning up of the wreckage of the city and, later, established a Native Council and appointed warrant chiefs. Unfortunately, these innovations did not show any interest in the orderly growth and development of the city especially in the area of land-use. The new colonial masters were more interested in how to open up trade to assuage their imperial and capitalist lucre. Only the absolutely necessary urban infrastructures were provided.

Calamities soon visited the city as outlined in Figure 1 above. For example, the compactness of buildings was partially responsible for the fatal fire of 1913 in Ogbe quarters. With the establishment of the European Quarter, the rest of the city was left to develop by itself. This foreshadowed the scenario of modernity represented by the European Quarter being developed alongside the traditional represented by other parts of the city. The duality of structure would have been avoided if there was a superimposition of the new on the entire city.

Economic activities which gave fillip to economic and urban development were shunted aside by the colonial administration. Tributes and fines which sustained the royal economy were cut off. Unlike in the coastal towns where commercial activities resulted in economic boon, Benin City went into an economic depression. Administrative activities could not provide sufficient employment opportunities for the populace. The guilds diminished in importance and economic activities concentrated in the rural areas where export commodities could be produced. Thus colonialism introduced new poverty. The old patterns of production and consumption were altered and the new could not accommodate a majority of the people.

While the colonial administrators were satisfied with their well laid out European quarter where all modern standards were enforced, the vast majority of people were obliged to cope with the new life with old ways and means. Even so, as the economy of the city stagnated, political and economic realities forced more people to take up residence in the city. Apart from in-migration from the surrounding rural areas, people from other ethnic groups began to trickle into Benin, making a hitherto homogenous population

heterogeneous. This was facilitated by the supplanting of the rule of the Oba by the British. Under conditions of economic depression, the implication of the new heterogeneity for social solidarity and order is easily imaginable.

Three elements are thus identifiable in the urban social structure in Benin City:

First, the traditional form of government and the basis of solidarity were abruptly terminated in 1897.

Second, a new and alien system was imposed. But no effort was made to integrate this into the old order as the new rulers stayed away in their exclusive European Quarter from where they lorded over the people.

Third, the new order alienated the people. Employment became scarce, old sources of economic sustenance were undermined and in-migration to the city began.

5. The Fallacy of Stasis

The historical experience of the city of Benin bears testimony to the fact that old traditions may not be displaced or replaced by the new (Gusfield, 1967). In the anomic colonial situation, the Bini rationally depended on old structures for succour. While economic realities encouraged some neolocal residence after marriage, cultural imperatives obliged a senior son to retain domiciliation in the old family compound. Further, sustained respect for the Oba and the latter's resilient centrality in Bini traditional life may be conceptualised in Parsonian terms as a functional necessity. The Oba was only displaced not replaced by the British. Many of his roles and functions among his people were not effectively taken over. A vacuum was created which the British had no idea of how to fill. Thus the colonial master put the Oba out of sight, not out of mind. Rather than signify any atavism, the status of the Oba as a rallying point for the Bini facilitates the mobilization of the people. Significantly, the Bini are not unique in this respect and there is no conflict between loyalty to an old institution and the imperative of modern life.

The assertion that modernity weakens family ties is sociologically moot. By encouraging out-migration, the family is automatically and certainly weakened by modernity, at least, from a physical point of view. But this may not be so psychologically. The urban-villager is a case in point. His spirit is not only always in the village but is also physically there on regular visits. Urbanity

has also been known to even encourage extended family ties. And this is not just a question of economic necessity as wealthy relatives often exhibit family solidarity also. Can this be categorised as social re-organisation or secondary disorganisation? (Okolocha, 1991). Thus, strong familism among the Bini need not indicate undue attachment to tradition. This adaptation is not unique to them. In any case, among the Bini, increasing incidence of residence and out-migration have had their toll on the extended family.

The conclusion derivable from the above is that the processes of change do not operate outside or exclusive of tradition. Both the physical and social structure of Benin City bears out this assertion. Physically, the differences in the structure of the city are a matter of degree, not form. The European quarter has since expanded into the GRA while the centrality of Oba's palace has been underscored by the growth of the CBD in areas adjoining to it. Further, 15th century thoroughfares have been developed into major streets serving the local needs for circulation within the city and for traffic leading in and out of it. The sprawl of the city has also followed these modernised major streets which owe their origin to tradition. Similarly, the social structure may be said to have changed and adapted in response to tradition.

6. **The Economic Conundrum**

Apart from the displacement of the monarchy, the other major fall-outs of British colonialism were the displacement of the economy and the resultant social anomie. The traditional economy was based on peasant food production, some trading and craftwork. A majority of the population was involved in food crop cultivation through small family plots immediately outside the city. Surpluses generated from this endeavour were sold off in occasional markets which involved city dwellers and people from outlying villages. Other items involved in the system of commerce were craft products derived from the elaborate guild system. Another bedrock of the economy was tribute which was extracted from the representatives of the Oba in various parts of the kingdom.

This economic structure was severely dislocated by the British. Food production was discouraged, tributes were cut off and craft was undermined. Without a solid economic base, urban and other modes of development in the city were checkmated. A

scenario of over-urbanisation in which the city population has grown beyond the capacity of the economy has since ensued.

The modern formal sector introduced at the outset of colonialism has remained poorly developed and incapable of meeting the requirements of the growing city. This sector which is made up of capital-intensive enterprises, government ministries and parastatals as well as private organisations expanded rapidly between 1963 when the city became the capital of Midwest State and 1982 when the Nigerian economy collapsed. The post civil war years of the 1970s may be described as the apogee of formal sector development in Benin City. Onokerhoraye (1995) estimated that at the height of the development of the sector, it contributed 50 per cent of the income flow into the urban economy but less than 30 per cent of the employment, a warped contribution considering that, as the modern sector, most employment ought to be generated by it. The decline after 1982 witnessed the closure of factories and commercial houses and considerable down-sizing. New investments in the sector has also dried up and the proportion of people employed has considerably declined. Only government establishments which retrenched over 50 per cent of its employees in 1997 alone appears to retain sustainable viability in the long term in Benin City.

On the other hand the informal sector accounts for a majority of employment opportunities in the city. Establishments here are typically small, labour-intensive and either owned by family or individual. Technology applied is rudimentary and skills are artisanal. According to Onekorhoraye, managerial, technical, commercial, financial and illegitimate activities have constituted grave bottlenecks and greatly limited the potential of the informal sector. Thus rather than contribute to the development of the city, some informal sector activities and organisations have become veritable obstacles.

7. Conclusion

The unidirectional theory of social change is in need of change. By the end of the 19th century, Benin City had matured into a typical African pre-industrial urban agglomeration. Its economy was based on peasantry agriculture that generated meagre surpluses but the craft guild system was quite developed. Another major source of wealth was tributes extracted from dependencies. Minor commercial activities contributed to the economic prosperity of the town. In essence, the organic and mutually reinforcing relationship between Benin City and the hinterland sustained the economy. Both the economy and socio-political structure were truncated by British colonial hegemony. As the new system could not provide effective alternatives to the ousted

dispensation, the changes that occurred were eclectic, combining the traditional and modern in a symbiotic relationship. The urban economic and socio-political structure of the city reflects a non-conflictual coexistence between the old and the new. Does this rationalise the lack of prosperity of the city? It is argued that the poverty of the city is a function of the poor economy of the city. The modern formal sector witnessed a steady but discontinuous growth and went into decline with the national economy from 1982. On the other hand, the informal sector is bedevilled with low technologies, low productivity, non-rational management and poor employment potential. Development of Benin City will be best approached by a modernisation process that innovatively builds on the informal sector and encourages large-scale employment through the establishment of industrial manufacturing concerns.

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CONTEMPORARY ISSUES IN BINI CUSTOMARY LAW OF INHERITANCE

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1. Introduction

The Binis constitute the largest single ethnic group in the present day Edo State of Nigeria.¹ Edo State in fact derives its name from the language of the Bini people who are also known as the Edo-speaking people.² The principal city and headquarters of the Bini kingdom is Benin City.³ It is the seat of the Oba of Benin, the head and paramount ruler of the Bini Kingdom⁴ as well as the capital city of Edo State.⁵ Though the Binis are mainly concentrated within their cultural environment, they are to be found in every part of Nigeria owing to their enterprising attribute.⁶ The Binis who have settled outside the Bini Kingdom may be classified into two: we have those who have imbibed the culture of their host communities in every material particular and we have those who pattern considerable aspects of their personal lives in accordance with the customs and traditions of the Binis.

Before the advent of the Europeans and the consequent establishment of colonial rule, the only indigenous system of law recognised among the Binis, like in most communities indigenous to the area now known as Nigeria, was customary law.⁷ At this material time, the Bini customary law exclusively regulated fundamental issues relating to the constitutional structure of the Bini Kingdom, criminal law, the law of obligations, the law relating to family relations including marriage, family status, guardianship of children and legitimation, inheritance and succession as well as land tenure.⁸ Today, customary law is not as pervasive in its scope of operation as it was before the birth of modern Nigeria. Constitutional and statutory provisions made by successive legislative authorities have impacted on the permissible scope of operation of all systems of customary law.⁹

In this work, our attention will be focused on the Bini customary law of inheritance and the scope of its application in

contemporary Nigeria. This entails considering the Bini customary law of inheritance in its original form, that is, the law without introducing foreign components accentuated by the coming of the English and the consequent reception of English statutes on testate and intestate succession, together with marriage under the Marriage Act. We shall also attempt to examine the territorial and personal application of the Bini customary law on inheritance.

2. **The Nature of Customary Law of Inheritance**

The subject matter of succession always calls for characterisation or classification. Classification as a legal term is generally used to mean the allocation of the question raised by the factual situation before the court to its correct legal category.¹⁰ The appropriate rules of customary law in a succession matter may depend on whether a deceased person died testate or intestate. Also, the classification of property as movable or immovable property may determine the applicable rules in some cases.

It is considered pertinent to examine whether the classification into testate and intestate succession obtains under customary law generally. This is against the background of the observation of OPUTA J.S.C. in *Olowu v. Olowu*¹¹ that testamentary disposition is alien to customary law and that it is an innovation introduced by our received English law and the Wills Act. The correctness of the observation of the learned Justice of the Supreme Court appears to turn on the import of the word 'testament'. If writing is a necessary implication thereof, then the view of the learned Justice will be unassailable. However, if the view of the learned Justice is consistent with the position that inheritance under customary law can only fall under intestate succession, thereby denying the existence of customary law will, this view cannot be sustained. Though the need to advise persons who are subject to customary law but desire to make a will to comply with the requirements of the applicable will legislation¹² for easy proof and to ensure its universal validity¹³ under the present legal regime cannot be over-emphasised, but to deny customary law of a recognised legal category or concept and to ascribe its existence to a foreign law does not present an accurate reflection of customary law. We are in full agreement with Professor Nwogugu who said:

The disposition of property by Will is a principle recognised by customary law... Most customary law wills are oral and, therefore are nuncupative wills. This feature has led some writers to conclude erroneously that there is no distinction between testate and intestate succession under customary law. It is submitted that as in English law, testate succession under customary law gives effect to the intention of the testator as expressed in the nuncupative will.¹⁴

The learned writer went further to discuss the form of customary-law will as follows:

A customary-law will takes the form of an oral declaration made voluntarily by the testator during his lifetime. Such a declaration may be made while the testator is in good health or in anticipation of death. Often, the declaration deals not only with the disposition of property but also gives directions as to the mode of burial and funeral ceremonies to be performed for the testator.¹⁵

The unwritten character of customary-law will makes it dependent merely on oral testimony for proof. This is an attribute of nuncupative wills generally.¹⁶ The declaration must be in the presence of responsible witnesses whether interested or otherwise.¹⁷

The usual reasons for resorting to a customary-law will include to vary the customary rules of inheritance applicable on intestacy, to indicate the choice or preference of a testator in the allocation of property or responsibility where he has the power of election and to confirm particular rules for the avoidance of doubt. In traditional societies, effect is given to the intention of the testator because it is believed that man has (both) a material and ethereal body, the latter capable after his decease of continuing existence. In effect, the spirit of a departed one does not sleep but watches how his instructions as to the devolution of his estate are complied with.¹⁸ Furthermore, responsible witnesses before whom the verbal declaration which constituted the customary-law was

made often ensure that the wishes of the testator are respected¹⁹ as they see themselves as the “trustees” of the declaration of the testator and therefore accountable to him and his beneficiaries.

The extent to which a customary testator may vary the customary rules of intestacy, for instance, to benefit a person to a larger extent than he would have been under the customary rules of intestacy or to benefit others who ordinarily are not eligible to benefit under the said rules, varies from one cultural group to the other. A Yoruba customary law testator, for example, may, by means of a customary-law will, appoint his successor to the headship of his family and to other titles or offices he is entitled to when permitted by the terms of such appointments. He may also give part of his estate to strangers, servants or others who are not ordinarily so entitled. It is however doubtful if a Bini testator can do a similar thing.

There is no direct authority known to this writer on the existence or otherwise of testamentary disposition among the Binis but this is not necessarily an indication of denial of customary-law will since such a will does more than distribute distributable property. It has been pointed out that a will may also give directions as to the mode of burial and funeral ceremonies to be performed. Matters concerning burial and funeral ceremonies are of crucial importance among the Binis as their performance determines the kind of estate vested in a person.²⁰ One may therefore safely assume the existence of customary-law will. However, it seems apparent that a Bini testator cannot validly vary the rules of Bini customary law governing the distribution of his property after his demise. He cannot even do this with the consent of the person entitled to such property on his death as it is could be permitted among the Ashanti in Ghana.²¹

The sacrosanct nature of the Bini customary-law of inheritance, which invariably typifies some other systems of customary law, partly explains why the view is widely held that there is no distinction between testate and intestate succession under customary law.

It has been pointed out that property may be classified into movable and immovable property and that this characterisation may impact on the applicable rules in circumstances where succession to property becomes an issue.²² The classification into movable and immovable property also obtains in most systems of customary law, though this does not necessarily translate into the

application of different set of rules of succession in all cases. The classification of property as immovable property may in fact reveal the nature of interest held by the deceased and whether in fact there is an inheritable interest therein. No member of a family can lay claim to an absolute interest or inheritable interest in an immovable property, which forms part of family property under customary law.²³ The right of a member of a family who has erected a building on family land ends with his life and his children who occupy the building after his decease with the permission of the family acquire no superior interest. The immovable property under consideration in this work will however relate to immovable property in respect of which a person has absolute interest irrespective of whether the interest is acquired under customary law or the general law.²⁴

With respect to movable property the usual rule in most systems of customary law is that the customary law to which the deceased was subject, in other words, the personal law of the deceased, applies.²⁵ However, with respect to immovable property the contest is between the personal law of the deceased and the law of the place where the property in question is situated otherwise known as the *lex situs*. Many factors combined to make these two rules point to the same system of customary law before the birth of modern Nigeria. These included the character of members of particular communities to live and die within their cultural environment, the low level of inter-ethnic intercourse and the territorial application of particular systems of customary law within a political or cultural territory.²⁶ The difficulty, which attended acquisition of landed property by a stranger who was not at the same time being integrated as a member of his host community to a large extent, foreclosed the application of the personal law in cases of succession to immovable property.²⁷ Nigeria of today is radically different from the picture painted above. Nigerians, including persons subject to Bini customary law are highly mobile. There is a high level of inter-ethnic relations and customary law now has both territorial and personal application. A citizen of Nigeria may acquire movable and immovable property in any part of the Federation as well as possess full residence rights therein.²⁸ All these developments have no doubt affected the scope of application of Bini customary law of inheritance like any other aspect or system of customary law. Furthermore, customary law now co-exists with the general law

consisting of the received English law, local legislation and judicial precedents. The superior position of the Constitution in relation to the aspects of Nigerian law, enumerated above, has led to the emergence of what we may describe as the contemporary Bini customary law of inheritance and this, is our main preoccupation in this work.

3. **The Bini Customary Law of Inheritance: The General Rule**

The objective of this work is to present in a straightforward and clear manner salient issues in Bini customary law of inheritance. This will involve analysis of judicial decisions of the superior courts as well as statutory provisions. It is acknowledged that the intrusion of the general law as well as other applicable systems of law would have impacted on some essential aspects of the Bini customary law under the consideration, but we intend to examine these intrusions, which can conveniently be referred to as exceptions to the general rule after highlighting the general rule. What we consider to be the general rule is the Bini customary law of inheritance, which operates within the Edo-speaking area of the present day Edo State without regard to the influence of the general law thereon. It is after this discussion that it will be appropriate to consider cases of conflict of laws and the application of the Bini customary law of inheritance thereunder.

There is a long line of cases establishing the rule of Bini customary law of inheritance that it is the eldest son who succeeds to all the property of the father to the exclusion of other children.²⁹ This rule generally applies to both movable and immovable property inherited or acquired by the father personally. The application of this rule, however, is not automatic, as some conditions precedent must be fulfilled. The case of *Arase v. Arase*³⁰ brought this out clearly. According to IDIGBE J. S. C. in the said case:

An important aspect of the evidence relating to Bini customary law of inheritance which was received in these proceedings is to this effect: the eldest son of a deceased person does not inherit the deceased's property until after completion of the 'second' or secondary burial ceremonies, that is, funeral obsequies. The completion is marked by a ceremony by members of the family called

“Ukpomwan”, this ceremony is performed by the members of the deceased’s family for the eldest son at the latter’s request. It is only after this ceremony of “Ukpomwan” that the family distributes the property of the deceased. Upon ‘distribution’, all property of the father, that is, all the property owned by the deceased “automatically” becomes that of the eldest son.³¹

The learned Justice of Supreme Court remarked on the position before the completion of the second burial by the eldest son as follows:

... until the exercise of distribution under customary law has been performed, the eldest son retains all the property of the deceased in trust for himself and the children of the deceased.³²

The foregoing reveals that the first stage in Bini customary law of inheritance is the period of family ownership of the property of the deceased.³³ The family here is restricted to only the children of the deceased. The duration for which this state of affairs may subsist depends entirely on the eldest surviving son who is vested with power to extinguish the interest of other children by performing the second burial of their father. Furthermore, though the word ‘trust’ in the above *dictum* does not mean trust in the strict English connotation,³⁴ but its implication is that at this first stage the eldest son is not entitled to the property of his deceased father absolutely.

The second stage in Bini customary law of inheritance commences after performance of the second burial ceremonies by the eldest son.³⁵ This is when the estate of the deceased becomes distributable. The distribution entails the termination of the trusteeship of the eldest son and his inheritance of the father’s estate beneficially. At this stage, all the property of the deceased will vest in the eldest son absolutely. Though the view has been expressed that “some of the personal effects are distributable to the other children but that only takes place after the principal personal effects have been given to the eldest son”.³⁶ The interest of these other children in the personal effects first mentioned may at best be said to be a mere privilege and not a claim adopting the scheme

provided by Hohfeld.³⁷ It must however be quickly pointed out that the interest of the other children in the said personal effects as well as other property granted to them by the eldest son subsequently will become absolute once the transfer is perfected by delivery or otherwise.³⁸

The rule of Bini customary law of inheritance by which the eldest son succeeds to all the property of the father to the exclusion of other children has come under intense criticisms. The Supreme Court of Nigeria in *Ogiamien v. Ogiamien*³⁹ noted the comment of the learned Judge at the court below who dubbed the custom as repugnant to natural justice, equity and good conscience, but was quick to say that “we see nothing wrong in this custom, we can only say that it is not unknown in some other highly civilised countries of the world”.⁴⁰ Mrs. Priscilla O. Kuye in her paper titled “Rights of Women under Customary Law”,⁴¹ considered the Bini rule under consideration as it affects all other children and as it affects female children, and submitted as follows:

The custom is discriminatory against females and prejudicial to all other children even though it would appear that the eldest son is a trustee of the estate for all the children and is responsible for certain obligation in the family.⁴²

Professor Nwabueze’s opposition to an aspect of the Bini customary rule of inheritance being discussed here, to wit, the rule that the eldest surviving son inherits the very house in which the deceased father lived with his family appears to be predicated on the ground that the rule has outlived its usefulness.^{xii} He has argued that even if the custom is not repugnant to natural justice, equity and good conscience, its application in particular circumstances could be so and that in such situations the courts should declare so.⁴⁴

Notwithstanding the objections highlighted above it remains the law that among the Binis the eldest surviving son in the circumstances discussed above succeeds to all the property of the father to the exclusion of the other children.⁴⁵ It is however worthy of note that there is no rigid adherence to this rule of Bini customary law of inheritance. The departure from this rule reflects the dynamic character of customary law and it is consistent with the notions of justice and fairness which form the bedrock of African customary legal system,⁴⁶ the interpretations of which

however vary from time to time. The contemporary interpretation of Bini customary law of inheritance therefore appears to have sustained the interest of the eldest surviving son to inherit absolutely and to the exclusion of other children of their father only as respects, the house or houses in which their deceased father lived and died known as the *Igiogbe*. This is, no doubt, a welcome development. The case law on Bini customary law of inheritance has demonstrated clearly that uncompromising rigidity is the attitude of courts when petitioned to recognise exceptional situations when an eldest son could be denied this right of inheritance.⁴⁷ This point is illustrated by decided cases on both testate and intestate succession among the Binis. We propose to consider cases on intestate succession at this stage.

3.1 Intestate Succession under Bini Customary Law of Inheritance

In *Ogiamien v. Ogiamien (supra)* the Supreme Court held that the eldest surviving son takes all the property of his deceased father with the exception of that which the deceased has given away before the death. The Court therefore refused to grant the declaration sought by other children that the eldest son in the case had no right under Bini customary law to sell the property of their father.

In the case of *Arase v. Arase (supra)*, the Supreme Court enforced the rule of Bini customary law of inheritance that states that the title to the property of a deceased person subject thereto including immovable property devolves on the eldest surviving son on the completion of the second burial ceremonies and *Ukpomwan*. With respect to the *Igiogbe*, the Court said:

The principal house in which the deceased lived in his lifetime and died is called the “Igiogbe”; that always passes by way of inheritance on distribution to the eldest son.⁴⁸

The Court of Appeal in the case of *IgbinOba v. IgbinOba*⁴⁹ followed the decisions of the Supreme Court in the cases cited above. The facts of this case are as stated below. The plaintiff/respondent was a half brother of the defendant/appellant and eldest surviving son of one Daniel IgbinOba Ikhure late of No. 139, Lagos Street, Benin City. The deceased died intestate and left an estate comprising among other property, a house known as No.

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139, Lagos Street, Benin City, and an undeveloped piece or parcel of land adjacent to the said house. In the distribution of the estate by family elders, the plaintiff/respondent was given the main house, that is to say No. 139 Lagos Street, Benin City and the defendant/appellant was given the undeveloped parcel of land adjacent to the main house. Hitherto, the defendant/appellant, his wife and children were all resident at No. 139, Lagos Street as well as their father. Soon after the distribution of their father's estate the plaintiff/respondent, the eldest surviving son sought to move out the defendant/appellant from No. 139, Lagos Street but this was resisted by the defendant/appellant. Consequently the plaintiff/respondent successfully instituted a legal action for possession of No. 139, Lagos Street, and ownership of the undeveloped parcel of land adjacent to the main house allocated to the defendant/appellant from the estate of their father.

The Court of Appeal dismissed the appeal of the appellant and affirmed the judgment of the court below. The appellate court adopted portions of the judgment of the learned trial judge which are worthy of being quoted *in extenso* here:

It is acknowledged that as the eldest surviving son of his father, the plaintiff is entitled under Bini Native Law and Custom, to inheritance of the said house or Igiogbe, but the sharing carried out by the family seemed to have circumscribed his ownership of it, but two important qualifications which had the effect of derogating from his absolute ownership of it and this has resulted in trouble between the parties. First, it was stated that "the second son Mr. Ebenezer IgbinOba, was to be allowed to stay in the two rooms occupied by him at present" and secondly, the defendant was to have the vacant piece of land in the premises of the Igiogbe together with the blocks deposited thereon. This has meant that although the principal house has been shared to the plaintiff, his ownership of it does not appear to be absolute because apart from foisting on him the presence of the defendant who must perforce continue to retain two rooms in the house occupied by him prior to the death of their father,

the defendant was also to have the vacant plot therein to develop his own building as and when, he is financially able to do so.⁵⁰

The trial judge had held as follows:

It is therefore, clear on authority, that the restrictions which the family members and ... the defendant have tried to impose on plaintiff's inheritance of No. 139, Lagos Street, Benin City is quite untenable...the plaintiff's ownership of his father's Igiogbe is absolute and not subject to any qualification whatsoever and being absolute, I hold the view that any of his brothers and sisters who wishes to remain or stay in the house, must do so at the pleasure of the plaintiff.⁵¹

OGUNDERE J. C. A. who read the leading judgment of the Court of Appeal in *IgbinOba v. IgbinOba* had no difficulty in upholding the judgment of the learned trial judge. According to him:

My task has been simplified by the Supreme Court's decision in *Idehen v. Idehen* which established beyond peradventure that neither testamentary disposition, much less family elder's arrangement, can deprive the eldest surviving son of the Igiogbe, the house in which his deceased father lived and died.⁵²

The decision in *IgbinOba v. IgbinOba (supra)* indicates that the *Igiogbe* does not merely consist in physical structure of building but rather it includes adjoining parcel of land customarily used by a Bini man as part of his dwelling house. In *Idehen v. Idehen*,⁵³ two separate houses were constituted as the Igiogbe on the ground that evidence was led to show that the deceased lived in these houses in his lifetime. In *Oke v. Oke*,⁵⁴ a complex of three units was regarded as the Igiogbe because the deceased treated them as such during his lifetime. On the other hand in *Agidigbi v. Agidigbi*,⁵⁵ it was held that only one house of the three houses owned by the deceased testator could be regarded as the Igiogbe

though the land upon which the three houses were erected was covered by a single document of title.

The rule of Bini customary law of inheritance, which relates to the *Igiogbe* discussed above may be described as the normal rule.⁵⁶ This rule is predicated on the survival of a deceased Bini man by at least one male child. The basis for the application of this rule is not present in circumstances where a Bini man dies without any child or without a male child but with at least one female child. Investigation has however revealed that in the latter situation the female child or children as a general rule inherit all the property of their father absolutely.⁵⁷ However, a Bini man who had no male child or any child at all may prior to his death select a male relative, who could be his brother, sister's son or any other person that would succeed to his property particularly the *Igiogbe*. A grandson in the case of a man who has a female child or children may also be selected. The choice is however generally accompanied by the performance of the role of a father in relation to the beneficiary by the Bini propositions. This can be described as a form of customary-law adoption.⁵⁸

3.2 Nature of the Interest in the *Igiogbe*

It is necessary to examine the nature of the right of a family head and that of his eldest surviving son after his demise in the *Igiogbe*. It has been mentioned that the interest of the eldest surviving son in the *Igiogbe* is absolute to the exclusion of all other children absolute after his completion of the second burial ceremonies of their father. This absolute interest however seems to have no counterpart under the English land tenure system. BELGORE J.S.C in *Idehen v. Idehen (supra)* observed:

In Benin customary law, the *Igiogbe* could not under any circumstances be given away as a gift, it must be left for the eldest male child⁵⁹

Professor Sagay⁶⁰ has adopted the above observation, for according to him, the right of the first son to this house (the *Igiogbe*) is inalienable either *inter vivos* or by will. Professor Nwabueze⁶¹ has however argued that there was no evidence in *Idehen v. Idehen* to support the observation of BELGORE J.S.C. It is his contention that the interest of the eldest son in the *Igiogbe* while his father is alive is “an absolutely bare possibility”, “a *spes*

successionis”, “a mere speculation liable to be altered or defeated by valid disposition by the father”. The argument of Professor Nwabueze appears to be predicated on classification of *Igiogbe* into two namely, *Igiogbe* inherited by a family head on the one hand and self-acquired *Igiogbe* on the other hand. One is inclined to submit that the interest of a family head in his self-acquired *Igiogbe* is absolute since he retains the right to alienate same or use it as security for loan or deals with same in manner not regulated by Bini customary law. However, if this interest in the self-acquired *Igiogbe* is absolute at the point of his death, then the Bini customary rule of inheritance which relates to the *Igiogbe* will apply to the property. As BELGORE J.S.C. rightly observed “this ‘Igiogbe’ would at his death no longer be his to give away”.⁶² It is therefore the death of a propositus that crystallizes the interest of his eldest surviving son in his self-acquired *Igiogbe*. The interest of a person in an inherited *Igiogbe* even though expressed to be absolute appears to be circumscribed. The interest is analogous to the interest of an incumbent holder of an office in the dwelling house reserved for that office holder.⁶³

The above discussion makes one to appreciate the remark of IDIGBE J.S.C. in *Arase v. Arase*⁶⁴ to the interest in the *Igiogbe*. The learned Justice said:

It seems to me that title under Bini customary law is certainly much more than possessory title. Tenure or title under Bini customary law is, in my respectful view *sui generis*.⁶⁵

Though the *Igiogbe* cannot be said to be family property, the inheritance of it by the eldest son is accompanied by some obligations. He is to play his traditional role in the family as the guardian of his younger brothers and sisters. The eldest surviving son has also been described as the custodian of the family shrines which are of great significance in other aspects of Bini custom.⁶⁶ It has been explained that it is to prevent the imposition of social and family duties on the eldest son without the existence of some proprietary rights with which to meet such obligations that he inherits the *Igiogbe*.⁶⁷

4. **The Influence of The General Law on Bini Customary Law of Inheritance**

We propose to examine the impact of the general law on Bini customary law of inheritance. By the general law, we mean

the received English law, Nigerian legislation and Nigerian case law. Our consideration at this stage will be limited to the general law that is in force in the Edo-speaking area of Edo State. This invariably translates to the general law in Edo State. The aspects of the general law that will be highlighted are testate succession and intestate succession in respect of persons subject to Bini custom. The latter will be further restricted to where the *propositus* contracted marriage under the Marriage Act.⁶⁸

4.1 Testate Succession

The making of written wills under statute is unknown at customary law.⁶⁹ With the establishment of colonial rule, persons subject to native law and custom could avail themselves of the benefits offered by the provisions of the Wills Act 1837 of England, a statute of general application. Before the enactment of the Wills Law of Western Nigeria,⁷⁰ the Wills Act of 1837 was in force in the area now known as Edo State. The Wills Act therefore empowered persons subject to Bini customary law to dispose of their properties, real and personal irrespective of an encumbrance of native law and custom.⁷¹ The Wills Act clearly did not take into consideration local circumstances, a defect which the Wills Law of Western Nigeria sought to address through its section 3(1).⁷² The subsection provides as follows:

Subject to any customary law relating thereto, it shall be lawful for every person to devise, bequeath, all real estate and all personal estate which he shall be entitled to either in law or in equity, at the time of his death and which if not so devised, bequeathed and disposed of would devolve upon his heir at law of him or if he became entitled by descent, of his ancestor or upon executor or administrator.

The construction of the above provision has turned largely on the import of the introductory phrase “subject to any customary law relating thereto”.⁷³ It has been observed that the said introductory phrase was not in section 3 of the Wills Act 1837 and that it was specifically introduced into section 3 of the Wills Law to ensure the observance of customary law in the exercise of testamentary capacity thereunder.⁷⁴

From the case law, three separate views on the limitation of customary law contained in section 3(1) of the Wills Law can be discerned. The case of *Idehen v. Idehen* decided by Supreme Court sitting at full court⁷⁵ illustrates this position. In this case BELLO, Chief Justice of Nigeria, held the view that the introductory phrase to section 3(1) of the Wills Law relates to testamentary capacity as well as the property to be devised. He concluded his concurring judgment in the case as follows:

In my view the phrase "Subject to any customary law relating thereto" in Section 3(1) of the Wills Law is qualification of the testator's capacity to make a Will and also a qualification of the property to be devised.⁷⁶

It does not appear the position of BELLO C.J.N. is shared by any of the other six Justices who sat in the *Idehen Case*.

The second view on the import of section 3(1) of the Wills Law is that it is a limitation on the testamentary capacity of a testator. BELGORE and OLATAWURA J.S.C. shared this opinion.⁷⁷ The introductory phrase, according to OLATAWURA J.S.C. "is a limitation on what the testator could have done without that constraint on his power" and according to him, that "if the intention of the Wills Act⁷⁸ is not to the testamentary capacity it ought to have said so in clear words without reference to the customary law."⁷⁹

The third view, which is held by a majority of the Court in *Idehen Case*, is that the expression which forms the introductory phrase in section 3(1) of the Wills Law can only qualify the subject matter of the devise made by a testator, that is, the property to be disposed of. KARIBI-WHYTE, KAWU, WALI and NWOKEDI J.S.C. appear to concur in this view.⁸⁰ KAWU J. S. C. who delivered the leading judgment in *Idehen Case* said in rebuttal of the two separate views discussed earlier as follows:

I hold therefore that the expression "subject to customary law relating thereto" could not have been intended to qualify the testamentary capacity unambiguously conferred on every Bini citizen by section 3(1) of the Wills Law. It is only subject to any customary law affecting the property to be disposed of.⁸¹

WALI J. S. C. in his concurring judgment considered the conclusion reached by KAWU J.S.C on the interpretation of the phrase being examined as "the only reasonable, just and logical construction"⁸² that he can put on the phrase.

This writer is in agreement with the majority of the Supreme Court in *Idehen Case*. This view clearly draws a distinction between testamentary capacity and testamentary disposition. The problem with the second view referred to above as well as the aspect of Justice Bello's judgment which relates to testamentary capacity is that such an interpretation if stretched to its logical conclusion may invalidate disposition in a will by a person subject to customary law which is not in accordance with the pattern of succession at customary law. This will be inconsistent with the chief purpose for making a will, which is to avoid the applicable rules in case of intestacy.⁸³ NWOKEDI J. S. C recognised this when he said:

It is my view that section 3(1) of the Wills Law Cap 172 Bendel State did not compel a Bini man to make his Will in accordance with his customary law except where from the nature of the property devised, Bini customary law deprives him of the capacity to dispose of that particular property.⁸⁴

Nigerian courts have been consistent in holding that a testator subject to Bini customary law cannot devise property constituting the *Igiogbe* to any other person except his eldest male child at the time of his death. The case of *Idehen v. Idehen*, *Lawal-Osula v. Lawal-Osula*⁸⁵ and *Agidigbi v. Agidigbi*^{xiii} appear to have established this principle beyond any controversy. The facts of two of these cases and the decisions of the Supreme Court thereon are particularly instructive.

The case of *Idehen v. Idehen* turned on the validity of the devise of two houses constituted the *Igiogbes* to the eldest son of the testator at the time the will was executed but who predeceased the testator. The appellants and respondent in this case were some of the children of the late Joshua Iserhienrhien Idehen, a Bini man who died on the 18th day of September 1979. The deceased left a Will in which he made several devises and bequests. In the Will, he devised to his eldest son, Dr. Humphrey Idemudia Idehen his two houses in which he lived in Benin City. The two houses

constituted the *Igiogbe* under Bini customary law and this was not in dispute. Dr. Idehen predeceased his father and consequently the first respondent became the deceased's eldest surviving son. Subsequently, the respondents as plaintiffs instituted an action against the appellants who were the executors of their father's will challenging the validity of their father's will. The plaintiffs claimed, *inter alia*, a declaration that the Will is null and void for non-compliance with the relevant statutory requirements relating to Wills and a declaration that in accordance with Bini customary law of succession, the 1st plaintiff as the eldest surviving son of the deceased *succeeds exclusively at all events to the houses and or* properties lying and situate and known as No.62 Akpakpava Street and No. 1 Oregbeni IkpOba Hill, Benin City in addition to the lion's and/or disproportionately large sum of the remaining part of the Deceased's estate which the 1st plaintiff shares with the other children of the Deceased.

The trial judge granted the plaintiffs' second relief partly in the following terms:

A declaration that in accordance with Bini customary law of succession, the first plaintiff as the eldest surviving son of Iserhienrhien (deceased) succeeds exclusively to the houses and properties lying and situate at and known IkpOba Hill No.62 Akpakpava Street and No.1 Oregbeni IkpOba Hill, Benin City. For the avoidance of doubt it is ordered that the 1st plaintiff is entitled to hold these houses and/or properties in trust for himself pending such time as he may perform any second burial ceremonies as may be required and after which customarily title to the said properties will vest in him absolutely.⁸⁷

On appeal to the Court of Appeal from the decision of the trial court, the Will of the late Joshua I. Idehen was declared null and void. This decision was however set aside on further appeal to the Supreme Court. The Supreme Court was unanimous in holding that under Bini customary law the testator, the late Joshua I. Idehen, could not devise the *Igiogbe* to any other person except his eldest surviving son. As KARIBI - WHYTE J.S.C. put it in his concurring judgement of much clarity:

The evidence of the customary law is that the eldest son of the Testator is entitled without question to the house or houses known as Igiogbe in which his father lived and died. It has been stated emphatically that this is the normal rule. No exceptional situations have been shown when an eldest son is denied this right by his father, even on account of demonstrable unsuitability to undertake and discharge the responsibilities of the status of the head of family.⁸⁸

The procedure adopted by KARIBI-WHYTE J.S.C in arriving at his decision in having *Idehen v. Idehen* is illuminating. According to him:

The devise of the Igiogbe having failed, there is an intestacy to that extent, and the customary law governing the right to the Igiogbe will apply. I have found it difficult to accept the approach of the trial judge and to construe the Will by substituting the name of the 1st Respondent in place of Dr. Humphrey Idehen. The provision of a Will have to be construed strictly and in accordance with the intention of the testator. On this point I differ with the reasoning of my learned brother Kawu J.S.C. It is clear that the first son contemplated by the testator was Dr. Humphrey Idehen and failing him, his children 1st Respondent was never in contemplation of the testator, and can therefore only succeed on intestacy. His right to claim arises *de hors* the Will.⁸⁹

The only objection to the *dictum* of the learned justice of the supreme Court is the portion that suggests that the testator intended to benefit the children of Dr. Idehen failing him.⁹⁰ Though the question could be raised as to why the testator did not execute a Codicil after the death of his eldest son in order to comply with Bini customary law of inheritance relating to the Igiogbe which apparently he observed in his Will, but to be categorical as to his intention to benefit the children of his deceased eldest son, failing him is another thing entirely. The

death of an adult child is no doubt an unfortunate event and it is the practice in some Nigerian communities to keep such information away from the aged parents of the deceased. The devise in the Will of Joshua I. Idehen to Dr. Humphrey Idehen failed on the sole ground that it was inconsistent with Bini customary law of inheritance. The devise of the Igiogbe to the eldest surviving son of a Bini testator can be said to be superfluous. One cannot therefore understand why the intention to benefit the children of the deceased eldest son could be imputed to the testator in the case of *Idehen v. Idehen*.

The facts of the case of *Agidigbi v. Agidigbi* are as follows: By his last will and testament dated the 3rd of February 1975, the late Pa Agidigbi Uwagboe (hereafter called the testator) devised, bequeathed and gave his lands, houses, business interests, chattels and monies to his children, including his grandchildren, as well as his relations as fully provided and set out in the said Will. The 1st respondent/cross appellant, as plaintiff sued the appellant, the eldest surviving son of their father and other parties interested claiming in the main, certain declaratory relief, injunction and order for account in respect of the money and properties comprised in the estate of the testator. The appellant filed a separate statement of defence and counter-claimed against the plaintiff for certain declaratory relief and order for account. The appellant also challenged the validity of the Will in question. After the conclusion of trial the learned trial judge in his judgement held, *inter alia*, that the Will in question was valid and that the estate of the testator should be distributed strictly in accordance with the Will except No. 34C Dawson Street was that the property constituted the Igiogbe of the deceased which he could not devise to any other person but the eldest surviving son. The Supreme Court adopted the judgment of the trial court, which declared the testamentary disposition of No.34C Dawson Road, Benin City null and void for being in conflict with the Wills Law.⁹¹

From the cases discussed above, it is apparent that where a male child survives a Bini man, no testamentary disposition can deprive that male child or the eldest surviving son, where there are male children, of his entitlement to the *Igiogbe*.

4.2 Intestate Succession under the General Law

A person subject to Bini customary law may contract a valid marriage under customary law, Islamic law or in accordance

with the provisions of the Marriage Act. It is the implication of marriage under the Marriage Act on succession to the property of a Bini man that we propose to highlight in this section. The provisions of the Administration of Estates Law⁹² regulate succession to the property of a person who is subject to customary law but who contracts a marriage in accordance with the provisions of the Marriage Act if such a person dies intestate or to the extent of intestacy. The relevant provision is section 49 (5) of the Administration of Estates Law of former Bendel State, which is applicable in Edo State. The subsection provides:

Where any person who is subject to customary law contracts a marriage in accordance with the provisions of the Marriage Act and such person dies intestate after the commencement of this Law leaving a widow or husband or any issue of such marriage, any property of which the said intestate might have disposed by Will shall be distributed in accordance with the provisions of this Law, any customary law to the contrary notwithstanding:
Provided that-

- (a) where by virtue of paragraph (f) of subsection (1) of this section the residuary estate would belong to the State as *bona vacantia* such residuary estate shall be distributed in accordance with customary law and shall not belong to the State; and
- (b) any real property the succession to which cannot by customary law be effected by testamentary disposition shall descend in accordance with customary law anything herein to the contrary notwithstanding.

The application of the above provisions of the Administration of Estates Law is predicated on some conditions. First, the deceased must have contracted an "Act Marriage".⁹³ Secondly, the deceased must have died intestate either generally or with reference to the property in question. Thirdly, the deceased must have been survived by a widow or husband or any issue of the said Act marriage. The above subsection draws a distinction

between property, which the intestate might have disposed by, will and any real property the succession to which cannot by customary law be effected by testamentary disposition. If this classification is transposed to succession under Bini customary law, we can safely contend that the property that constitutes the *Igiogbe* falls into the second category. The point has been made earlier that the devise of the *Igiogbe* in a will is superfluous since such a bequest cannot alter the rules of the applicable Bini customary law. Furthermore, judicial decisions have been consistent in holding that the *Igiogbe* cannot devolve otherwise than in accordance with Bini customary law. To this extent the Administration of Estates Law does not affect the interest of the eldest surviving son of a deceased Bini man. The fact that the eldest surviving son of a deceased Bini man is not a product of the Act Marriage but that of another marriage contracted before the Act marriage⁹⁴ or that of an irregular association between the deceased and another woman before or during the subsistence of the Act marriage does not preclude the said son from inheriting the *Igiogbe* once his paternity is acknowledged by the father before his death.

The property of a deceased Bini man who contracts an Act marriage but dies intestate apart from the *Igiogbe* shall be distributed in accordance with the provisions of the Administration of Estates Law any customary law to the contrary notwithstanding. The scheme provided by the Administration Estates Law takes adequate care of the surviving wife and issue of the intestate⁹⁵ The children entitled to inherit include the children of the intestate born out of wedlock. The Court of Appeal in *Dr. T.E.A. Salubi v. Mrs. Benedicta Nwariakwu and ors.*⁹⁶ held that under our law and the provisions of the Constitution, such children are lawful children and are entitled as beneficiaries under the estate of their late father. The court pointed out that the decision in *Cole v. Akinyele*⁹⁷ where the claim of a child born out of wedlock to share in the estate of his father was rejected is no longer the law. The situation of the mother of such a child or children is however precarious because she may not rightly be referred to as the intestate's wife,⁹⁸ hence she cannot benefit from the arrangement contained in the Administration of Estates Law.

5. The Personal and Territorial Application of Bini Customary Law of Inheritance

We propose to examine in this section whether the rules of Bini customary law of inheritance can be involved outside the Bini Kingdom of Edo State and the circumstances under which persons who are not Binis by descent but are resident within the Bini kingdom may be subject to Bini customary law.

It has been pointed out earlier that property may be classified as either movable or immovable. The general rule with respect to movable property is that is the personal law of the deceased regulates devolution. In fact at common law the capacity to make a will depends on the law of the testator's domicile in the case of movables.⁹⁹ Succession to immovable is largely regulated by the *lex situs*.¹⁰⁰ This law also regulates the capacity of a testator to dispose his immovable. These general rules are consistent with the choice of law rules contained in statutes on customary courts, which the High Courts are also obliged to observe.¹⁰¹ These may be summarised as follows: In land matters including succession, the appropriate customary law is the customary law of the place where the land is situated, while in other cases arising from inheritance, the appropriate customary law is the customary law applying to the deceased. The above approaches can be general terms be said to be simple and straightforward. The rule as to immovable property under this scheme does not contemplate the application of Bini customary law of inheritance outside the Bini kingdom. On the other hand this scheme preserves the exclusive application of Bini customary law of succession in respect of land subject to customary law situated within the Bini Kingdom.

The Land Use Act appears to have confused the settled arrangement referred to above as it provides *inter alia* in its section 24 as follows:

The devolution of the rights of an occupier upon death shall –

- (a) in the case of a customary right of occupancy, unless non customary law or any other customary law applied be regulated by the customary law existing in the locality in which the land is situated; and
- (b) in the case of a statutory right of occupancy (unless any customary law or other customary applies) be

regulated by the customary law of the deceased occupier at the time of his death relating to the distribution of property of like nature to a right of occupancy ...¹⁰²

While the above provision can be said to have preserved as a general rule, the *lex situs* rule as respects land held a customary right of occupancy its exact purport with reference to land held under a statutory right of occupancy cannot easily be deciphered. However, since succession is a subject of state competence under Nigeria's constitutional arrangement,¹⁰³ recourse will have to be made to the pre-existing laws before the Land Use Act came into force in different parts of the country.

Before the introduction of the Land Use Act, interest in land could be held under customary law or under the general law including the received English law. This classification has no relationship with what is now known as customary or statutory right of occupancy. The application of the *lex situs* with respect to succession to immovable property held under customary law is guaranteed under the Customary Courts statutes of States which formed part of the former Northern and Western regions.¹⁰⁴ In the former Eastern region, the courts are required to administer the customary law prevailing in the area of jurisdiction of the court or binding between the parties.¹⁰⁵ It has been suggested that this liberal provision should lead to the application of the personal customary law of the deceased in succession cases.¹⁰⁶

A useful provision on succession to immovables governed by the general law could be found in section 30 of the Land Tenure Law of Northern Nigeria.¹⁰⁷ This section provided that "the devolution of the rights of an occupier upon death shall be regulated in the case of a non-native by the law or custom of the non-native at the time of his death relating to the distribution of property of like nature to a right of occupancy. This provision must have impacted significantly on the draftsman of the Land Use Act.

The implication of the above is that there exists the possibility of application of Bini customary law rules of inheritance beyond the frontiers of Edo State. This is the consequence where the Bini customary law is applicable by reason of being the personal customary law of a deceased occupier within the contemplation of the Land Use Act. This approach raises a

fundamental question on the nature of the interest of a Bini man in the property that constitutes his dwelling house or matrimonial home outside the Bini Kingdom. Can such property be said to be of like nature to the *Igiogbe*? Professor Sagay has attempted to draw a distinction between a matrimonial home and the Urhobo equivalent of the Bini *Igiogbe* or family seat. According to the learned writer:

The two are completely different. One constitutes the place where a husband and his wife are normally resident, whilst the other constitutes the traditional seat and home or headquarters of the family, that is, the centre of the traditional authority of the family. It cannot therefore be located anywhere else but in the cultural setting of the family, the ancestral village or town in which the family is based and has its origins.¹⁰⁸

The learned writer has gone further to say more pointedly as follows:

An 'Igiogbe' cannot exist outside the tribal or ethnic situs. A house occupied by the deceased in a 'foreign' land, outside his indigenous setting, is not the 'Igiogbe' regardless of the fact that he lived there and died there. In this regard, his family house in his village, to which his body will be returned for burial, is the 'Igiogbe'.¹⁰⁹

Though there is no direct judicial authority on whether there could be '*Igiogbe*' outside the Bini Kingdom, Professor Sagay's argument appears to be persuasive. This argument however cannot be stretched to exclude the application of Bini customary law of inheritance in areas outside the Bini Kingdom if this law is clearly indicated by the choice of law rules. A conscious refusal to transpose the rules of Bini customary law of inheritance applicable within the Bini Kingdom to situations when the rules are to be applied outside the location will result in application of a caricature of Bini customary law of inheritance. This will lead to a serious distortion of the Bini customary law of inheritance. Where a Bini man dies intestate leaving property outside the Bini Kingdom therefore, it should be possible for his eldest surviving

son to succeed to the main house of the deceased to the total exclusion of other children if the personal customary law of the deceased is the applicable law.¹¹⁰ It must be remarked that the traditional Bini rule of inheritance is that the eldest son succeeds to all the property of the father to the exclusion of other children and the Supreme Court has expressed the view that it sees nothing wrong with this custom.¹¹¹ The succession of the eldest son to this property cannot be said to be unjust or unfair since his position as head of family is attended by performance of some social and family duties. It will be absurd to assert that the office of the head of family has no relevance outside the cultural setting of a family. The idea of cultural setting in contemporary Nigeria is not the same thing as what used to obtain when people lived and died within their indigenous cultural setting. It must also be appreciated that a family is a social unit rather than an immobile geographical entity tied permanently to a particular cultural setting. If the responsibility of the family head extends beyond the frontiers of the indigenous cultural setting of the family, adequate provisions must also be made for him in places where the founder of the family left valuable property. This view is strengthened further by the possibility of Bini man dying without having an *Igiogbe* whether inherited or self-acquired within the Bini kingdom but leaving a dwelling house outside the location.

However, the interest of an eldest son in the main house of a Bini man outside the Bini cultural setting may be defeated as the founder of the family appears to be free to alienate *inter vivos*, or by will anything outside his indigenous cultural setting contrary to the rules of customary law of inheritance.¹¹² In an area where the Wills Law is in force¹¹³ the main house of Bini man cannot by its nature come within the purview of section 3(1) unlike the *Igiogbe*. Such property cannot be said to be a real property the succession to which cannot by customary law be effected by testamentary disposition.¹¹⁴ It is hoped that the superior courts will have opportunity in the nearest future to pronounce on all these issues.

The Bini customary law of inheritance will be displaced under two circumstances. First, in States where the English Wills Act of 1837 applies,¹¹⁵ a testator subject to Bini customary law may freely dispose of all his property regardless of the rule of customary law. This power is without any qualifications as respects all movable property and immovable property situated in these States. Secondly, where a person of Bini descent has settled

outside the Bini Kingdom and has imbibed the culture of his host community in every material particular or has renounced his Bini cultural heritage and opted for the customary law of his host community, then one may contend that the distribution of the property of such a person on intestacy will be regulated by his new personal law. Where a Bini man relocates to a place where the prevailing customary law is either the Urhobo or Itsekiri customary law there is practically no appreciable difference in the content of the separate systems of customary law.¹¹⁶ However, where a Bini opts for Yoruba customary law, the difference is more remarkable.¹¹⁷ The decision of the Supreme Court in *Olowu v. Olowu*¹¹⁸ underscores this issues.

The appellants in *Olowu v. Olowu* were children of one Adeyinka Ayinde Olowu whose intestate estate was the subject matter of the action. The deceased was a Yoruba of Ijesha origin. He lived from childhood to his death in Benin City, married Bini women and acquired substantial immovable property in Benin City consequent upon his “naturalisation” as a Bini indigene on his request by the Oba of Benin. The Bini customary rules of succession were adopted for the distribution of both movable and immovable property of the late A.A. Olowu and the appellants being dissatisfied brought an action at the Benin High Court against the respondents who were also children of the deceased. The appellants contended that Yoruba customary law was the applicable law since their father was of Yoruba origin

The trial judge found that the deceased intestate acquired Bini status, thereby relinquishing his Yoruba cultural heritage. He held that by virtue of this change the personal law of the deceased changed to Bini customary law, which thereupon became the law regulating the distribution of the estate of the deceased. He found also that the change of the deceased’s status endowed him with the rights and privileges of a Bini indigene and that this change in status accords with Bini customary law.

Both the Court of Appeal and the Supreme Court upheld the decision of the High Court in favour of the respondents. Though the decision of the Supreme Court has been criticised on ground of its theoretical underpinning,¹¹⁹ but this decision still represents the law until it is overruled. The decision admits that a change of status may take place under native law and custom under which a person becomes a member of a community to which he was a before a stranger. BELLO J.S.C. (as he then was) remarked

that mere settlement without assimilation is not sufficient to change the personal law of the settler.¹²⁰ This is particularly important because as OBASEKI J.S.C. pointed out the need for 'naturalisation' or 'culturisation' as BELLO J.S.C. chose to call it (or acculturation to adopt the word of OPUTA J.S.C.)¹²¹ no longer arises since the attainment of Nigerian citizenship.¹²²

The decision in *Olowu v. Olowu* illustrates the point that evidence may be led to the effect that a person who is not a Bini by descent has adopted the Bini cultural heritage. Such a person will be considered to be subject to Bini customary law and the customary rules of succession discussed in this work will apply to him like any other Bini indigene. Furthermore, where customary law is the applicable law in cases and matters arising from inheritance to land situated within the Bini Kingdom, the Bini customary law being the *lex situs* will apply regardless of the personal customary law of the deceased intestate.¹²³ Thus, unity of jurisprudence is guaranteed as respects all land subject to customary law.

6. **Deprivation of the Right of the Customary Heir to the Igiogbe**

The Bini customary law rule that entitles the eldest surviving son of a deceased Bini man to inherit the *Igiogbe* to the exclusion of other children has been described as the normal rule. Though there are no direct judicial authorities on the matter one may scarcely contend that there could be exceptional situations when an eldest son might be denied his right to the *Igiogbe*.¹²⁴

These situations must be distinguished from some practices which have been observed like splitting the *Igiogbe* between the eldest son and another son of the deceased or outright allocation of the *Igiogbe* to another son in exchange for the preferred property of the customary heir to the *Igiogbe*. Should any of the parties to the arrangements described above go to court, the court will enforce the time-honoured rule of Bini customary law relating to the *Igiogbe*.

However, it is not too difficult to imagine some exceptional situations that may question the application of the rule of Bini customary law of inheritance of the *Igiogbe*. For instance, where a person intentionally causes the death of another, Ibo customary law generally denies the murderer the right to succeed to the estate of the deceased.¹²⁵ This rule is not unknown in some other highly

civilised countries of the world¹²⁶ and one may contend that it should form part of Bini customary law of inheritance. In fact, this rule should be extended to situations where the death of an eldest son is caused by his immediate younger brother or where the latter is guilty of complicity in the same matter while their father is yet alive. The situations described here are capable of diverting the anticipated benefits of the eldest son since if he predeceases his father the *Igiogbe* will go to the eldest surviving son.¹²⁷ The Courts may utilise the public policy doctrine¹²⁸ to achieve justice in the situations described above. This will entail refusal to enforce the Bini custom on the inheritance rights of the eldest surviving son in particular cases.

7. Conclusion

It is apparent from the above that though the rule of Bini customary law of inheritance, which entitles the eldest son to succeed to all the property of the father, to the exclusion of other children, has not been declared repugnant to natural justice, equity and good conscience, the scope of its application has been severely curtailed. A strict application of this rule could have denied persons subject to Bini customary law of making testamentary disposition contrary to Bini customary law. The case law has however preserved the right of the eldest-surviving son to the *Igiogbe*. This rule is sacrosanct, as it cannot be displaced by testamentary disposition. The need to distinguish inherited *Igiogbe* and self-acquired *Igiogbe* has been made. In the case of the latter it appears the character of a property, as *Igiogbe* is not conclusive until after the death of the founder of a family. For instance, he may before his death relocate from his former dwelling house to another. It cannot be said of a self-acquired property that "once it is an *Igiogbe* it remains always so", an assertion which may be true of an inherited *Igiogbe*. The categories of legal situation that may defeat the anticipated benefits of an eldest son in his father's self-acquired dwelling houses can never be closed. This point must always be borne in mind.

The above discussion commends the making of a will to persons subject to Bini customary law. This appears to be the best way to repudiate the application of the rule that the eldest son succeeds to all the property of the deceased. It is suggested that a Bini testator should either leave the property, which constitutes his *Igiogbe* completely out of his will, or adopt a formula which merely says that the property which constituted his *Igiogbe* shall be inherited by his eldest surviving son at the time of his death in accordance with Bini customary law. This approach will take care

of the decision in *Idehen v. Idehen*. It might be useful to set out the property constituting his *Igiogbe* son as to advert his mind to this consideration while making other bequests but in the event of a dispute, this aspect of the will is not entirely binding on the court though it will be useful in revealing the testator's state of mind. There is much wisdom in regarding the *Igiogbe* as the official accommodation of the family head. Since a testator cannot predict with certainty his successor-in-office though he has his expectations, it is recommended that he should make reasonable provisions for all his children particularly the eldest son if he desires to benefit him and his children absolutely. Another option open to a person subject to Bini customary law is make gifts *inter vivos* to his children and others he wishes to benefit and then execute a will in respect of his remaining property. He is advised to keep his *Igiogbe* out of this arrangement.

In making a will or gifts *inter vivos*, a *propositus* must always realise that the law empowers him to dispose of property in which he has absolute interest. Where an immovable property is jointly owned by a couple, and it is located within the Bini Kingdom, one is inclined to submit that it cannot be inherited as an *Igiogbe* notwithstanding the fact that the Bini man lived, died and was buried in the premises.

This work has focused mainly on the aspects of Bini customary law of inheritance, which the superior courts have had the opportunity of pronouncing upon. It has also demonstrated the fact that the law is not settled as respects application of rules of Bini customary law in areas outside the indigenous cultural setting of the Bini people.

Notes

1. Edo State was created in 1991 pursuant to the States (Creation and Transitional Provisions) [No. 2] Decree No. 41 of 1991.
2. The words 'Edo' and 'Bini' (Benin) may be used interchangeably. According to Crowder, it was Ewuare the Great who changed Benin's name to Edo in memory of a faithful slave who had saved him from being murdered when Uwaifiokun usurped the throne in A.D. c.1440: Michael Crowder, *The Story of Nigeria*, 2nd ed., London, Faber & Faber, 1966, p. 55. The Ishans and the Kurukurus, who occupy the east and north of Benin respectively, together with the Urhobos are said to speak dialects of the Edo (or Bini) *History of Nigeria*, 8th ed., language. Sir Alan Burns, London, George Allen & Urwin, 1978, p. 60.
3. It was Ewedo, the son of Eweka I, Oranmiyan's son who transferred the capital to the ancient Bini Kingdom from Usama to its present site, Benin City: Sir Alan Burns, *op. cit.*, p. 54; Jacob Egharevba, *A Short History of Benin*, 4th ed., Ibadan, I. U. P., 1968, p. 91.
4. The ancient Bini Kingdom extended as far as Idah, and Lagos which was a Benin colony: *ibid*, p. 55. Today the Bini Kingdom may be described as the area within Edo State under the traditional authority of Bini monarch.
5. Benin City had served as the capital city of the Mid-Western Region of Nigeria (later Mid-Western State) and Bendel State before its present status as the capital city of Edo State. The Oba of Benin is the Chairman of the Council of Chiefs of Edo State.
6. Sir Alan Burns, *op. cit.*, pp. 55 & 56.
7. Customary law has been defined as "any system of law not being the common law and not being a law enacted by any competent legislature in Nigeria but which is enforceable and binding within Nigeria as between the parties subject to its way": *Zaidan v. Mohsens* [1973] 1 All N.L.R. 86 at p. 101.
8. See generally, Sir Alan Burns, *op. cit.*, pp. 44, Crowder, *op. cit.*, pp. 54-56.
9. A rule of customary law will not be enforced if it is unconstitutional or if it fails any of the tests of validity prescribed by statute. See, for example A. O. Obilade, *The Nigerian Legal System*, London, Sweet & Maxwell, 1979, pp. 100 –110.
10. I. O. Agbede, *Legal Pluralism*, Ibadan, Shaneson, 1991, p. 233.
11. [1985] 3 N.W.L.R. 372 at 405.

12. These are the Wills Act 1837 for States which formed part of the former Eastern and Northern Regions of Nigeria or the Wills Laws/Edicts where the 1837 Act has been substituted and the Wills Laws/Edicts for the States which formed part of the Old Western Region of Nigeria and Lagos State.
13. *Black's Law Dictionary*, 6th ed. St. Paul, Minnesota, West, 1990, p. 1069.
14. E. I. Nwogugu, *Family Law in Nigeria*, Revised Edition, Ibadan, Heinemann, 1990, p. 396; Agbede, *op. cit.*, p. 126; *Idehen v. Idehen* [1991] 6 N. W. L. R. 382 at 418 *per* Karibi-Whyte J. S. C.
15. Nwogugu, *op. cit.*
16. *Black's Law Dictionary*, *op. cit.*, pp. 1609 and 1474.
17. P. A. Oluyede, *Nigerian Law of Conveyancing*, Ibadan, Ibadan University Press, 1978, pp. 77-78.
18. Muri Okunola, "Relationship Between Islamic Law and Customary Law of Succession in Southern Nigeria", in Yemi Osinbajo & Awa U. Kalu (ed.), *Towards a Restatement of Nigerian Customary Laws*, Lagos, Federal Ministry of Justice, 1991 p. 151 at p. 163.
19. *Idehen v. Idehen*, (*supra*) (note 14) *per* Karibi-Whyte J. S. C.
20. The eldest son of a deceased Bini man cannot acquire absolute interest in the Igiogbe until he completes the second burial ceremonies of the deceased. The relationship of other children to the eldest son may also be a function of the burial ceremonies they perform. For instance, it is believed that when the other sons kill a cow each rather than a goat, they are no longer under the 'authority' of their eldest brother. I am grateful to Mr. C. O. E. Ojo of the University of Ibadan for this information.
21. Anthony Allot, *Essays in African Law*, London, Butterworths, 1960, p. 234.
22. See generally I. O. Agbede, *Themes on Conflict of Laws*, Ibadan, Shaneson, 1989, p. 209, *et seq.*
23. On the meaning of family property see Oluyede, *op. cit.*; p. 64; see also *Nelson v. Nelson* (1951) 13 W.A.C.A. 248; see also P.C. Lloyd, *Yoruba Land Law*, London, Oxford, 1962, p. 78, *et seq.*
24. The expression general law here includes the received English Law and Nigerian Legislation.
25. See generally A. E. W. Park, *The Sources of Nigerian Law*, London, Sweet & Maxwell, 1963, p. 116 on the "Personal Law" of a person.

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25. See generally A. E. W. Park, *The Sources of Nigerian Law*, London, Sweet & Maxwell, 1963, p. 116 on the "Personal Law" of a person.

26. J. O. Asein, *Introduction to Nigerian Legal System*, Ibadan, Sam Bookman, 1998, p. 143.
27. Sale of land under customary tenure unlike gift of land, which dates back to many centuries, is a recent development: Oluyede, *op. cit.*, p. 46.
28. Section 43 of the Constitution of the Federal Republic of Nigeria 1999.
29. See generally *Ogiamien v. Ogiamien* [1967] N.M.L.R. 245; *Ehigie v. Ehigie* [1961] W.N.L.R. 307; *Arase v. Arase* (1981) 12 N.S.C.C. 101.
30. [1981] 12 N.S.C.C. 101.
31. *Ibid* at p. 114.
32. *Ibid*; see also *Idehen v. Idehen* (*supra*).
33. This is the period of the trusteeship of the eldest son.
34. See generally *Nkwocha v. Governor of Anambra State & Ors* [1984] 6 S. C. 362.
35. The second burial ceremonies relate to funeral rites performed after the first burial, which is the lowering of the corpse. There are no identical patterns of celebrating the second burial. The practice of having the second burial ceremonies immediately after the first of real burial is gaining ground.
36. *Arase v. Arase* (*supra*) at p. 144 *per* Idigbe J.S.C.
37. See generally R.W.M. Dias, *Jurisprudence*, 5th ed., London, Butterworths, 1985, p. 29 *et seq.*
38. It will be unfair to permit the eldest son to repossess property transferred to his siblings. In fact under customary law he has an obligation to provide for such people.
39. [1967] N.M.L.R. 245.
40. *Ibid* at p. 247.
41. Towards A Restatement of Nigerian Customary Laws, *op. cit.*, p. 348.
42. *Ibid* at p. 389. Note earlier discussion on trust.
43. B. O. Nwabueze, "Testamentary Disposition in Bendel and Western States of Nigeria" *The Journal of Nigerian Law*, Jan. 1992, Vol. 1 No. 1 p. 121.
44. *Ibid* at p. 136.

45. The Bini customary law can only be constructed on the basis of judicial decisions thereon and not practices that have not been tested on courts.
46. See generally T. O. Elias, *The Nature of African Customary Law*, Manchester, Manchester University Press, 1956, p. 267, *et seq.*
47. Relevant cases are discussed in this work.
48. *Arase v. Arase (supra)*(note 30) at p. 114 *per* Idigbe J.S.C.
49. [1995] 1 N.W.L.R. 375.
50. *Ibid* at p. 378.
51. *Ibid* at p. 379.
52. *Ibid* at p. 381.
53. [1991] 6 N.W.L.R. 382.
54. [1991] 1 All N.L.R. 443.
55. [1991] 6 N.W.L.R. 300.
56. *Idehen v. Idehen (supra)* at p. 421, *per* Karibi – Whyte J.S.C.
57. Until the distribution of the property the estate is treated as family property. The eldest daughter never becomes a sole trustee of her deceased father's property.
58. It is also possible for the *propositus* to adopt such a person in accordance with the provisions of the Adoption Law of 1979 of Bendel State.
59. *Idehen v. Idehen (supra)* at p. 422.
60. I. E. Sagay, "Intestate Succession in the States of the Former Western Region of Nigeria" (1998) *Journal of African Law* Vol. 42 No. 1 p. 109 at p. 118.
61. Nwabueze, *op. cit.* (note 43).
62. *Idehen v. Idehen (supra)* at p. 422.

63. *Lawal–Osula v. Lawal–Osula* [1995] 9 N.W.L.R. 259; see also *Oyekan v. Adele* [1957] 1 W.L.R. 876.
64. (*Supra*) note 30.
65. *Ibid* at p. 117.
66. Ogbobine, *Materials and Cases on Benin Law*, p. 39 cited by I.E. Sagay (note 60).
67. *Ibid* .
68. Cap. 218, Laws of the Federation of Nigeria 1990.
69. *Idehen v. Idehen (supra)* at p. 418 *per* Karibi-Whyte J.S.C.
70. The States where this law or a re-enactment of it is in force are Delta, Edo, Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States.
71. *Adesubokan v. Yunusa* [1971] 1 All N.L.R. 225; *Idehen v. Idehen (supra)* at p. 416 *per* Karibi-Whyte J.S.C.
72. *Idehen v. Idehen (supra)* at p. 422 *per* Belgore J.S.C.
73. This phrase does not cover situations where the testator does not have absolute interest in property e.g. interest in an unpartitioned family property. A testator cannot dispose of such interests either *inter vivos* or by will: *Ogunmefun v. Ogunmefun* (1931) 10 N.L.R. 82; *Taylor v. Williams* (1935) 12 N.L.R. 67 and *Sogunro-Davies v. Sogunro* (1936) 13 N.L.R. 15.
74. *Idehen v. Idehen (supra)* at p. 418 *per* Karibi-Whyte. J.S.C.
75. Seven Justices of the Supreme Court constitute the full court under the present constitutional arrangement: section 234 of the *1999 Nigerian Constitution*.
76. *Idehen v. Idehen (supra)* at p. 411.
77. *Ibid* at p. 422 (Belgore J.S.C.) and at p. 426 (Olatawura J.S.C.).
78. The reference to the Wills Act in this passage should have been to the Wills Law.
79. *Idehen v. Idehen (supra)* at p. 426.

80. *Ibid* at p. 421 (Karibi-Whyte J.S.C.) at p. 408 (Kawu J.S. C); at p. 424 (Wali J.S.C.); at p. 433 (Nwokedi J.S.C.).
81. *Ibid* at p. 408.
82. *Ibid* at p. 424.
83. *Ibid* at p. 416 *per* Karibi-Whyte J.S.C.
84. *Ibid* at p. 434.
85. [1995] 9 N.W.L.R. 259.
86. [1996] 6 N.W.L.R. 300.
87. Cited in *Idehen v. Idehen* (*supra*).
88. *Ibid* at p. 421 *per* Karibi-Whyte J.S.C.
89. *Ibid*.
90. See S. 28 of the Wills Law.
91. *Agidigbi v. Agidigbi* (*supra*) at p. 307 *per* Kutigi J.S.C.
92. This Law came into effect in the old Western Region on 23rd April 1959.
93. Though marriage may be presumed from the fact of cohabitation over a long period, the type of marriage cannot be presumed. This is particularly so with respect to marriage under the Marriage Act. See *Arase v. Arase* [1992] 6 N.W.L.R. 316 at pp. 329 – 330 *per* Akanbi J.C.A (as he then was).
94. The first customary marriage if contracted with another person must have been dissolved: see *Agbeja v. Agbeja* [1985] 3 N.W.L.R. 11.
95. See S. 49(1) Administration of Estates Law.
96. [1997] 5 N.W.L.R. 442.
97. [1960] S.C.N.L.R. 192.
98. In *Arase v. Arase* [1991] (*supra* note 93) the Court of Appeal noted the observation of the trial judge that there is not as yet any

law in Nigeria, which says, “once a woman has children for a man, the woman becomes a wife”.

99. R.H. Graveson, *Conflict of Laws*, 7th ed., London, Sweet & Maxwell, 1974, p. 485.
100. *Ibid*; *Olowu v. Olowu* (supra) at p. 387.
101. See generally A.O. Obilade, *The Nigerian Legal System*, *op. cit.*, pp. 157 – 165.
102. Land Use Act, Cap. 202, L.F.N. 1990; see A.A. Utuama, “Customary Law and Land Use Act, 1978” in *Towards A Restatement of Nigerian Customary Laws*, *op. cit.*, p. 103 at p. 119.
103. Sagay, *op. cit.*, p. 120.
104. See S. 21 (2) of the Area Courts Laws (North) and S. 16 of the Customary Courts Law of Oyo State 1981 (South) as guides.
105. See the Customary Courts Laws of the Eastern States; see also Agbede, *Legal Pluralism*, *op. cit.*, p. 177.
106. Obilade, *op. cit.*, p. 159.
107. 1962 Laws of Northern Region.
108. Sagay, *op. cit.*, p. 119.
109. *Ibid*.
110. This is where the Administration of Estates Law does not apply.
111. *Ogiamien v. Ogiamien* (supra).
112. Sagay, *op. cit.*, p. 119.
113. These are the States of the former Western Region of Nigeria and Lagos State.
114. See S. 49(5) Administration of Estates Law.
115. This was the position in the States of the former Eastern and Northern Regions before some of these States made their Wills Laws/Edicts.

116. The case of *Oke v. Oke (supra)* was based on the Urhobo customary law.
117. In *Oluwu v. Olowu (supra)* at p. 397 Obaseki J.S.C observed that a Benin man might acquire the rights and status of a Yoruba customary law if the need arises.
118. *Supra*.
119. Agbede, *Legal Pluralism*, pp. 261 – 266.
120. *Olowu v. Olowu (supra)* at pp. 389–390 *per* Bello C.J.N.
121. *Ibid* at p. 405 *per* Oputa J.S.C.
122. *Ibid* at p. 397 *per* Obaseki J.S.C.
123. See *Zaidan v. Mohsens (supra)*.
124. *Idehen v. Idehen (supra)* at p. 426 *per* Karibi-Whyte J.S.C.
125. Nwogugu, *op. cit.*, p. 409.
126. See generally John F. O’Connell, *Remedies*, St. Paul (Minnesota), West, 1997, p.198.
127. *Idehen v. Idehen (supra)*.
128. S. 14(3) Evidence Act on public policy may be invoked to prevent a murderer from benefiting.

A RECONSIDERATION OF THE ORA/ BENIN RELATIONSHIP

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1. Introduction

The Ora are an Edo people situated in northwestern Edo State. Their traditional history links them very closely with the ancient kingdom of Benin, which ruled over most of the area (see map) from around the 14th century. Benin kingdom was eventually conquered in 1897 by an invading British army said to be on a "punitive expedition" to avenge the killing of its officials who had obviously undertaken a misadventurous trip to the town at an inauspicious time of the year when the Oba was performing traditional rituals to propitiate his ancestors. After the defeat of Benin, the British established a colonial administration to replace the authority of the Oba. The Oba had hitherto been the supreme being, the head of both the religious and political life in the whole of Benin territory. Indeed, so powerful was the Oba that he had the powers to give and take the life of his subjects. He also owned all the land, the mainstay of the traditional economy.

The language, their capital as well as people of Benin, are traditionally called Edo. The Ora, as I have indicated earlier, are a sub-group of the Edo people made up of the inhabitants of Ohia, Ovbiokhuarlin, Eviobe or Sabongidd-Ora, Uhonmora, Oke-New and Old sites and Eme. A common history, which traces their origin to Benin, has for a long time now bound the Ora people together filially and with the Benin palace. Actually, it is the Benin palace connection that binds the Ora with the Edo that is of a major interest here. Such a connection, well articulated in Benin, has for a long time been taken for granted because they speak a related language. But far from the language connection, it seems to me that the differences between the Ora and the Benin are significant enough to consider both places separately. This, in addition to reviewing the traditional Ora/Benin relationship is the main theme of this paper. It will seek to find areas where the Ora and the Edo depart and then using these departure points, review the often-pandered Ora/Benin relationship.

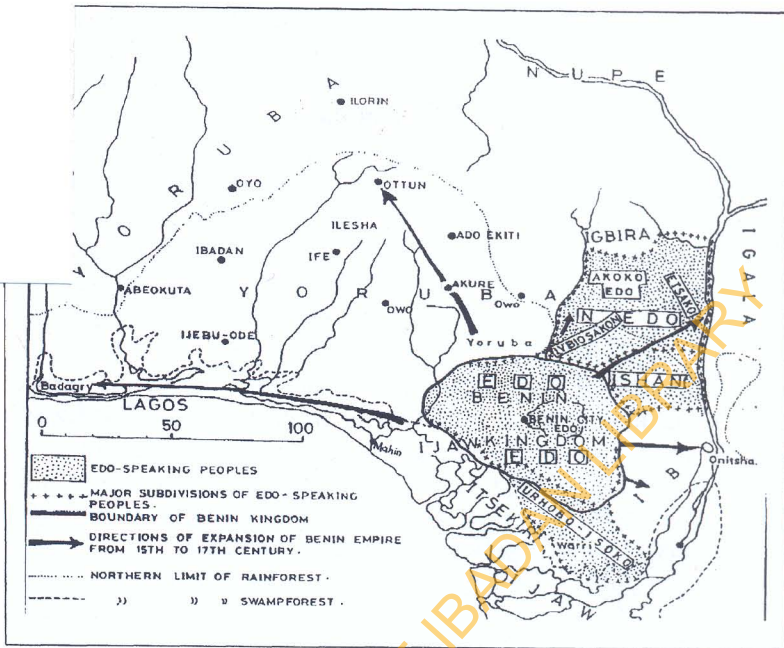


Fig. 1: Map showing the Benin Kingdom and the directions to which it expanded

2. Ora/Benin Relationship

The general basis for the creation of Edo state rested on the homogeneity of the peoples of that region. Apart from the Edo proper, other inhabitants of the state include the rest of the Owan, the Esan and the northern most Etsako people. These are the four broad categories into which the people of Edo state could be put. The true is that they speak a related language. Also true is that their historical origins associate them with mainstream Edo of Benin and indeed the palace.

According to Egharevba, a popular Edo historian whose book of 1947 has more or less shaped the cultural discourse in that region, the primogenitor of the Ora is a Benin prince who, banished from the town, left with a group of people to settle in the area where the Ora are presently situated. It must however be noted that Egharevba is not consistent about the children of Ewuare, one of whom is Okpame, believed to have gone to found Ora after being sent on exile for cutting off the head of a boy while testing

his cutlass. In his narration of Ewuare the great, Egharevba initially named Kuoboyuwa and Ezuwrha as Ewuare's first and second children. According to him both children died of poisoning (Egharevba, p.14). Also noteworthy is the point that in order to mourn his children he forbade sex in the town for three years and this caused a significant number of Benin citizens to migrate elsewhere. This is a point to which I shall come later. When Ewuare finally dies, we are told again the he left three sons namely, Ezoti, Olua and Okpame. Okpame finally succeeds in edging out his two elder brothers. Ezoti is killed by an indigent boy whom he did not help and Olua dies after about seven reluctant years on the throne. In what can be described as a novel twist, Egharevba tells of how Okpame was later invited to the throne when Olua died. Okpame of Ora is in fact, Ozolua of Benin. Ozolua, alias Okpame according to Egharevba is the father of Uguan whom he left at Ora when he was called back to Benin. Indeed Egharevba is emphatic in noting, "The Ora people are descendants of Uguan," son of Ozolua alias Okpame.

According to Aisien, the Ora are a branch of the Edo family tree. He refers to them as the descendants of Prince Okpame, later Oba Ozolua, the warrior king of Benin through his son Uguan. Using apparently recently gathered data, Aisien reports that the Ora people are the propitiators of the physical earth for the Oba of Benin and that for this purpose a group of Ora specialist were brought to Benin and settled in Evborhan Quarters in Ogbelaka area of Benin. For the proper elucidation of his point in his discussion on the *Benin Kingdom and Her Immediate Neighbours*, he abstracts the Ora from the other groups in the Owan area whose traditional origins also in one way or the other is rife with migrations from Benin. Indeed, he refers to the Ora clan of the Owan group. Clearly, the implication is that there is an especially close relationship between the Ora and the Edo. He even goes on to say that the Bini tradition is loud on the fact that, in the fullness of time, Ozolua was recalled home from Ora by the city elders, to return to Benin and take over the throne of his father (Aisien, p.8) But in all of this it appears that he had been exculpated of the reasons for which he was originally exiled.

From Egharevba, we are to learn that Ozolua's banishment was due to his culpability in the murder of Ezoti's only son, Prince Owere and his mother, "in order that he might be crowned Oba". Ezoti, eldest of the three sons of Ewuare the Great is said to have

ruled for only 14 days after his fathers death, having been assassinated. Oluwa, second son of Ewuare had initially rejected the throne after Ezoti's death, fearing his younger brother Okpame (alias Ozolua). When he was finally persuaded to take up the rulership of the town he immediately dispatched his younger son to Ehor to keep watch against Okpame's coming to attack him. (Egharevba, p. 20). Ehor is the last Benin town between Benin and Ishan/Ora in the same direction (See Map). Then according to Egharevba, Oluwa's son later became the Ogie Ehor. All of this seems to suggest that Okpame must have been greatly feared. And so, why was it so easy to accept him back to the Benin throne? Be that as it may, the key point to note here is that the Ora are believed by Benin traditional history to be closely related to their palace.

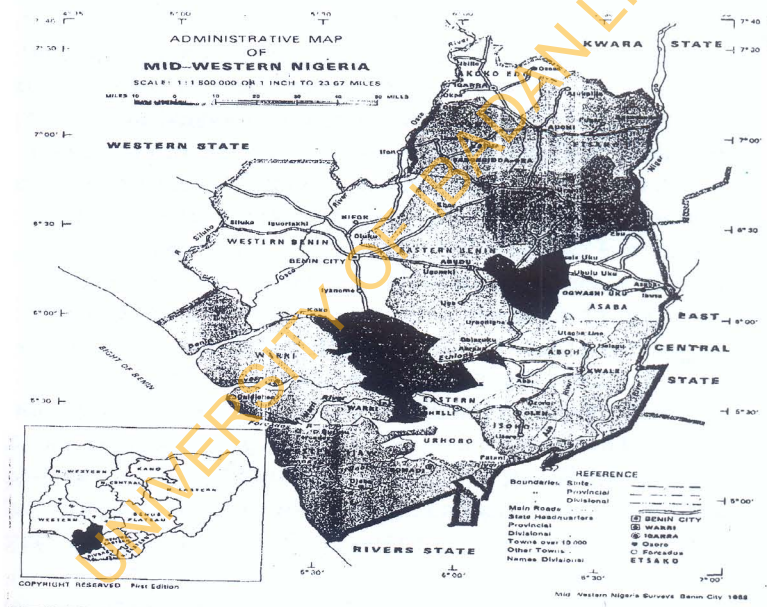


Fig. 2: Administrative Map of Midwestern Nigeria

In Ora, according to Orhewere, the most prolific of the writers on the history, culture and religion in the area, Ora people's time immemorial dates from the period of Oba Eweka 1. This is implied in the saying, "da vbo eghe gh' Aweka'e vae and this means in the beginning of Ora people. Oba Eweka 1 is the progenitor of the Edo, who it is believed in Edo, to be the son of

Oranmiyan of Ife and the daughter of the Ogiegor of Egor. According to Benin tradition, when the Ogis dynasty fell out of the favour of the people, they sent to Ife for a ruler to assist in the governance of Benin. Oduduwa, then Ooni of Ife sent his son, Oranmiyan to rule the town. On getting there however he found the place too difficult to manage, so he left, after bearing a child by an Edo woman, back to Ife and then later to found Oyo. This child was crowned Eweka the first. Egharevba puts the coming of Eweka to about 1170 AD and Eweka 1 at about 1200 AD. But unlike in Ora where the origin of the people is traced to Eweka, the Benin's are louder about their connection with Ora starting from the time of Ewuare the great whose reign Egharevba puts at (about) 1440.

What really happened between 1200 and 1440 is now certainly too dim to be incontrovertibly recapitulated. Even oral traditions have not been helpful. These handicaps notwithstanding, Orhewere's view is that the date and time of early human movements from Edoland towards Ora are shrouded in obscurity. Oral traditions in Ora indicate, however, that the origin of Ora is Benin and that Ora people have a special relationship with the Benin palace. This relationship as I have show earlier, is based on the founder of Ora being the son of Ozolua of Benin. In Ora, for example, the people are called *ivbi Ozolua*, meaning children of Ozolua. Then, *Ora'i digwe nOba* refers to a saying in Ora that is well respected by the Oba of Benin. It means that an Ora person does not genuflect or courtesy to the Oba. There are other numerous sayings, songs and proverbs to confirm the Ora/Benin relationship. The main concern of this paper therefore is not just to question the Ora/Benin relationship, but to attempt to understand the nature of this relationship and to investigate how it has affected both places given the fact that today, the "homogeneous" Edo state is being dominated by the "Edo".

Consider that the Ora/Benin relationship explained thus far refers only to those who came in from Benin. The implication of this would be that we could be dealing with an autochthonous Ora group. In the traditional history of Ora, both Amu and Orhewere and indeed all others who have dealt with the subject of Ora history agree that there was an earlier Ora settlement at a place called Odolere. This is the place in which Ozolua's party, in my opinion, first settled down on his arrival in that region. Ozolua's party, on its way from Benin, could certainly not have immediately

mingled with the autochthonous population. There is sufficient reason, from numerous studies (See Elugbe 1979) of the languages of the region, to believe that an autochthonous population existed there before the c.14th century arrival date of Ozolua from Benin.

Who gave the portion, Odolere to Ozolua? Could Ozolua have merely settled there upon his arrival and built a population that is now the Ora? This is unlikely because that part of the region, very close to the Yoruba, had been interacting with the Yoruba for a very long time. Yoruba influence in the region confirms this. Uhobe or Sobe has at various occasions in recent time been put in Ondo and Bendel, and Edo states. The Yoruba language is still widely spoken in the area.

My argument is that Ozolua met some people when he got to the region now inhabited by the Ora. It is from these autochthons that he got the permission to settle in nearby Odolere. After staying there for a while, he might have proved himself, not only worthy of princely rehabilitation, but also showed good prowess and flair. A similar situation is the case with the Ekaladerhan-in-Ife theory of the origin of the Eweka dynasty. This is what made it possible for Ozolua and his party to merge with the autochthonous population who are the present ancestors of Ora people. There is also the possibility that Ozolua's party was immediately admitted into the elders' council seeing as it was that he was blue-blooded and from Edo. From there he could have worked his way to the top, employing the advantages of his pedigree. How all of the Ora have now come to be referred to as *ivbi Ozolua*, is now lost in the traditions of both the Benin and the Ora. This could certainly have happened with the growing success and domination of the whole area by the Benin forces. Indeed the Edo were the leaders of the region up till the late 1890's when the British began to gain the foothold which led to Benin's eventual fall in 1897. I have collected traditional accounts of returnee slaves in Ora, of how slave raiders from Benin ravaged the Ora area at the turn of the century. Could they really have been taking people so closely related to the Benin palace, people who were excused from curtseying to the Oba of Benin? Recall that Orhewere even pointed out very succinctly, the fact that the period from the 14th-16th century of Ora history is now unremembered. Then also in Benin history, we have had to rely on oral traditional accounts for the same period. These oral accounts are at best undependable. This puts the subject in a speculative realm, but we must be wary about

how far, how daring and how plausible the speculations we venture can go.

The whole theory of the derivation of the Ora from Benin royal stock has been best manifested in the Benin palace where, as I have indicated earlier on, an Ora is excused from the royal curtsies due to the of Oba of Benin. Apart from this unusual situation, which tends to confirm a relationship at the least, other minor hints of the relationships are to be got in Ora and Benin traditions and sayings. A close look at the traditional hierarchical arrangement however does not reveal any such connection. Could this be the same reason that there is no royal art of the sort and magnitude practiced and still being practiced in Benin, in Ora? The head of the Ora clans is the Odion-Urhukpa. According to Unuigboje, at the death of Uguan in Benin, his bosom friend Obazuwa went to Benin to collect his body for burial in Benin. When the request was refused, he was allowed to collect his staff (*Ukpa*), his sword (*Ebein*) and his crown (*Odigien*). Obazuwa is reported to have handed these items over to Ora-Ekpen who kept them in a hut and appointed Eyboruan to take care of the items. In this manner he became the first Chief Priest of Ora-Ekpen. It is this position that was later passed on to the oldest man in the community in a departure from monarchy to gerontocracy.

In later years however, when the sons of Ora-Ekpen dispersed, it was agreed among them that they shared these items. In sharing the staff, it was agreed that it should be split equally among the six clans. But in order that it is made to remain a staff each benefactor-community was to add a piece of stick to the piece of Ora-Ekpen's original staff that it got. According to Unuigboje, this is believed to be the origin of *orhan-Ekpen* (wooden staff of Ekpen). Subsequently the eldest male who kept the staff for each community now became *Odion-orhan-Ekpen*, the oldest male keeper of the wooden staff of Ekpen. The other two items, now part of the royal regalia of Odion-Urhukpa, were equally shared and are now known as *Uwenwen* and *Ugwodigien*. These cultural materials are now said to be a part of the royal regalia of the heads of the Ora clans called OdionUrukpa.

In a very striking difference between Benin and Ora, and a valid point in establishing the departure point between both peoples, Ora, with all its Benin connections, departs from the autocratic primogeniture based form of government of Benin and adopts a gerontocracy instead. Could this have resulted from the

struggle between the autochthonous Ora and the Ozolua party? It is a wonder that despite being credited with the founding of Ora, Ozolua does not establish himself as an autocrat-the form of political arrangement from which he developed. Let us then for the purposes of argument assume that the treatment he got from Benin had affected and conditioned his thinking about autocratic rule. The question that will arise will be, why did he go back there to become the absolute Oba again, to be embraced with the same kind of powers? Although centralized forms of governments were common in South-western Nigeria in the earlier times, it is perhaps only among the Edo of Benin that primogeniture seems to have taken a good foothold. This is still the only means of succession in Benin. And no where else, not even in its so-called former allied areas in that region or even among the peoples who share traditional historical relationships with Benin is the type of administrative set up known. In Yoruba land from where the Benin monarchy is said to have derived, the primogeniture rule is not applied in the succession of kings. Instead, what we have are ruling families producing kings in turns. In Ora, said to derive from Benin through Oba Ozolua, the rulership and administration of the towns are in the hands of the oldest people in the community..

Migrations from Benin are worth another study, but I shall take a brief look at their occurrences in Benin especially as they relate to the formation of other Benin-related groups. Indeed, the whole of Northern Edo land consisting of the Owan LGA's, the Akoko Edo LGA's the Esan LGA's and the Etsako LGA's are Benin related in one form or the other. In addition, their origins are invariably tied to migrations from Edo land and hence the often pandered relationship. They even speak a common and related language. Such migrations from a likely urban setting with autocratic government such as Benin are conceivable. But the case, which I cited earlier, sounds implausible. I admit that autocracy has a good potential of breeding despondency. As such, one should not rule out anything on any basis.

It is worth noting that there is evidence that local slave merchants working in conjunction with their foreign slave merchants raided the whole of northern Edo land up to the early part of the last century. The merchants could not have sold from their own stock. The exception to this rule would be that perhaps the slaves they took, if they were Edo related, would most probably have been outcasts. Then, is there any possibility that the

Edo slave raiders, knowing the Ora to be *ivbi'ozolua*, would continue to raid them as frequently as the oral traditions reveal and up till late in the last century? The point I am making is that if migrations from Benin were without malice, or as a result of conflict, there would be little chance of taking such migrants from Benin as slaves by Benin slave dealers. Or is there a chance that the Ozolua group was trading autochthonous citizens who had granted them hospitality?

That the population of Ora as it comprised today is made up of two groups - an autochthonous group and the migrant Ozolua group is a likely conjecture. If this is the case, it will be right to surmise that it is only the Ozolua group that will be related to the Edo through the Benin palace. The autochthonous group must have maintained its position of "landlord" and insisted on Benin culture not significantly influencing the indigenous culture.

But where did the autochthons come from? A close study of the peopling of that region seems to suggest a movement from the Yoruba area elsewhere. Consider the Yoruba traditional history that suggest that Ife is the beginning of life and the point from which all the other Yoruba dispersed. In the direction of the Ora, oral and material evidences tend to corroborate the position. After all, the most ancient arts in that whole region are the famous naturalistic arts of Ife. Then going further west are the popular terracottas from Owo, a town which has been described as the transition point in the transfer of the technology of *cire perdue* casting to Benin. In terms of proximity, Owo is closer to Ora than it is to Benin in another direction. Then, there are close cultural affinities in the cultures of the Ora, Owo and Ifon and Benin. Such cultural affinities are so close that some towns bordering the Yoruba and the Edo in that region have been constantly shifting from Ondo and Bendel and Edo states in the several boundary adjustments that have taken place during new state creations. Indeed, Yoruba is widely spoken in Ora just as there are several Yoruba family names. One is therefore inclined to believe that the peopling of the whole of that region might have happened from the Ife area.

An interesting point already made by Ilevbare is that in spite of claims of relatedness to the Oba of Benin, he never appointed any Enigie to rule anywhere in Ora, Emai or Iuleha. (Ilevbare, 1991, p.59). Ilevbare, also writing on the widespread Ejere chieftaincy title of the Ora, Emai and Iuleha clans of the area,

suggests an Ife origin for the title. According to him, all indications emanating from fieldwork point to Ife as the place of origin of Ejere. He even adds that the parent cult of Ejere could have been Ogboni or Mole, both being, E.B. Idowu believes, one and the same cult, since the Ogboni as well as the Mole claim to be the Onile or owners of the land as opposed to newcomers. (Ilevbare, 1991, pp. 60-61) I find this last part of land ownership quite interesting. Could a similar situation have been the case in the Ora area, where the landowners are trying to establish a claim and at the same time preserve their identity? I strongly believe that there is good potential in such a search in spite of the fairly recent date of introduction of the title into the area (Ilevbare, 1991, p.61).

There is no doubt that Benin influence in the region under consideration was great for a considerable length of time. However, because of distant time gaps, the absence of writing and documentation, and indeed, dimmed memories, such relationships, contacts or influences are now hard to incontrovertibly explain. We can only glean bits and pieces from the cultures of the present inhabitants of the region. What may perhaps be more rewarding at this time could be composite studies of the various groups presently inhabiting the area. Although the Ora do not appear on the surface to have much in common with Benin, it is known fact that smaller groups tend to associate with the larger more dominant groups in the same vicinity. If this is the case, then there could be a chance that the autochthonous Ora "from Ife", shifted his allegiance to Benin when the sphere of influence of Benin began to spread northwards in the direction of the Ora and beyond. The time that such an association with Benin may have existed and for how long it existed is the determinant of the extent of influence that has been derived from Edo culture to the detrimental development or the stunting of the growth of Ife culture in that neighbourhood. What is most likely is that the Benin influence in Ora started when Ora history began with the statement, "da vbo eghe gh' Aweka'e vae", the period which Orhewere had described as Ora people's time immemorial. Ora's past before Eweka, is now largely unremembered.

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VOWEL MEANING IN EMAI ATTRIBUTIVE IDEOPHONES¹

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1. Introduction

Sound Symbolism²

The arbitrariness of sound-meaning relations is one of the axioms on which linguistics is founded. The relationship between sound and meaning is believed to be conventional not natural. Sound symbolism in its various manifestations shows that in some aspects of language, a more natural connection between sound and meaning exists (Hinton et. al. 1994).

Sound symbolism has been traced to factors extrinsic to human language. It is believed to have its basis in human neurology and cognition. Ohala (1994) proposes a theory that unites sound symbolism in consonants, vowels, tone and intonation. He suggests a connection between sound symbolism in language and vocal communication and facial expressions of other species.

Five categories of sound symbolism have been identified. These are corporeal, synesthetic (including ideophones, immitatives (anomatopoeia), conventional and metalinguistic sound symbolisms. Childs (1988) postulates a continuum of arbitrariness for the language based forms in which anomatopoeia is on the non-arbitrary end; ideophones are in-between (but closer to the non-arbitrary end) and conventional language is on the arbitrary end.

1.1 Ideophones

Ideophones are descriptive of sound, colour, smell, manner, appearance, state, action or intensity... [They] are vivid representation of visual, auditory and other sensory or mental experiences (Cole, 1938: 370).

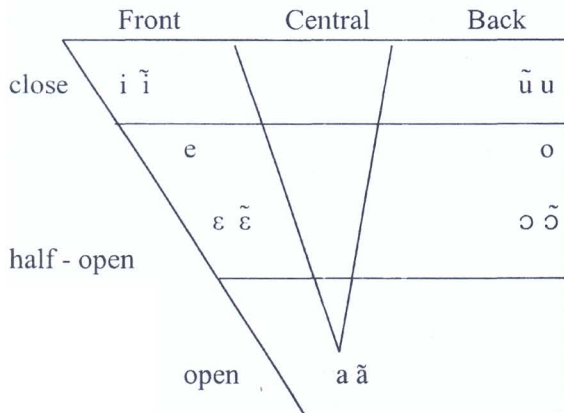
In Doke's definition, the ideophone is a vivid representation of an idea in sound... (1935: 118). They represent an attempt at fully exploiting the semiotics of iconicity to convey various sensations in as direct a manner as speech makes possible (Diffloth, 1994: 108). Awoyale (1983: 2) identifies polysyllabicity, tonal patterning and reduplication as part of the iconic strategies of ideophones. Ideophones tend to be generally longer than other lexical classes, thus enabling them to pack meanings into single morphemes, to make them semantically multidimensional. Vowel repetition or lengthening is also characteristic of the class. Ideophones are often phonologically anomalous in terms of sounds, sound sequences, tonal structure and phonological behaviour (Welmers 1973).

The present study examines sound-meaning correspondences in Emai ideophones. Since sound symbolism is believed to have its basis in human neurology and cognition (Ohala, 1994), this study goes beyond merely defining vowel meanings. It proposes a conceptual framework within which the meanings expressed in the ideophones are related to an Emai person's perception of the material world.

1.2 Emai Vowels

There are seven oral, and five nasal vowel phonemes in Emai. Both sets are employed as ideophonic resources. Below in figure (1), is a chart of Emai vowel phonemes.

Figure 1: Emai Vowel Phonemes



2. Formal Properties Of Ideophones

Identifying the class of ideophones is not often easy given the fact that there are other sound symbolic language forms such as immitatives or onomatopoeia which qualify to be listed in a dictionary. This notwithstanding, there are copious formal distinctions between both classes in Emai.

- (a) Immitatives take an optional initial close back unrounded vowel—[i]. The presence or absence of [i] is positionally determined. Whereas the vowel initial forms occur in topicalised positions, the consonant initial ones occur in other positions. Ideophones never begin with a vowel.
- (b) Immitatives are tonally variable. It is difficult to associate them with specific tonal patterns. Ideophones have a predominantly all-high tone pattern. A handful however occur with a LH pattern. This rigid tonal structure sets ideophones apart from other lexical classes.
- (c) Finally, immitatives are situated in discourse; they are highly contextualised and are often accompanied by extralinguistic features such as facial expressions, pitch modulation and voice change. Ideophones are not so restricted.

Below are a few examples of immitatives in Emai.

1. a. *húái / ihúái* 'vanishing event'³
- b. *kpaán / ikpaán* 'crackling of a whip'
- c. *taán / itaán* 'bursting of an egg'
- d. *gbaán /igbaán* 'landing of a blow'
- e. *gbaángádán / igbaángádán* 'loud explosion'
- f. *guakó / iguakó* 'sound of collision'
- g. *guké / iguké* 'abrupt cessation of activity'
- h. *gbíolo / igbíolo* 'to run away in a sudden jerk'
- i. *kpái / ikpái* 'sound of snapping'
- j. *di / idi* 'a dull thump'

2.1 Phonological and Morphological Properties of Emai Ideophones

2.1.1 Phonological Properties

Ideophones tend to be generally longer than other lexical categories, thus enabling them to pack meanings into single morphemes, to make them semantically multidimensional. Awoyale (1983:2) identifies polysyllabicity, tonal patterning and reduplication as part of the iconic strategies of ideophones. Ideophones are often phonologically anomalous in terms of sounds, sound sequences, tonal structure and phonological behaviour (Welmers, 1973). Vowel repetition or lengthening is also characteristic of the ideophones of African languages.

Emai ideophones maintain the basic syllable structure for the language. They admit no close syllables and consonant clusters. Perhaps their most remarkable properties are the consonant initial, minimal bisyllabic structure and the rigid tonal structure. Emai ideophones almost always have an all-high tonal pattern. No other lexical class admit of this pattern. A handful occur which display a LH combination.

Emai ideophones behave like Yoruba ones in having a lower and an upper bound of two and four syllables respectively. Awoyale (1997) ascribes the Yoruba situation to the “bimoraic foot constraint” in ideophones.

According to Awoyale, all ideophones are footed, which specifies the minimal unit; the minimal unit of an ideophone is a binary bimoraic foot of either a CVCV or a CVV, such that a CV can copy itself in order to satisfy foot restriction...all trisyllabic and quadrisyllabic ideophones can be traced to a basic binary bimoraic foot...(P1). The novelty in this position is that it has unified the occurrence of what was hitherto characterised as obligatory final vowel lengthening in monosyllabic ideophones with other bisyllabic forms of the CVCV structure. The occurrence of reduplication and vowel lengthening is seen as an internal mechanism necessitated by considerations of foot structure. We agree with Awoyale here to the extent that the bimoraic foot constraint defines a morpheme structure constraint on ideophones. We believe that the constraint itself is a product of the iconic mechanisms working within the ideophone class.

Any of the phonetic segments of Emai may occur as an ideophonic resource. There may be as many as three diverse consonants in an ideophone. But an overwhelming number display a maximum of two consonants. Often, consonant identity is caused

by reduplication. There is however, a restriction that voiced consonants and their corresponding voiceless pairs, oral consonants and their nasal counterparts cannot co-occur within an ideophone. A few examples of ideophones and their consonant combinations are given in (2) below:

- | | | | | |
|----|----|------------|----------------|------------------|
| 2. | a. | gbíkí | (of physique) | ‘stocky’ |
| | b. | héhé | (of something) | ‘very light’ |
| | c. | kpízíkpízí | (of swelling) | ‘creasy’ |
| | d. | sésésé | (of something) | ‘wavy clean’ |
| | e. | lógbótó | (of tail) | ‘unusually long’ |
| | f. | dúlúkú | (of state) | ‘dead still’ |

Vowel identity is characteristic of Emai ideophones. There are however, some ideophones with unidentical vowels. In these forms, one of the two vowels must be a close one, that is either [i] or [u].

- | | | | | |
|----|----|----------|---------------|-------------|
| 3. | a. | lékpú | (of belly) | ‘distended’ |
| | b. | súnésúné | (of motion) | ‘sluggish’ |
| | c. | wózíwózí | (of body) | ‘obese’ |
| | d. | híéé | (of movement) | ‘silent’ |
| | e. | húásá | (of weight) | ‘light’ |

2.1.2 Morphological Properties of Ideophones

Reduplication and final vowel lengthening or repetition are two interrelated properties of Emai ideophones. Ideophones may undergo partial or total reduplication. With regard to reduplication, three classes of ideophones exist.

- (i) The first class exist only in their reduplicated or triplicated form. For this class, reduplication is an internal mechanism.

- | | | | | |
|----|----|----------|-----------------|----------------|
| 4. | a. | rírírí | (of colour) | ‘red’ |
| | b. | títítí | (of time) | ‘prolonged’ |
| | c. | kékéké | (of distance) | ‘transversing’ |
| | d. | dúdúdú | (of colour) | ‘black’ |
| | e. | bébébé | (of something) | ‘persuasive’ |
| | f. | kútúkútú | (of water) | ‘boiling’ |
| | g. | wózíwózí | (of body) | ‘obese’ |
| | h. | yúéyúé | (of vegetation) | ‘interspersed’ |

The number of reduplications depends on the length of the root. Monosyllabic roots triplicate; bisyllabic roots duplicate; trisyllabic or longer roots do not undergo any reduplication.

(ii) The second class exhibits optional total reduplication. Optionality is understood here in formal terms because there is always a semantic implication for reduplication. Unreduplicated alternants end up with final vowel lengthening or repetition which is not carried over to their reduplicated alternants. In this class, the unreduplicated forms are marked.

- | | | | | |
|----|----|------------------|--------------|------------|
| 5. | a. | híí / híhíhí | (of silence) | ‘eerie’ |
| | b. | yúú / yúyúyú | (of flow) | ‘gushing’ |
| | c. | lógóó / lógólógó | (of height) | ‘lanky’ |
| | d. | súnéé / súnésúné | (of motion) | ‘sluggish’ |

(iii) Some ideophones allow only partial reduplication as an optional process. Initial syllables are predominantly affected. There are only two examples in our data where final syllables are involved.

- | | | | | |
|----|----|--------------------|----------------|--------------|
| 6. | a. | tókó / tótókó | (of substance) | ‘mushy’ |
| | b. | yéghé / yéyéghé | (of physique) | ‘undersized’ |
| | c. | shékpé / shéshékpé | (of stature) | ‘stunted’ |
| | d. | *rósó / rórósó | (of quantity) | ‘piled-up’ |
| | e. | *bóghó / bóbóghó | (of shape) | ‘oblong’ |
| | f. | múnýé / múnýényé | (of size) | ‘dimunitive’ |
| | g. | kpúnýé / kpúnýényé | (of quantity) | ‘very small’ |

In all the examples above, reduplication is intensive. Partial reduplication emphasises only the meaning components represented by the reduplicated forms.

2.1.3 Syntactic Properties of Ideophones

A few syntactic characteristics can be specified for ideophones. Before we do that, it is important to mention that ideophones in Emai are clearly modifiers with regard to their functions. They are either Adverbial, adjectival or predicative. Their functional classifications necessarily impose some syntactic restrictions on them. We would not dwell on that here, but we shall outline what we perceive as the most consistent syntactic properties of the class. Firstly, ideophones do not undergo any form of movement. They cannot be topicalised or focussed. In this

way, they contrast with nominal and verbal categories in Emai. Secondly, Ideophones characterise an absolute truth value. Thus, they cannot be negated or questioned. What this means is that sentences incorporating ideophones cannot occur in the negative polarity or interrogative mood. Thirdly, Ideophones are incompatible with certain aspects. In this regard they cannot occur under anticipative, hortative, conative, non-absolutive, imperative, constructions. In fact, any irrealis condition would conflict with the basic semantic requirements of ideophones. The exact dimension of these restrictions is subject of an ongoing investigation.

3. **Vowel Meanings in Ideophones**

Ideophones tend to be generally longer than other lexical categories. Within this length they pack together diverse segments and suprasegments each of which is semantically significant. Getting at the meanings of ideophones is not an easy task. In fact, there are claims that ideophones are impulsive and idiosyncratic in nature, making it difficult to identify a consistent shape to which a stable meaning might be assigned. Welmers (1973) dismisses such claims as “wild exaggerations based on insufficiently scientific observations”. The seeming instability of ideophones may be traced to the complex morphology, their highly iconic nature and the intractable problem of translating them. In this study, we adopt an approach that minimises this problem. We present a list of minimal pairs and sets as well as a list of ideophones-by their vowel constituents. Each form is given an approximate English gloss, which is then reinterpreted in terms of the meaning components perceived as defining an ideophone. By methods of recurrent partials a vowel is matched with a meaning property.

The existence of a correlation between sound and meaning should not be taken as necessarily signifying the existence of a natural connection between sound and meaning. The ultimate test would be the constructing of a phonetic argument why a form, and not any other one, is most naturally suited for a particular meaning property. We believe that the merit of the present study lies in its contributions in this respect.

3.1 **Minimal Pairs and Sets**

The first indication that vowels in Emai ideophones have semantic significance emanates from the occurrence of minimal pairs and sets:

4. a. gbíkí (of physique) **stocky**; big, compact, short
 b. gbúkú (of shape) **bulging**; big, compact round
 c. gbáká (of shape) **bogus**; big, very flat, short
 d. gbókó (of shape) **oval**; big, hard, hollow, short
 e. kpókó (of shape) **swollen**; small, circular, short
 f. kpèké (of stature) **petite**; small, thin, short
 g. kpúkú (of shape) **pointed/protruding**; small, compact, round
 h. kpéké (of belly) **filled-up**; small, tight, short
5. a. tíkí (of substance) **highly viscous**; abnormal, compact/thick, low (not moundy)
 b. táká (of shape) **irregular/elongated**; abnormal, circular, low (not moundy)
 c. tókó (of substance) **mushy**; abnormal, circular, low (not moundy)
 d. tẹké (of stature) **runty**; abnormal, thin, short.
6. a. kpúdú (of shape) pellet-like (corny); small, compact, round, normal/proportionate
 b. kpódó (of something) **cyst-like**; small, circular, normal
 c. kpédé (of sth) **proportionate**, small-sized, hard / firm, normal/ proportionate.
7. a. bóbóghó (of shape) **oblong**; broad, hollow, firm, delicate
 b. bẹbẹghẹ (of shape) **oblong**; broad, flat, delicate
 c. bábághá (of shape) **oblong**; broad, very flat, delicate.
8. a. gébé (of physique) **hulky**; tall, firm musculature, broad
 b. góbó (of physique) **bulky**; tall, circular fat, broad
 c. gúbú (of shape) **bulbous**; long or distended, compact, round, broad.
9. a. lúbú (of shape) **lumpy**; straight, compact, round, broad

- b. lébé (of shape) **lumpy**; straight, firmly packed, broad
- c. lábá (of shape) **lumpy**; straight, very flat, broad.

Trying to classify the ideophones in terms of such material terms as size, shape, height, etc. can be misleading. This is because an ideophone may incorporate a combination of such properties. What appears pertinent and worth remarking is that consonants constitute the root of ideophone meanings. Vowels are inflections with respect to this. We cannot understand this in terms of the root and pattern structure of Arabic morphology. Consonant meanings are prioritised. The dominant meaning is conveyed by the first consonant while the second one is a modification of this (see Egbokhare, 1998c).

We can see the recurrent meaning properties illustrated in figure (2) below:

Vowels	Meanings
i	compact
u	compact, round
e	tight/firm/hard
o	firm/tight and hollow
ɛ	thin/flat, supple
ɔ	fat/circular, supple
a	very flat/diffuse

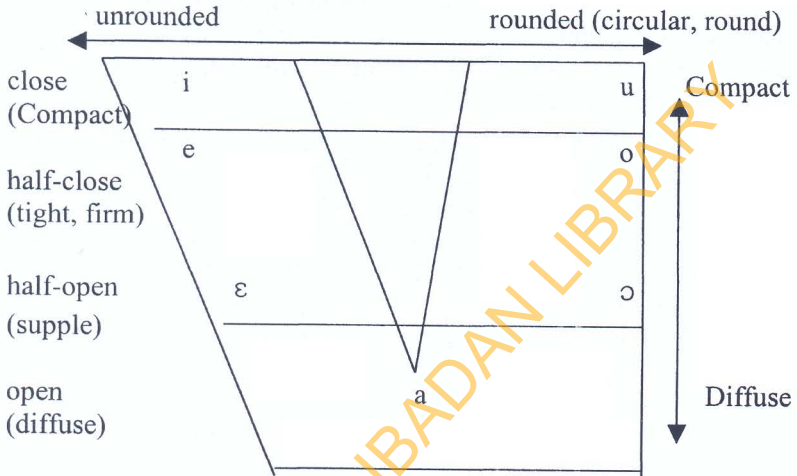
More evidence in support of the table can be found in the attached appendix.

3.2 Conceptual Framework for Vowel Meanings

The vowel meanings above are best understood within a conceptual framework incorporating the notions of compactness and dimensionality. Vowels in Emai ideophones represent the density or molecular properties of entities. Density is itself a function of compactness of molecules. Compactness is understood here in its ordinary sense to mean “firmly packed together, solid, dense, firm, having parts tightly arranged”. It represents a scale, at one end of which entities are compact. At the other end they are diffuse. Between the extremes are varying degrees of the property.

Emai is very interesting in the way it exploits this property creatively by relating it to vowel height. Different tongue heights are correlated with different degrees of compactness as the figure in (3) below indicates.

Figure I: Compactness Scale



Decreasing vowel height is correlated with a decrease in compactness, along a scale from compact, tight (fairly compact), supple (fairly diffuse) to diffuse. There is an evident correlation between vowel heights and size of orifice with the physical property characterised by compactness. The smaller the orifice, the greater the compactness.

Emai ideophones also exploit rounding in vowels to indicate the property of circularity or roundedness. Rounded-vowels capture a property of circularity or roundedness of shape or fatness as the case may be. Unrounded vowels capture flatness or thinness. Thus, lip posture characterises dimensionality. This is evidently, a natural pairing of a phonetic parameter with a semantic one. It is well known that lip rounding gets tighter as one moves up the height scale. There is therefore a corresponding progression in the related meaning. Thus, [u] is always round, [o] is hollow or circular, [ɔ] is swollen or circular or mounded.

3.3 Conclusion

This study argues for a natural sound-meaning connection in Emai ideophones. This connection, at a higher level, reflects the way Emai speakers evaluate the physical world as being made up of entities of varying degrees of densities existing in different dimensionalities. From these emerge our primitive derivation of concept such as shape, size, texture, taste, etc.

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Appendix

1. [i] ('i')

- (a) kpírikpírí (of swelling) **prickly**; small, compact, interspersed
 (b) kpízíkpízí (of swelling) **creasy**; small, compact, undulating
 (c) kisin (of size) **diminutive**; short, compact, creased.

2. [e] ('e')

- (a) tékpé (of abdomen) **potty**; abnormal, firm, smallish
 (b) zégé (of shoe heels) **high**; curved, firm, high
 (c) kpédé (of size) **proportionae**; small, firm, proportionate
 (d) télé (of something) **Staked up**; irregular, tight-packed, erect.

3. [ε] ('e')

- (a) kpékpézá (of cheeks) **saggy**; small, flat, creased
 (b) héghe (of weight) **very light**; light, flat, delicate
 (c) réréghé (of waist-line) **thread-thin**; depressed, thin, delicate
 (d) sékété (of substance) **slobby**; creased, not moundy, irregular

4. [a] ('a')

- (a) sháshághá (of touch) **rough**; rough, crusty, delicate
 (b) yáyáyá (of flow) **gushing**; particulet, diffuse
 (c) yághá (of sth) **scruffy**; loose, crusty, delicate

5. [o] ('o')

- (a) góghó (of height) **very tall**; tall, firm, circular, delicate
 (b) hóghó (of wood) **hollow**; light, hollow, delicate

6. [ɔ] ('o')

- (a) wóghówóghó (of body) **obese**; loose-muscles, fat, delicate
 (b) tótó (of physique) **beefy**; abnormal, fat, broad
 (c) bótó (of nose) **fleshy**; broad, fat, irregular
 (d) hóbó (of physique) **plump**; light, plump, broad

7. [u] ('u')

- (a) dúgbú (of shape) **rotund/pod-like**; proportionate, compact, round, big
 (b) yúúyúú (of vegetation) **dense**; luscious, compact, full
 (c) kpútú (of size) **stumpy**; small, compact, round, abnormal

Notes

* **Acknowledgement**

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1. Emai is a member of the Ora-Emai-Iuleha dialect cluster of the North Central Branch of Edoid (Elugbe, 1989).
2. A similar paper on consonant meanings exists (Egbokhare, 1998c).
3. The orthographic conventions for Emai has been adopted for convenience (see Schaefer and Egbokhare, 1994). The relevant correlations are listed below:

e [ɛ]; o [ɔ]

An 'n' after the letter for a sound indicates nasality. A low tone is unmarked.

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EDO PERSONAL NAMES AND WORLD VIEW

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1.0 Introduction

In traditional African societies, personal names are not just arbitrarily concatenated words but rather words that reflect the World-view of the people. World view is defined in this paper as the beliefs and thoughts (conceptions, ideas, opinions) about the world and human life within the world'. Edo personal names express such beliefs and thoughts of Edo people. Consequently, the utterance by a Shakespearean character to the effect that 'there is nothing in a name' is a false expression in the African context, especially in the Edo culture. The Edo people attach great significance to the meaning of names as it is believed that the name given to an individual will determine his fate. This is reflected in the Edo proverb 'Eke ne a he eni ghe ere eni la ghe' (a person is a reflection of his / her name).

Naming, therefore, is a carefully planned event.

The choice of a name for a child, a prospective chief, a new bride etc, is a very careful exercise which indeed requires some divination.

1.1 The Language Edo and the People

1.1.1 The Name Edo

The name, Edo, which is used to refer to the language and the people, is believed to have been the name of the headslave of Ogiefia, a man who lived in the time of Oba Ewuare (1440 – 73). The slave saved the Oba (before his ascension to the throne) from a murder plot by some elders of the Benin Empire. After the death of this slave, the land was named Edo in his honour by Oba Ewuare.

The term Edo was later used by scholars to encompass the Edo group of languages. To disambiguate the above use of the term, Elugbe (1979: 98) suggested that the term Edoid be used to refer to the Edo group which included peoples who did not claim any right to the name Edo.

Elugbe (1979) classified Edo language as belonging to the Proto North – Central Edoid group. The Edoid language group along side other Nigerian Languages like: Yoruba, Igbo, Nupe etc belong to the kwa branch of the Niger – Congo family tree (Greenberg 1966).

1.1.2 Traditions of Origin

According to Elugbe (1979:90), there are four main traditions of origin: autochtony; Benin Origin; Ife origin; and origin in an Edoid area other than Benin.

1.1.3 Geography

The Edo people occupy seven local government areas of Edo State in Nigeria, namely: Oredo, Ovia North – East, Ovia South – West, Orhionmwon, Uhumwonde, Egor and IkpOba – Okha. The area lies between latitude $6^{\circ} 12^{\circ}$ N and longitude $5^{\circ} 45^{\circ}$ E. It is about 90 kilometers inland from the South of the Benue river which flows into the Gulf of Guinea. To the East and North – East of this area are the Igbos, to the South are the Ijaws, Urhobos and Itsekiris, and to the North and West the Yorubas. The 1991 census gave the population of these people as about a million and a half.

1.1.4 Culture

The Edo people are rich in culture and tradition. They are best known, however, as being artists and craftsmen. Their works in bronze, brass, carvings and terra – cotta are renowned Worldwide.

1.2 Background

The names given to a child distinguishes the infant socially and incorporates it fully into the wider society (Ryan 1981: 140). The Edo naming ceremony (Izomo ‘Act of choosing a child’) takes place seven days after birth for healthy children and fourteen days for sickly ones.

The naming ceremony not only separates the infant from the spirit world, but also initiates him into the physical world of human existence. This is attributed to the fact that the naming of a child is seen as the uniting of an individual with the universe and society.

A sickly child is watched by the parents for fourteen days. During this period, a temporary reference such as *Umweni*, which means 'you do not have a name', might be given to the child. If the child is ill for a long time, the name might be adopted. A sickly child that recovers after the stipulated period is then given an identity and incorporated into society through the naming ceremony. This is because once a child is named, he / she is believed to desire life. Guemple (1965:324) reports the same experience for the Eskimo people, where the conferral of a name may be delayed a few days to ascertain if the child will live.

Child naming is a joyous occasion among the Edo people because children are regarded as wealth and as instruments of lineage continuity. The parents, *Oka* – *egbee* (head of extended family), *egbee* (members of immediate and extended family) as well as friends and well-wishers are usually present at the occasion. During the ceremony, the ancestral spirits are invoked for blessings. The items used include: *coconut* (which represents wealth that the child will bring to the family – coconut was an important item of trade brought by the Portuguese to the Benin Empire), *orhue* (white chalk – which symbolizes purity and happiness), *native gin* and *colanuts* (used for invoking ancestral blessings for the child), *honey* (which symbolizes the sweetness of life), and *alligator pepper* (which symbolizes the bitter side of life).

The parents of the child are the principal actors. The name they give is generally the identity the child grows with. Before the actual name is given however, seven different animal names are given to the child to deceive evil forces present and distract their attention from the actual name. Although other people present equally give their preferred names, the parents are not necessarily bound to adopt them. Sometimes, however, such names may be adopted to please some members of the family.

2.0 The Social – Cultural Significance of Edo Names

In a study of this nature, there are two approaches to attempting interpretations of names. One is to base such

interpretations on the knowledge already available to us as to the nature of socio-cultural patterns and norms in Edo culture. The other is to attempt to make deductions as to that nature, on the basis of the meanings embodied in the names examined. The second approach is more valid in so far as it gives some degree of autonomy to onomastics as a scholarship. In other words, an attempt to speculate on the nature of socio-cultural norms and practices on the basis of these names would suggest that names alone can be reliable empirical evidence on which some hypothesis may be formulated. Consequently, while we attempt to discuss these names as if they possess sufficient evidence upon which we can arrive at independent conclusions, we will occasionally have to rely on some other Edo traditional belief systems as corroborative evidences.

Below are some of the major factors that govern naming in Edo. Edo personal names could be classified under the following groupings:

- A. Names depicting beliefs
- B. Names depicting the concept of the World and the Edo Kingdom
- C. Names depicting Edo Kinship system
- D. Names depicting ethical and social values
- E. Names depicting events / circumstances at birth.

2.1: Beliefs

2.1.1 Belief in Destiny

The Edo believe that every living person has an Ehi (guardian angel) which has the dual function of being one's destiny as well as a counterpart and guide in the spirit world (*Erinmwini*). According to Bradbry (1973: 262), *Omwan* (the living person) and *Ehi* are the two halves of a single being ---- before birth each individual is believed to predestine himself (hi) by making a statement before *Osanobua*, the Creator, setting out a life programme and asking for all that will be needed to carry it out successfully.

The following names reflect this belief:

1. **Èhiosu:**

Èhi + o + su
 (Guardian Spirit + pronoun + to guide)
 'It is the guardian spirit that guides'

2. **Aizẹhinomọ:**

A + i + ze + ẹhi + ne + omo
 Impersonal + Negative + choose + guardian + for + child
 Pronoun marker spirit

3. **Èhimwenma:**

Èhi + mwẹn + maa
 {Guardian Spirit} + my + good
 'My guardian spirit is good'

4. **Aisagbọnbuomwan:**

A + i + se + agbon + bu + omwa
 Impersonal + negative reach + world + determine + person
 Pronoun marker
 'One's destiny is not determined in the world'

The names above are given to re-affirm the belief that one's sojourn on earth is predetermined. Also, in giving such names, the giver has the hope that the Èhi of the child so named, will be benevolent.

2.1.2 **Belief in Re – incarnation:**

The Edo believe in two types of reincarnation: Ancestral reincarnation and infantile re-incarnation. While ancestral re-incarnation is desired, infantile re-incarnation is regarded as an abomination.

Names like 5 and 6 below reflect the belief in ancestral reincarnation.

5. **Iye:**
 Mother

6. **Iyorre:**
 I + yo + rre
 I go come
 'I have gone and come'

These names are given to children who are believed to be re-incarnation of some dead member of the family. The Edo belief that the dead is survived by children, in a way, is a manifestation of the doctrine of transmigration of souls.

Edo cosmogony identifies three categories of persons: The *Igbakhuan* (the elementals), the *Emwanagbon* (the human beings) and the *Okpemwan* (the super – human beings).

The *Igbakhuan* represent the focal point in reincarnation: their life span is short. The term *Igbakhuan* (synonymous with the Yoruba term, *Abiku*) refers to someone who is “predestined to a continual cycle of birth, death and re – birth”. (Akinaso 1981: 55). Children born under these circumstances bear names to that effect:

7. **Gumwəndia:**

Gu	+	nwən	+	dia
With	+	me	+	stay
‘Remain with me’				

8. **Qnaiwu:**

Qna	+	i	+	wu
This	+	{negative marker}	+	die
“ This one won’t die”				

9. **Sənnarae:**

Sə	+	ona	+	rae
Reach	+	This one	alone	
‘leave this one behind’				

These names are pleas to the *Igbakhuan* child by the parents to reside long in the human world. They are wishes for long life.

The *Emwanagbon* also reincarnate, their life span is much longer than that of the *Igbakhuan*. It takes them a longer time to reincarnate between deaths. Besides, in Edo cosmogony, there is an upward movement of souls in terms of graduation from one category to another. The *Emwanagbon*, after fourteen reincarnations, get absorbed into the realm of *okpemwan* spiritually, if they are found worthy. At this stage, they cease to re-incarnate as humans. The *Okpemwan* are one step above the *Emwanagbon*. Oral tradition has it that once the *Emwanagbon* transform into *Okpemwan*, they remain in the astral world as sub-

gods until such a time that the conditions favour their incarnation for the first time as Okpemwan. People in this realm are the Obas and men who perform heroic deeds while on earth. Such persons are believed to have the power of protection against all evil, hence names like:

10. **Igbinadọlọ:**

I + gbinna + Adọlọ
 I + {to seek Protection} + Adolo
 'I seek the protection of Oba Adolo'

11. **Igbinẹwẹka:**

I + gbinna + Ewẹka
 I + (to seek protection) + Ewẹka
 'I seek the protection of Oba Ewẹka'

2.1.3 **Religious Belief**

Names in this category capture the African notion of cause. The modus – operandi of the universe is attributed to spiritual agencies. These agencies are credited with causing disturbances in everyday experiences as well being responsible for any misfortunes or illnesses.

Edo every day experience can be explained in terms of one main force – the Erinmwin (Astral forces). The Erinmwin are believed to have a high spiritual excellence of the soul. This is reflected in the following name:

12. **Erinwingbọvo:**

Erinmwin + i + gbe + ọvo
 Spiritual + negative + to do + envy
 Beings maker

"The spirit beings are not envious of humans"

Osanobua {osa ne ọ bu uwa}
 'God' {God that Pron establish wealth}

Is believed to be the highest of the astral beings and the creator of all living things, hence names like:

13. **Osarọdiọn:**

Osa + re + ọdiọn
 Osa + cop. verb + eldest
 'God is the eldest'

14. **Osarọ:**

Osa + rroọ
 God + exist
 'God exists'

Names nos. 15, 16, and 17, below capture the fact that Olokun (god of sea, wealth, and fertility), Ogun (god of iron), and Osun (god of healing) are the most venerated of the Edo gods.

15. **Okungbọwa:**

Okun + gbọọ + Uwa
 The sea + to plant + wealth
 'Olokun (water god) ensures wealth'

16. **Ogunbọ:**

Ogun + bọ
 Ogun + to be favourable
 'Ogun (God of Iron) is favourable'

17. **Igbinosun:**

I + gbinna + Osun
 I + seek protection + osun
 'I seek the protection of Osun (god of healing)'.

Ancestors are below the gods in hierarchy and only those who have achieved the status of Okpemwan influence naming:

18. **Igbinnewuare:**

i + gbinna + Ewuare
 I + {to seek Protection} + Ewuare
 'I seek the protection of Oba Ewuare'

19. **Igbinnazaka:**

i + Gbinna + Azaka
 I + {to seek Protection} + Azaka
 'I seek the protection of Azaka'

2.2 Concept Of The World, The Edo Kingdom And Its Rulers

2.2.1 Concept of the World and the Edo kingdom

Edo cosmogony states that Edo land (formally known as Idu) is the origin of the world. Edos also believe that the world will never come to an end, contrary to the Christian belief in a day of judgement. The Edo land in the scheme of the universe is seen as the core of existence. These beliefs are revealed in names like:

20 Idukpaye:

Idu + Kpẹẹ + aye
 The Edo land + to be a long time + world
 'The Edo land has been in existence for ages'

21. Ẹdosomwan:

Edo + seẹ + omwan
 Edo + surpass + person
 'The Edo land is greater than the individual'

22. Ẹdorisiagbọn:

Edo + ore isi + agbon
 Ẹdo + focus marker + source world
 'The Edo land is the origin of the world'

23. Ẹdogiawerije:

Ẹdo + i + gi + a + werije
 Edo + negative + allow + Pronoun turn over
 'One cannot subvert Edoland'

24. Agbonifo:

Agbon + i + fo
 World + negative + finish
 'The world won't ever end'

25. Agbọnkọnkọn:

Agbọn + kọnkọn
 World + to be big
 'The world is big'

2.2.2 The Rulers

The Edo system of government was highly stratified with the Oba at the summit. He was the focal point of all administrative, religious, commercial and judicial matters. He was believed to be divine and the owner of all lands in the kingdom (Ben-Amos, 1971:41). In conferring on children the names below,

the ancient and contemporary Edo man reaffirms his belief in the supreme nature of the Oba:

26. **Osagiobarre:**

Osa	+	gie	Oba	+	rre
God	+	send	King	+	come

'The King is ordained by God'

27. **Obasogie:**

Oba	+	seḡ	+	Ogie
King	+	Surpass	+	ruler of fiefdom

'The King is greater than the ruler of a fiefdom'

28. **Aiguḡbasimwinotḡ:**

A	+	i	+	gue	+	Oba	+	simwin	+	oto
Pronoun	+	negative	+	be with	+	King	+	Struggle	+	land

'One does not dispute the ownership of land with the King'

29. **Obayantḡ:**

Oba	+	yan	+	oto
King	+	own	+	land

'The King is the owner of all lands'

The Benin Kingdom had many fiefdoms, which were administered by Enigie (fiefdom rulers). Each village or ward was guided daily by the edion (senior age-grade set). In troubled times, the edion were consulted first before the enogie (if need be). The names below encode this information.

30. **Igbinigie:**

I	+	gbinna	+	enigie
I	+	seek Protection	+	fiefdom rulers

'I seek to be protected by fiefdom rulers'

31. **Igbinediḡ:**

I	+	gbinna	+	ediḡ
I	+	seek protection	+	elders

'I seek to be protected by the elders'

2.3: Kinship System

2.3.1 The Place of the Father

Descent is reckoned patrilinearly in Edo society. Much emphasis is therefore placed on the role of the father in a family. The importance of the father is reflected in the following names:

32. Erharuyi:

Erha + re + uyi
 Father + is + prestige
 'A child's honour derives from the father'

33. Erhahon:

Erha + ore + a + hon
 Father + focus + Pronoun + hear
 'In a family, the word of the father is supreme'

34. Erhabo:

Erha + bo
 Father + protects
 'It is the father that protects one'

35. Erhabude:

Erha + o + buu + ude
 Father + pronoun + go to + advice
 'The father gives advice'

It is interesting to note that names that elevate the mother to a position of supremacy in the family are non-existent.

2.3.2: Polygamy

The Edo society is basically a polygamous one; polygamy may not be unconnected with the manpower needs of the society. Bradury (1973: 154) reports that Edo villages are cultivators. Men and boys plant the main crop which is Yam while women and girls plant and maintain subsidiary crops. According to him, a man who has to tend his own subsidiary crops feels ashamed.

In such polygamous homes, there are petty rivalries between the different wives and their off-springs, such situations motivate the following names:

36. Aimięvbiye:

A + I + mię + ivbiye
 Pronoun + negative + see + children of same mother
 'There is no one like a sibling'

37. **Aimięrovbiye:**

A + i + mie + erre + ovbiye
 Pronoun negative + see + equal + child of the same mother
 'There's no one as close to one as his maternal sibling'

In fact, in the Edo society, the terms Ovbierhamwen "my father's child" and Ovbiyemwen "my mother's child" are commonly used to discriminate between the maternal and paternal siblings. Siblings of the same mother as shown by names nos. 36 and 37 above feel more closely related.

2.3.3 **The Place of Children**

In Edo society, children are much valued above wealth, and kingship. The names below reflect this belief:

38. **Aghabięmọ:**

A + gha + bie + ọmọ
 Pronoun Aux. give birth child

'When one has a child, the child looks after the parents in old age'

39. **Ogbọmọ:**

Ogbę + ọre + ọghę + ọmọ
 extended family + focus + possessive + child

'The extended family belongs to the child'

40. **Ọmosefe:**

Ọmọ + seę + efe
 Child + surpass + wealth

'A child is more important than wealth'

41. **Ọmosede:**

Ọmọ + seę + ede
 Child + surpass + crown

'A child is greater than a crown'

Name no. 38 reflects the culture that the old are cared for by their children. Thus, in the Edo society, and indeed in most African societies, there are no old people's homes.

2.3.4 **The Place of Family / Relations**

The extended family plays a very important role in the Edo society. It is made up of a man and his brothers and sons and their families as well as his uncles and their families and the unmarried

daughters in the family. The most senior person in the group has a theoretical moral authority over its other members (Bradbury 1973: 157). For every Edo individual, identity with ones ogbe or egbee (Extended family) is very important. Names nos. 42 and 43 below reflect this:

42. **Aibangbe:**

A + i + ban + egbee
 Pronoun + negative + extended family + give up
 'One cannot renounce his extended family'

43 **Ogbewii:**

Ogbẹ + e + i + wii
 Extended family Pronoun + negative + lost
 'Through extended family system a lineage is never lost'

2.4 **Ethnical and Social Values**

Edo moral laws, though unwritten, regulate social behaviour. These laws are passed from generation to generation through oral literature and the naming system. Names in this category highlight ethical and social values such as bravery, hardwork, good behaviour, communality and respect:

44 **Ẹkpẹn:** (Bravery)
 'Tiger or Warrior'

45 **Egbenayalobe:** (Hardwork)
 Egbe + ne + a + ya + la + obele
 Body + that + Pronoun + use + pass + rough path
 'The path to success is rough'

46. **Aghaleladia:** (Good behaviour)
 A + gha + lele + adia
 Pronoun + auxiliary + follow + straight path
 'one's behaviour is conditioned by his peers'

47. **Akugberetin:** (Communality)
 A + kugbe + o + re + etin
 Pronoun + together + it + be + strength
 'Unity is strength'

48. **Aigbedion:** (respect)
 A + i + gbe + edion
 Impersonal negation beat elders
 Pronoun marker
 ‘One does not beat one’s elders’

2.5.0: Names that Depict Events/Circumstances at Birth

Various events that occur before the birth of a child play significant roles in the naming of that child. The names discussed in this session are divided into different relevant events/circumstances.

2.5.1 Time and Place of Birth

Children born at particular times and places may motivate names like nos. 49 – 51 below. These times and events have no special cultural or spiritual significance. Such names are simple and are normally made up of simple noun phrases:

49. **Ota**
 Evening
 ‘Child born in the evening’
50. **Evbu**
 Dew
 ‘child born on a dewy morning’
51. **Ugbo**
 Farm
 ‘Child born in the farm’

2.5.2 Economic Situation at Birth

The economic situation of a family at the birth of a child motivates names like nos 52 – 54. Such names are usually condensed sentences as they are usually descriptions of complex events.

52. **Idemudia:**
 I + de + mudia
 I + fall + stand
 ‘I am stabilized’

53. **Abieyuwa:**
 A + biẹ + ye + uwa
 Pronoun+ to give birth + in + wealth
 'Born into wealth'

54. **Adesuwa:**
 Adese + Uwa
 Centre + Wealth
 'Born in the midst of wealth'

From the above names it appears that the birth of a child inspite of any adversity being experienced by the family is perceived as a blessing or progress.

2.5.3 A much Desired Child

Bareness is perceived as a curse hence when a couple have a much-desired child, special names are given. A much desired child of any sex motivates a name like:

55. **Edoghoghọ:**
 Ede + Oghoghọ
 Day + happiness
 'Day of happiness'

A much desired female child could be given a name like nos 56 below (because coral beads are highly treasured items)

56. **Ivie**
 Coral beads
 'Precious daughter'

On the other hand, a much desired male child could be given a name like:

57. **Owen**
 Sun
 'Precious son'

This is attributed to the fact that the sun is believed to be the source of all existence, and the male child is seen as the source of the continuity of a lineage.

2.5.4 Special Circumstances or Attributes Peculiar to a Child at Birth

Children born with peculiar attributes are given special names that encode these information:

58. **Odion**
Elder
'Senior twin'
59. **Qvbokhan**
Junior
'Junior twin'
60. **Dada**
'A child born with dreadlocks'

Again, like the time and place names, these are normally simple noun phrases.

2.5.5 Survival of Conflict and Stress in the Family

Most religious names can also be used to make statements about the survival of a family in situations of conflict and stress:

61. **Osamudiamé:**
Osa + mudia + mę
God + stand + me
'God stood by me'
62. **Osazę:**
Osa + ọ + zę
God + pronoun + to cause
'God delivered me'

Also, names depicting states of the mind may be given:

63. **Ifuęko:**
I + fu + ęko
nom.prefix + calm + stomach
'The Heart is calmed'

Situations that motivate the above names are normally major crises in the lives of the experiencers. For instance, if a family goat dies, such an event would normally not motivate such names. Events like death of a loved one, accusations of infidelity, barrenness, false accusations, and decline of fortune could motivate such names.

It must be noted that no Edo name has negative connotation. Information on negative events are eliminated from personal names.

Yoruba personal names also have this attribute. Akinnaso (1980: 28b) states that, in Yoruba personal names, all negatively valued events are raised to positively valued status for the purpose of personal name construction.

3.0 Conclusion

In this paper, we set out to examine some Edo personal names from the socio-cultural points of view. As we have seen, the Edo, in naming children, make fundamental statements as to their beliefs about the world around them and their everyday experiences. Naming therefore in the Edo context, is a major tool for transmitting beliefs, family and communal history, as well as, moral and societal values in a society where tradition is passed from one generation to another through the oral medium. In particular, we have tried to show that Edo personal names, as part of Edo culture and oral literature, provide useful information about the ethos of the people.

Notes

1. The verb 'serae' belongs to the category Awobuluyi calls the "Splitting Verb". The two halves of a 'splitting verb' come together to form one unit of meaning. Serae means 'to leave'

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STRATEGIES FOR NOMINALIZATION IN EDO

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1. Introduction

Nominalization can be seen as a process by which nouns or phrases are derived from other categories. This can be done using different strategies and approaches. The most common strategy used to nominalize lexical items is by prefixation of oral vowels to such items. The realization of this process however, differ from language to language.

In addition to the process of prefixation, Edo has other strategies through which its lexical items are nominalized. The focus of this paper is on the nominalization of both action and stative verbs.

Edo is the main language spoken in Edo State. It is classified as a member of the Edoid group of languages by Elugbe (1979). This group in turn belongs to the Kwa group of the Niger-Congo languages in Greenberg's (1963:8) classification of African languages. In a more recent classification, Edo language belongs to the Edoid group of languages of the New Benue-Congo family (Williamson, 1989). According to Williamson, such languages as Yoruba, Edo, Nupe, Idoma and Igbo which were formally classified as Kwa are now classified as Benue-Congo. It is to avoid confusion that the expanded Benue-Congo has been referred to as New Benue-Congo.

All lexical items in Edo end in a vowel but a noun begins and ends with a vowel. Consequently, for any noun borrowed into the language to fit into the Edo syllable structure for nouns (i.e. VCV), a vowel is usually inserted at an appropriate position. Examples:

1.	English		Edo
	Kate		[eketi]
	Pencil		[epẽso]

Typically, verbs begin with consonants unlike nouns. Such verbs can be made nouns by prefixing a vowel to them. Such nominalized verbs are described variously as Derived Nominals (cf Chomsky 1972); Verbal nouns (cf. Elugbe 1976), verb-based nouns and adverbial nouns. For analytic purposes we shall employ the term Derive Nominals (i.e. DNS) and any other terminology where necessary in this paper. These DNS, as we observe in this paper, tend to have functions similar to simple nouns in the language.

2. Types of Verbs in Edo

Based on their morphological behaviour, Edo verbs can be classified into three main groups: simple, compound and complex verb stems (cf. Agheyisi 1986).

2.1. Simple Verb Stem

A simple verb stem is one which consists of one root morpheme, i.e., the verb. This single root morpheme may be monosyllabic or disyllabic as in *kọ* 'plant' and *kpolo* 'sweep' respectively. Other examples include

2.	<i>vẹn</i>	'wrestle'	<i>ghee</i>	'look'
	<i>gie</i>	'laugh'	<i>gbinna</i>	'figure'
	<i>ghe</i>	'dance'	<i>kponmwẹ</i>	'thank'

2.2 Compound Verb Stems

The compound verb stem as the name implies consists of two root morphemes. These root morphemes are in two forms: (i) two roots verbs or (ii) a verb and a particle. Examples:

3. (a)	<i>fian</i>	<i>re</i>	→	<i>fianre</i>	'bite'
	cut	eat			
(b)	<i>mu</i>	<i>hẹn</i>	→	<i>muhen</i>	'begin, start'
	carry	begin			
(c)	<i>lẹ</i>	<i>gaa</i>	→	<i>lẹgaa</i>	'surround'
	flow	surround			

(d)	ku join	gbe particle	→	kugbe	‘unite’
(e)	fian cut	gbe particle	→	fiangbe	‘bless’

3a-c exemplify compound verb stems which consist of two verbs while 3d-e exemplify those which consist of a root verb and a particle. In the latter the root verb is free while the particle is bound. The compound verb derives its meaning from the free verb form, the particle generally has no precise meaning but typically conveys a vague deictic or prepositional meaning.

2.3 Complex Verb Stems

There are verbs in Edo which have verb + noun combinations. Sub-classes of such verbs include (i) verb + noun + noun and (ii) verb + verb + noun combinations depending on the complexity of the verbs. Examples are:

4.	(a)	gbe make	ugbo farm	→	gbugbo	‘to farm’	
	(b)	da drink	ayon wine	→	dayon	‘to drink’	
	(c)	rhu cover	aro eye	→	rhuaro	‘to be blind	
	(d)	maa teach	omwa person	emwi	→	mamwaemwi thing	‘to teach’
	(e)	rhiq rise	kpa lift	egbe body	→	rhiqkpaegbe	‘to resurrect’

4(a-e) exemplify the different structural types of complex verb stems. Semantically, the meaning of the complex verb is a sum total of the meaning of each of the morphemes that make them up. From the tripartite division of Edo verbs into simple, compound and complex on the basis of morphological and syntactic characteristics, the verb is in actual a morpho-syntactic category.

The structure of the compound and complex verbs in Edo appear to conform with Emenajo's (1978:130) description of Igbo complex verbs. He asserts his observation that the semantic

content of Igbo verbs describes a certain action or state which by its very nature implies the coexistence of a complement. His examples include the following:

- | | | | | | |
|----|-----|-----|---------|---------|-------------------|
| 5. | (a) | bu | abu | 'sing' | (a song) |
| | (b) | che | echiche | 'think' | (a thought) |
| | (c) | gba | oşo | 'run' | (a race/ running) |

Emenajo goes further to explain that while some verbs take just one and only one definite nominal complement as in the example in 5, there exist other verbs which take a general nominal complement as in

- | | | | | |
|----|-----|----|-----|-----------------|
| 6. | (a) | je | EBE | 'go to a PLACE' |
| | (b) | ri | NRI | 'eat FOOD' |
| | (c) | zu | IHE | 'buy SOMETHING' |

This class of general complements, as Emenajo observes can be more narrowly specified. Generally, a look at the morphological structure of the nominal complements show that some are cognate with their corresponding verbs as in 5 while others are not as in 6. Such structures can be found in Edo as the examples of cognate complements below show:

- | | | | | | |
|----|-----|------|------|---------|-------------|
| 7. | (a) | vie | eve | 'cry' | (a cry) |
| | (b) | ghee | ughe | 'look' | (a look) |
| | (c) | roo | iro | 'think' | (a thought) |

These complements (i.e. cognate and general) form an individual semantic unit with the verbs. For analytical purposes and following Agheyesi (1986) we will analyze such structures as well as those in 4 as complex verb stems.

Note, however, that our use of the term 'complex verbs' in this work is not strictly in the Igbo sense where two or more elements always co-occur with the verbs in their basic form. This is not exactly the case with Edo verbs since the constituent morphemes in the so-called complex verbs may be separated by object NPs in some syntactic constructions. Each of the elements that make up the so-called complex verbs can occur alone as separate semantic units. It seems to me then that wherever a verb is directly followed by a noun in Edo, the result may be a kind of

complex verb. This shows that what Agheysis (1986) and the present work are calling complex verbs are verb phrases which have verb + noun collocations and which may be described as metaphorical verbs. These are verbs whose meaning express a verbal meaning by incorporating the meaning of their objects. So the term 'complex verb stems' in this work is used to mean verb plus noun collocations.

3. Nominalization by prefixation

3.1 Nominalization of Simple Verb

Using the morphological approach, many simple verbs in Edo permit the derivation of nouns through the prefixation of vowels to them. All the seven oral vowels in the language feature in this process. The nouns derived in this group have been referred to as deverbal nouns, verbal nouns and verbal derivatives in the literature because the verb stems often retain their formal characteristics. Examples:

	Verb	Pref. + Verb	(Derived Nominal)
8. (a)	rhuẹ	'circumcise'	a-rhuẹ 'circumcision'
	khie	'mourn'	a-khie 'mourning'
	hiọ	'urinate'	a-hiọ 'urine'
(b)	ven	'wrestle'	e-ven 'wrestling'
	viẹ	'cry'	e-viẹ 'crying'
	kpa	'vomit'	e-kpa 'vomiting'
	kponmwẹ	'thank'	e-kponmwẹ 'thanksgiving'
(c)	khian	'walk'	o-khian 'walk'
	ghiogho	'be happy'	o-ghiogho 'happiness'
	tuẹ	'greet'	o-tuẹ 'greeting'
	giẹ	'laugh'	o-giẹ 'daughter'
(d)	teẹn	'relate'	o-teẹn 'relation'
	mo	'bear'	o-mo 'child'
	mwẹmwẹ	'be mad'	o-mwẹmwẹ 'mad person'
(e)	fe	'be rich'	ẹ-fe 'wealth'
	fua	'be white'	e-fua 'whiteness'
	wia	'smell'	e-wia 'smell'
	hoho	'blow'	ẹ-hoho 'wind'

(f)	kuu	'play'	i -ku	'playing'
	roo	'think'	i -ro	'thought'
	lele	'follow'	i -lele	'procedure'
	ve	'price'	i -ve	'a price'
(g)	leḗ	'run'	u-leḗ	'race/running'
	wu	'die'	u-wu	'death'
	ghee	'look'	u-ghe	'looking'

The data in 8 (a-g) exemplify nominals formed by the prefixation of oral vowels to simple verb stems.

3.2 Nominalization of Compound and Complex Verbs

Another class of verbs which can be nominalized by vowel prefixation include those which consist of two or more morphemes and which have been described as compound and complex verbs. The nominals resulting from this group of verbs will be termed complex derived nominal (CDN).

	Verb stem		Drived Nominal
9. (a)	fian - gbe	→	afiangbe 'blessing'
	cut particle		
	rhu - aro	→	arhuaro 'blind person'
	cover eye		
	si - koko	→	asikoko 'gathering'
	pull gather		
	khon - miḗ - otḗ	→	akhonmiḗotḗ 'victory'
	fight see ground		
	rhiḗ-kpaa - egbe	→	arhiḗkpaaegbe 'resurrection'
	rise lift body		
(b)	zagha - zagha	→	ezaghazagha 'disorderliness'
	scatter scatter		
	pirhi - pirhi	→	e-pirhi-pirhi 'confusion'
	blur blur		
(c)	mu - heḗ	→	omuhen 'beginning'
	carry begin		

mu	-	ru	→	omuru	'cheating'		
carry		do					
mu	-	rhia	→	omurhia	'wastage'		
carry		spoil					
lighi	-	lighi	→	olighilighi	'disruption'		
disrupt		disrupt					
leḡ	-	gaa	→	oleḡgaa	'a ring'		
run		round					
(d)							
gbe	-	ugbo	→	oḡbugbo	'farmer'		
make		farm					
do	-	ḡki	→	oḡḡki	'trader'		
trade		market					
so	-	araba	→	oḡoaraba	'rubber tapper'		
tap		rubber					
ma	-	oḡmwa	-	emwi	→	oḡmamwaemwi	'teacher'
teach		person		thing			
miḡ	-	oḡmwa	-	fan	→	oḡ-mwiḡmwwafan	'saviour'
see		person		free			
(e)							
ziin	-	egbe	→	izinegbe	'patience'		
endure		person					
fu	-	ḡko	→	ifuḡko	'calmness'		
gentle		stomach					
miamia	-	egbe	→	imiamiegbe	'forgetfulness'		
forget		person					
rhaan	-	aro	→	irhaanaro	'civilization'		
open		eye					
muan	-	ḡmwe	→	imuanḡmwe	'argument'		
argue		word					
mu-egbe-rre-oto			→	imuegberrito	'humility'		
carry		body		come	down		
ghee	-	egbe	→	ughegbe	'mirror'		
look		body					

gba	-	ekun	→	ugbekun	'belt'
tie		waist			
gbe	-	eto	→	ugbeto	'scissors'
cut		hair			
gbe	-	udian	→	ugbudian	'tsetsefly whisk'
whisk		tsetsefly			

The data above show how oral vowels function as nominal prefixes to compound and complex verb stems.

3.3 Meaning of Nominal Prefixes

In this section an attempt is made to isolate the meaning of each of the vowel prefixes above. The data on nominalization available above show that the process of nominalization in Edo is not just a random prefixation of oral vowels to verb stems but rather a systematic process that follow some semantic direction. Based on their meaning therefore, we can identify four types of prefixes and consequently four main types of derived nominals in Edo.

3.3.1 Agentive

The agentive nominal prefixes are /ɔ/ and /a-/ respectively.

As an agentive nominal prefix /ɔ/ means a doer of something or someone engaged in the state or action expressed by the verb stem to which it is prefixed. /ɔ/ thus, has a definite reference which can be translated as something or someone and the derived nominal resulting from /ɔ/ prefixation has the semantic reading 'one who performs some action'. For example, the meaning of 'ogbugbo' is one who farms'. The DNS specify occupations or actions in diverse spheres.

As also observed by (Anagbogu 1981:98) in Igbo the agent/patient relationship operates within the Edo agentive nouns. For example.

10.	N ₁		N ₂
	ɔ	da	ayɔn
	er	drink	wine

The relationship between *o-da* on the one hand *ayon* on the other hand, could be likened to that of agent/patient. N_1 specifies agent while N_2 specifies patient.

Further observation include the fact that all the agentive nominals derived by /ɔ-/ carry low tones in their final stages of derivation as exemplified in 9(d) above and other examples below:

11.	buu	ude	→	o-bude	'adviser'
	give	advise			
	kpee	ema	→	o-kpema	'drummer'
	beat	drum			
	ziin	egbe	→	o -zinegbe	
	endure	person			'a patient person'

As an agentive nominal prefix, /a-/ has an indefinite or generic reference and it is translated as anything/anybody. As a result, nouns derived by /a-/ prefixation are less specific or definite than those derived by the prefixation of /ɔ-/ . Examples of Agentive nominals with /a-/ are seen below:

12.	Verb Stem		→	Derived nominals	
	gbe	- akpan	→	a-gbeakpan	'a bald-headed person'
	have	baldhead			
	yin	- ehọ	→	a-yinehọ	'a deaf person'
	cover	ear			
	ba	- ẹmwe	→	a-bẹmwe	'a stammerer'
	watch	word			
	gbe	- iruẹn	→	a-gbiruẹn	'a dirty person'
	be	dirty			
	rhu	- aro	→	a-rhuaro	'a blind person'
	cover	eye			

Derived nominals with /a-/ may have idiomatic meaning in addition to their ordinary meaning. They may also be used to describe non-humans (like goat, dog). For example, *arhuaro* means 'a blind person' 'one who is physically blind'. Idiomatically, however, the meaning may be extended to describe

a person who is adamant. Also, *ayinehò* ‘a deaf person’ could be understood in two senses:

a deaf person and a stubborn person respectively

3.3.2 Instrumental

The instrumental prefix is /u-/. The prefix /u-/ denotes instruments for achieving the action expressed by the verb phrase to which it is attached as example in 13 (a-f) show. So, when /u-/ is prefixed to a complex verb stem the result is a derived nominal which has the semantic reading: ‘an instrument used for performing some action’. For example, reading: *ugbudian* means ‘an instrument used to ‘whisk tsetsefly’ and *ugbekun* may be paraphrased as something that is used to tie the waist’. This type of nominalization has been observed in English by Comrie and Thompson (1985:353). Similar examples can be observed in some related Edoid languages such as Etsako and Emai (Elimelech 1976, Egbokhare 1990).

Emai

13.	kpe	akòn	→	ukpakòn
	wash	teeth		‘chewing stick’
	nyẹ	omin	→	unyomi
	cook	soup		‘cooking spoon’
	kpe	abọ	→	ukpabọ
	wash	hands		‘bowl for washing hands’
	nwu	ime	→	ọnwime
	take	farm		‘farmer’
	da	ẹnyọ	→	ọḍenyọ
	drink	wine		drunkard

Etsako

14	gu	ime	→	ọgwime
	make	farm		farmer
	rhe	egbe	→	urhegbe
	look	body		‘mirror’

13 and 14 exemplify instrumental and agentive nominals in Emai and Estako respectively. In both languages it is observe that agentive nominals are formed by prefixing the vowel /o-/ to

complex verbs while /u-/ is used to derive instrumental nouns as in Edo. Both prefixes are not used interchangeably in the three languages.

3.3.3 Abstractive

/i-/ is the abstract prefix. It is prefixed to complex verb stems to derive nominals which are abstract. Abstract nouns are names or qualities such as goodness; state or conditions such as sickness, health and actions such as arrival and departure.

Examples of abstract nominals can be seen in example 9 (e) above in section 3,2.

3.3.4 Verbal Nouns

These are nominals formed by prefixing any of the vowels to simple verb stems. Chomsky (1970) refers to such nominals as 'deverbal nouns or nominalized verbs'. Examples of verbal nouns in Edo include those in 8(a-g). Only oral vowels feature as nominal prefixes because nasal vowels do not occur at word-initial positions in the language.

Compound and complex verb stems can also form the base of verbal nouns like the example in 9. The nominals with /o-/ and /e-/ prefixes may be described as objective.

In spite of the prevalence of noun prefixes in Edo and in many Edoid languages, it is potentially misleading to conclude that all initial vowels of nouns are prefixes (Elimelech 1978). It has been observed by Welmers (1973) and Elugbe (1983) that these initial vowels could be vestigial prefixes of a decadent noun class system.

We observed earlier that all the oral vowels can be prefixed to a form of verb in the derivation of verbal nouns. This means that while in some instances prefixes like ɔ , a-and u-could be identified as agentive and instrumental prefixes respectively as in 11 – 13 as well as 9(d and f), in other instances like 8 a, d, g, they are identified with verbal nouns. So, we must be careful in ascertaining the meaning of noun prefixes. They can be agentive, instrumental or abstractive or simply verbal noun formatives.

4. Nominalization By U...MWE

Another productive strategy used to derive nominals in Edo is to affix the discontinuous morpheme *U...mwe* to a verb stem. The derived nominal resulting from this method has the morphological shape: U... verb...mwe (. Example

15	Verb Stem	Derived nominals
	go 'shout'	ugomwẹ 'shouting'
	gbe 'beat'	ugbemwẹ 'beating'
	fu 'be calm'	ufumwẹ 'calmness'
	ga 'serve'	ugamwẹ 'service/serving'
	kpọlọ 'be big/fat'	ukpọlọmwẹ 'fatness/being fat'
	dia 'be straight'	udiamwẹ 'being straight straightness'
	tan 'be tall'	utanmwẹ 'being tall/tallness'
	rhoo 'praise'	urhomwẹ 'praise worshipping/praising'

As we can observe from the data above, *U... mwe* is used to form gerundive nominals in Edo. Elugbe (1984) examines the formation of gerunds in the Edoid languages Degema, Uvbie, Isoko, Edo, Yekhee and Emhalhe and concludes that the full morpheme was *U...Amhi(in proto-Edoid.

It is not all verbs in Edo that permit the derivation of gerunds by the affixation of *U...mwe*. In the formation of nouns, some verbs take only prefixes as shown in the previous sections while others permit the occurrences of *U...mwe* as shown in 15. Also, only simple verb stems form the base of nominals derived by *U...mwe*. It follows therefore, that the discontinuous morpheme can only nominalize morphologically simple verbs.

A straightforward classification of verbs, into those from which verbal nouns can be derived, and those from which gerunds can be derived, is not feasible because some verbs permit the derivation of both as shown in the data below:

16.	fe 'be rich'	eḡe 'wealth'	ufemwẹ 'being rich'
-----	-----------------	-----------------	------------------------

ghee 'look'	ughe 'look'	ughemwe 'looking'
mẹ 'hiss'	ome 'hissing'	umẹmwe 'hissing'
yaan 'boast'	eyan 'boast'	uyanmwe 'boasting'
wia 'smell'	ewia 'smell'	uwiamwe 'smelling'
'zaan 'criticize'	ozan 'criticism'	uzanmwe 'criticizing'

The simple verb stems in (16) could be described as verbs that undergo double nominalization i.e. verbs that can be nominalized by the two main strategies identified so far (prefixation and *U...mwe* affixation).

However, a small number of simple verbs in Edo cannot be nominalized by *U...mwe*. Examples:

17.	kponmwe	*ukponmwemwe
	danmwe	*udanmwemwe
	mwemwe	*umwemwemwe

The plausible reason why these verb stems cannot be nominalized by *U...mwe* is because the morphological make-up of the verbs include the form 'mwe' which is also present in the discontinuous affix: *U...mwe*. This implies that verbs which have the form – mwe are not nominalized by *U...mwe*.

U...mwe is not conditioned by the vowel which occur in the verb stems attached to it. So, in all cases of *U...mwe* nominalization, the form remains the same as opposed to the prefixation strategy which involves different oral vowels.

5. Syntactic Function of Derived nominals

(a) As Subject and objects

The different types of DNs identified so far tend to perform functions that are similar to the ordinary nouns in the language. As subjects, they can occur at sentence-initial positions preceding the verbs to initiate the actions implied by the verbs.

Examples:

18. (a) arhuẹ ọmọmọ rriẹ nẹ
 circumcision baby heal already
 'The baby's circumcision has healed up'

(b) utanmwẹ ẹfosa yẹẹ mwẹ
 tallness Efosa please me
 'I like Efosa's height/tallness'

19. (a) ma miẹ ọgbugbo okpa vbe ode
 we see farmer one on road
 'We saw one farmer on the way'

(b) Iyẹn rrie ugamwe ota
 Iyen go service evening
 'Iyen has gone to evening service'

(c) ewe lalọ ekpa ne ọ rre otọ
 goat lick vomit that it be ground
 'The goat has licked the vomit on the ground'

In 18 and 19 respectively, the three forms of DNs (simple, complex and *U...mwe* nominals) occur as subjects and object. The agent/patient and some other thematic relation operate between the subjects and objects in the sentences. For example in 19 (c) the DN *ekpa* bears the theta role: 'patient' to the subject notion *ewe* which is an ordinary noun in the language.

(b) As Cognate

A specific function of derived nominals in Edo which tends to distinguish them from the ordinary nouns is the fact that they can be used as cognate element. A cognate noun is a noun which is derived from a verb stem by any of the strategies identified above which follows its verbal stem in grammatical construction. Examples:

20.(a) Uyi viẹ eve ero
 Uyi cry crying deceit
 'Uyi is crying deceitfully'

- (b) Ibięka nii kuu iku dan gbe
 children that play play bad much
 ‘those children are always playing very roughly’
- (c) Iyen winna iwinna esi node
 Iyen work work good yesterday
 ‘Iyen did a good job yestarday’

In (21), the cognate nominals as we observe, immediately follow the verbs from which they are derived. The cognate nominals are in turn followed immediately by qualifiers. The omission of such qualifiers make the sentences odd and semantically incomplete.

It is also observed that only the simple DNS function as cognate nominals in the sentences while complex DNS do not occur.

6. Conclusion

In the preceding discussion of nominalization strategies in Edo, we have presented the basic strategies for generating nominals in the language. Their structural descriptions were provided as well as similar strategies in some related languages. Two forms of nominalizations: prefixation and *U...mwe* are used to expand the lexicon of nominals in the language. These nominals were found to occur with their verbal counterparts in cognate construction- a feature that is specific to them.

Based on their morphological and, more importantly, semantic content, four main types of derived nominals were identified in Edo. Our focus was on the nominalization of lexical items – specifically verbal constituents. However, this study is by no means an exhaustive one as regards the process of nominalization in Edo but it serves as background information which we hope to build on later.

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