

COMMUNAL SOLIDARITY AND THE CHALLENGE OF INTERGENERATIONAL PUNITIVE SYSTEM IN AFRICA: THE YORUBA EXPERIENCE

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Abstract

The transference of qualitative punitive system in Africa to the next generations is challenged by the hegemonic situations created by the Western colonial ‘theory-maker’. The reality of this formal structure promotes individual character of the law which undermines the transformative cultural principles for intergenerational legal justice in Africa. This paper, therefore, examines the communal solidarity system within the Yoruba culture in order to arrive at the socio-legal sustainability discourse for the next generations. The study employs the conceptual, critical and reconstructive methods of philosophy with a view to sustaining communal solidarity for intergenerational punitive system. The findings show that communal solidarity in Yoruba culture goes beyond the formal Eurocentric principles that celebrate individualistic for a coherent interconnection among social structure, law and belief system towards the certitude and trust making for harmonious human well-being and future generations. Also, it promotes a restitutive principle whereby the offender is reconciled to himself, the victim and the community at large, which seals generational bond not only within the family but

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the community at large. More so, the notion advances a creative and flexible human activity, whereby human beings are amenable to change and deserve integration into the community with the saying that *bi a ba fi owo otun na omo eni, a fi t'osi fa'a mora* (when a man beats his child with his right hand, he should draw him to himself with his left hand). Therefore, the study constructively addresses the dispensation of justice with legal certainty, legal diversity and social order for a maximally advanced and sustained future.

Keywords: Communal solidarity, intergenerational and punitive justice, post-colonialism, sustainability, Yoruba legal culture

Introduction

The paper attempts to address the sustainability of punitive justice obligations to future generations in Africa, with a view to maintaining conditions of both well-being and moral values across intra-and inter-generations through the agent of communal solidarity in Yoruba culture. It is observed that punitive legal systems have been overwhelmed with cobwebs which need to be cleared for the sake of peace and justice for posterity. Thus, the present generations are at an advantage and vulnerable to corruption by virtue of 'our asymmetric causal power and time-dependent interests' (Gardiner, 2003: 494). We need to tinker with whether there is truly a sustainable punitive system to be vouchsafed for the next generation in Africa. On this note, it is imperative to assess the punitive legal system now to determine its sustainability in the future. Regarding structure, the paper continues with a conceptual clarification of intergenerational justice and punitive justice, a discussion of the Yoruba communal solidarity system, and the theoretical framework. The discussion will continue with the challenges of post-colonial generational rigid punitive justice and, finally, the prospect of communal solidarity for intergenerational punitive justice and sustainability.

Conceptual Clarification of Intergenerational Justice and Punitive Justice

Intergenerational Justice

Intergenerational justice revolves around the relationship with respect to duties and obligations which the present generation owes to the next and unborn generation. It strictly concerns the

justice between the present, with special consideration for corrective and sustainability, if any, of the predecessor and future generations. According to Janna Thompson, this conception is divided into synchronic and diachronic justices. She contends that:

Synchronic justice is justice between contemporaries or between those contemporaries who are full participants in the political relationships of their society. Diachronic justice has to do with the relationship between these contemporaries and future citizens (Thompson, 2009: 2)

Thompson emphasises more on the present and future justices. Putting the past into the picture is merely toward filling the historical obligations of commitment to the deeds of re-compensating the predecessors' gaps. Thus, it is advisable to transfer qualitative dispositions to the next generation if and only if the present is much better than the past. Axel Gosseries argued that 'we should transfer to the next generation at least as much as we inherited from the previous one' (Gosseries, 2008: 447). It implies that our activities can hinder the future of the next generation if lofty policies are not only constantly reviewed but also sustained. This 'life-time transcending interest' (Thompson, 2009: 5) will undoubtedly impact synchronic justice as a basis for practices and the demand for diachronic justice to succeed in the polity. However, the moral bargaining trend between synchronic and diachronic should be apparent to the extent that justice to the present generation is transferred to the people of the future. Nevertheless, the sustainability challenges under this framework detail the non-diminishing mode of transference from generation to generation. Though the overlapping strategy may sustain the trend, conflict of interest could deplete the yearning for its development. Bryan Norton aptly itemises these challenges in Gardiner's work as not monolithic but rather a cluster of veils which may include:

- (1) The distance problem- how far into the future do our moral obligations extend?...
- (2) the ignorance problem-who will future people be, and how can we identify them? And, how can we know what they will want or need or what rights they will insist on? and
- (3) the typology of effects problems-how can we determine which of our actions truly have moral implications for the future? (Gardiner, 2003:495)

To this end, it is morally important that sustainability be adequately guided for not only human well-being but also the more distant future be considered despite the 'veil of ignorance'.

Punitive Justice

Punitive justice is engendered by the severance of a cooperative endeavour secured by rules and regulations. These obliged rules, and regulations are enforced when the general demand for conformity is insistent and social pressure is brought to bear on any individual who deviates or threatens to deviate from the agreed status quo. Thus, individuals who constitute a society enjoy a number of benefits and share burdens available only because of the cooperation of their fellows. The social order, then, enables people to work together for common purposes and to pursue, in peace, their private interests. This is possible when everyone helps to maintain this order. As a result, only those who enjoy the benefits and burdens of society owe their cooperation and rights to the other members of society. But where an individual or group refuses to partake in these acts of cooperation, such a personality has taken an unfair advantage of others. Hence, punitive justice must be enforced on such a recalcitrant person as a means of addressing this contractual agreement. It implies that punitive justice is significant for the maintenance of this social cohesion. It also institutes social protection and does not impose an unjustified burden on individuals who commit crimes (Alexander, 1986:78).

Historically, the philosophical discourses on punitive justice have been grounded on two competing theories: utilitarian and retributive. The utilitarian is of the view that only future consequences are important to present decisions through the means of incapacitation, deterring and reforming the potential offender. It provokes the argument that the offender's punitive sanctions can be cancelled on the premise that the rights of a greater number of people claim so. Its shortcoming stems from the way it attempts to solve the problem of consequences based on suffering at the expense of a conception of right (i.e., its failure to take account of the relevance of the injustice of certain punitive sanctions when determining whether they are permissible or even obligatory). Hence, the utility of punitive justice is the only morally relevant consideration.

Retributive attempts to fill the gap with its claim that the guilty deserves to be punished and no moral consideration relevant to punitive sanction outweighs the offender's criminal

desert. Thus, any wrongdoer gets no more than what is proportionate or just to their crimes. However, the cutting edge is the implication of the principle of proportionality. Justice requires that any principle of desert must be evaluated in terms of a condition whereby, in committing an offence, the offender is meted with the degree of sanction commensurable to the gravity of the offence committed. It is not impossible that retributive justice may be lured by any form of *lex talionis* (revenge). In essence, there are some problems with the particularity of the distribution of burdens and benefits of punitive justice.

By and large, an overview of the two concepts denotes an irreconcilable punitive system which often met brick walls. This hinders intergenerational punitive systems from getting off the ground. Intergenerational punitive justice, in this context, nurtures the transference of ideal synchronic justice elements, such as truth, fairness and equity, to the diachronic realm of the next generation. However, this is accessible in the Yoruba communal solidarity system, our theoretical framework, wherein the principle of ‘otherness’ is conscientiously prided towards the common good of all in the dispensation of justice.

Theoretical Framework: Communal Solidarity in Yoruba Thought System

The Yoruba constitute one of the major tribes in contemporary Nigeria. They occupied the South-western geo-political zone of the country (Atanda, 1990: 1). This homeland further spans other West African countries of Benin Republic, Togo and Ghana. About forty million people are estimated to live in the South-western parts of Nigeria, with two million Yoruba in Benin Republic, which borders Nigeria to the west. The belief in Ile-Ife as the cradle of life is one key element of Yoruba culture in Africa and the Diaspora.

However, the communal solidarity system in Yoruba thought revolves around harmonious cooperation grounded on the humanistic basis of the people’s moral value. We may tarry a while to discuss the meaning of moral value to boost the understanding of its humanistic orientation. According to Gyekye (1996:55), moral values involve:

A set of social rules and norms intended to guide the conduct of people in a society. The rules and norms emerge from ... people’s beliefs about right and wrong conduct and good and bad character. Morality is intrinsically social, arising out of the relations between individuals; if there were no such a thing as

human society, there would be no such thing as morality. And, because morality is essentially a social phenomenon ... consideration for the interests of others and, hence a sense of duty to others are intrinsic to the meaning and practice of morality.

This viewpoint on moral values draws attention to two implications: the descriptive and normative ethical reinforcement mechanism for moral obligation in the community. Descriptive signifies an individual's moral behavioural status, which transcends being virtuous. It focuses on issues of cooperation, actions, attitudes, emotion and character. Man, thus, is expected to maintain an interactive course of duty where the above social elements are not only generated but also equitably distributed in the community (Bewaji, 2004: 397). The normative sense emphasises an objectified standard for all to emulate against good and bad behaviour in the community. It supports social morality, which re-echoes an individual's conduct of good character in the community. It is to showcase the fact that a human being, in the Yoruba thought system, is part of a social whole. This social practice that an individual does not and cannot exist alone except corporately is illustrated by Gbadegesin (1991: 61-62) thus:

The new baby arrives into the waiting hands of the elders of the household. Experienced elderly wives in the household serve as mid-wives, they see that the new baby is delivered safely and the mother is in no danger after delivery. They introduce the baby into the family with cheerfulness, joy and prayer: "Ayo abara tintin" [This is a little thing of joy]. From then on, the new mother may not touch the child except for breastfeeding. The baby is safe in the hands of others: Co-wives, husband's mother and step-mothers and a whole lot of others, including senior sisters, nieces and cousins. On the seventh or eighth day, the baby gets his/her names, a ceremony performed by the adult members of the household The meaning of this is that child, as an extension of the family tree, should be given a name that reflects his/her membership therein, and it is expected that the name so given will guide and control the child by being a constant reminder for him/her of his/her membership in the family and the circumstance of his/her birth.

The above excerpt implies that an individual cannot run adrift from the community that nurtures him/her. Rather, the individual, through socialisation and the love and concern that the community extended to him/her, cannot now see himself/herself as an isolated being. This social character is intrinsic to the notion of morality in Yoruba culture. This is grounded in human experiences of living together. The Yoruba maxim in support of this position is *Ká rìn ká pò, yíye ló n ye ni* (which literally means walking together is always suitable) (Bello-Olowookere, 2004:18). In addition, wisdom is not limited to a given class of people in traditional Yoruba society. Rather, it recognises the contribution of every rational being, old and young, towards the betterment of the whole community. The point here is that every person should have a chance to contribute to the development of the society. This implies that no point of view should be suppressed in the process of deliberation, and no arbitrary exercise of power should be allowed. The importance of cross-fertilisation of ideas in decision-making is germane in any society. Hence, man owes his existence to other people, including those of past generations and his contemporaries. Whatever happens to the individual is believed to happen to the whole group, and whatever happens to the whole group is the responsibility of the individuals.

It shows that in realising this objective of communalism, ‘every ...child is given moral instruction during the process of socialisation to inculcate a sense of community’ (Gyekye, 1987:46). Hence, the saying by John Mbiti, ‘I am because we are, and since we are, therefore I am’ (Mbiti, 1982: 106). But this Mbiti’s epithet is wrongly interpreted by Nyasani to merely be the frustration of an individual’s creativity and ability to innovate by the communal dictatorship as ‘relatively unilinear, uncritical, lacking in initiative and therefore “encapsulated”’ (Lassiter, 1999). Lassiter further adds that,

[W]hat we experience in the practical life of an African is the apparent stagnation or stalemant in his social as well as economic evolution.... It is quite evident that the social consequences of this unfortunate social impasse (encapsulation) can be very grave especially where the process of acculturation and indeterminate enculturation is taking place at an uncontrollable pace.... By and large, it can safely be affirmed that social encapsulation in Africa works both positively and negatively. It is positive in as far as it guarantees a modicum

of social cohesion, social harmony and social mutual concern. However, in as far as it does not promote fully the exercise of personal initiative and incentive, it can be regarded as negative (Lassiter, 1999).

Nyasani missed the point here. 'Personal initiative and incentives' are encouraged in this thought system. This will unfold during the analysis. A Yoruba man has an obligation to maintain a harmonious relationship among all the members of the community and to do what is necessary to correct every breach of harmony and to strengthen community bonds, especially through the principle of justice. The Yoruba belief system strongly upholds the principle of justice, as its absence may efface communal living. This is because justice involves some aspects of punishment, as reflected in the Yoruba maxim *Ìka tí ó se ni oba ògè* (literally means: It is the finger that offends that the king cuts) (Ajibola, 1977:21 and 79). Communal solidarity emphasises the notion that an individual's image will depend rather crucially upon the extent to which his or her actions benefit himself/herself first but also satisfy the interest of others which is not, of course, by accident or coincidence but by design. It is important for a man to see to his ambitions, desires and actions but not to the detriment of the needs and interests of others. In another sense, human conduct in Yoruba culture demands absolute behaviours grounded in personal and social well-being.

Akiwowo (1983), from a sociological viewpoint, comments on this tensed relationship between communal existence and individual interests in the community. The author contends that a human being is an *asuwa* (a physiological organism) which is enhanced to form and evolve into *asuwada* (social organism) (Akiwowo, 1983:12). According to the author, *asuwada* is the basis of a conscious network of human beings in the society. Thus:

The *isesi* (pattern of doing things) of an individual is directed toward other individuals to a group of individuals who act in the same manner in concert or under a given rule or set of standards. An initiator of an *isesi* is, in turn, the object toward whom other individual's *isesi* are directed. The result is, among human beings, a complex network of *isesi* bond which unites every man, woman, or child with another (Akiwowo, 1983:13).

Having clarified this, Akiwowo proceeds to explain that human conduct in traditional Yoruba culture translates into the practice of *alajobi* (ties of consanguinity). *Alajobi* signifies the common ties of lineal and collateral relationship (Akiwowo, 1983: 18). *Ajobi* then means a family or a group of related families co-habiting the same compound, units in a village and town. Genealogically, all mankind belongs to this tree of *alajobi* because we all share in the *homo sapiens* traits. This, however, cannot hold sway anymore due to the complex nature of man, such as culture, colour, race, religious affiliation, etc. Nevertheless, the *alajobi* bond counts whenever the cord of unity is threatened. There and then, the Yoruba says, ‘I beg you in the name of *alajobi*’. But the incursion of Western individualism has crippled the sustainability of *alajobi* in place for *alajogbe* (the co-relationship). The main thrust of this collapse is the unbridled lust for material wealth where the successful ones among blood relations acquired more money and bought new things while the less successful ones were gingered into competition or envy (Akiwowo, 1983: 19). This constitutes another aspect of the challenges in intergenerational discourse. Thus, we shall briefly discuss some of the challenges with post-colonial formalistic punitive justice.

The Challenges with Post-Colonial Rigid Generational Punitive Justice

It is unfortunate to note that the post-colonial punitive legal experience truncated the flourished practice of communal solidarity in the Yoruba thought system to dispute resolution wherein the offender is reconciled to himself, the victim and the community at large. This rigid threshold provokes a form of detachment to the locals’ orientation of accessing punitive justice. It distorts or altercates the natives’ understanding of how the problems of punitive justice are to be solved, who will solve them and what will be the outcome. Most recently, there has been widespread dissatisfaction with the court system largely due to how results are achieved through the procedural laws of imposed culture. Indeed, these challenges informed the entire court system to lose touch with its goals of dispensing justice. Russell Fox extensively discussed these challenges within the following gauge: truth, delay, cost and complexity (Fox, 2000: 9-79).

Truth, from the legal perspective, constitutes an objective reality of what happened and what is happening in respect of the codified law of the state. Thus, the adjudicatory procedure in adversary systems is aimed at the determination of truth from the submission of both plaintiff

and defendant. However, the challenge of truth in the court system borders on its conflict with justice. Truth is being subordinated to justice despite the extent of evidence presented at trial before the presiding judge. In Nigeria, since the return to democratic practice in 1999, most cases referred to the election petition tribunals were disqualified on the ground of insufficient evidence. This shows that courts, in many instances, cannot determine the truth. Even prosecuting officers, like the Nigeria Police, could not help matters. They often mislead the court proceedings due to their abusive nature, which consequently provokes improper prosecution of cases and unwarranted convictions. Besides, a witness to a case could honestly observe differently and remember differently, but his submission could be heard and interpreted differently by the court. There are situations where the counsels coach the witness on what to say, which swings recollection away from the whole truth to favour the party offering the testimony, and this gives too little weight to the fundamental goal of reliable fact-finding. Judge Frankel corroborated this stance with the comment that “the search for truth fails too much of the time and that the advocate’s prime loyalty is to his client, not to truth as such” rather “the process often achieves truth only as a convenience, a by-product or an accidental approximation” (Frankel, 1995: 1031-59). These odd practices distort adjudicatory procedure as the court is handicapped to enter an investigation of its own.

Delay is another challenge confronting adjudicatory procedure in the adversary court system. Its association with litigation, civil and criminal, is, in general, excessively unbearably. Sometimes, the public sees delay as a lesser evil which is painstakingly necessary to reach the root of the problem, as a means of achieving perfect justice. But the ills of delay are too overwhelming, making hearings at court sittings more of a historical inquiry, with a consequent loss of reality. Agbakoba (Agbakoba, 2001: 19), former Nigeria Bar Association chairman, comments that;

Decline in the administration of justice manifests itself through unprecedented delays in case processing (which) increased backlogs...The failure of courts to resolve cases in timely manner has tended to diminish the citizens’ willingness and ability to access justice. The public perceives that the time required for a civil case in court is excessive.

The above stance makes facts gathering difficult to establish because memories can fade with time, and witnesses' statements can be unreliable. More so, the attitude of legal counsels to delay is alarming. They abusively apply for interlocutory injunction and contest jurisdictions of cases with a view to organising affairs according to their own preparation and advantages. Sometimes, a wealthy client influences his counsel(s) to unnecessarily delay the case and increase the cost along the way in order to frustrate a weaker party to hand off a case. The derogatory aspect of this postponement is when both the defendant and plaintiff's counsels agree to delay without any objection on the ground that either may need a similar obligation in the future. A judge's decision to keep hearing short and precise is often frustrating as the parties to a case may challenge him to it for excluding the matter upon which a party wishes to rely or, in the case of cross-examination, unfairly limiting a line of questioning. Sometimes, a trial judge may simply reserve judgement indefinitely simply because the judgement is expected to deal more fully and precisely with the evidence that has been carefully and exhaustively expressed. So, the trial judge is in his/her world, and he/she will need court time as well to act accordingly. Even after the pronouncement, the time taken to institute an appeal to its final determination may take more years beyond imagination.

The cost of litigation is another hindrance that contorts the face of justice. This has become excessive to the point where the citizens cannot afford the service of solicitors for litigation, talk less of being in court to seek redress. Turning to the court, in most developing countries, has reduced drastically as the cost of litigation often exceeds the value of claim. The reasons for this are not far-fetched. In Nigeria, the legal practitioners placed too high a value on their services. Senior advocates prime themselves for high-profile cases in order to charge high fees, which wealthy clients are ready to comply with. The lawyers often lay claim to the expensive system of procedure operating in an unnecessarily complex state of the law. This expensive system includes where there is a conflict of experts' evidence which is not uncommon; the appellate court starts procedures all over again on the grounds of unfair procedure at the lower court (the appellate court should not regard itself as free to re-examine inferences drawn by the trial judge). By and large, the lengthy case engendered by the adjudicatory procedure means the greater cost is to the clients and solicitors.

Apart from the high cost and its implication on litigation, the complexity of the nature of law constitutes a serious threat to punitive justice today. The ubiquitous nature of law includes court pronouncements, its many refinements and the multiplicity of its sources. These pronouncements make it difficult for a solicitor to give a definite view on the law or even express a probability as to how the law affects one particular case at hand. Indeed, the solicitor advises temporarily, bristling with possible and probable, and plenty of qualifications about the uncertainties of litigation. Also, courts constantly make new procedural rules, issue new practice notes and develop new practices. Now, these multiplicities of sources are fashionable in developing countries, like Nigeria, where her constitution was drawn by a handful of military juntas to satisfy their self-centeredness. This provokes constant nullification of vital aspects of the constitution through rules of courts and legislative bodies such as the National Assembly (in relation to regulation), the local council (in relation to by-laws) and other bodies saddled with the delegated powers. Unfortunately, most of these laws relate to technical aspects of the system's development, which hinders actual governance in the nascent democratic practice (Aina, 2018: 121-124).

Having briefly highlighted the challenges with the intergenerational punitive system, it is imperative to draw attention to the impacts of communal solidarity in the Yoruba thought system with a view to sustaining the trend for the future.

Discussion: Communal Solidarity for Sustainable Intergenerational Punitive Justice

From our submission above, the sustainability discourses of trial by independency and facilitation are out of place in the contemporary African punitive justice system. The trial by independency is provoked by the formal colonial structure, which, over the years, beclouds the traditional penal system to destroy and undervalue ways of dispensing justice in Africa. Also, facilitating a sound justice system can only be produced and reproduced within both human relationships and with natives other than the Eurocentric 'gaped' justice system. This universalised principle merely engendered individualistic and atomised elements to promote weak sustainability in intergenerational concerns. Hence, it is imperative to advocate strong sustainability in communal solidarity for punitive justice where the life opportunities of future

generations cannot only be secured with environmental quality but also be fortified specifically with conserved elements for their benefit (Howarth, 1997:571).

Thus, punitive justice in Yoruba communal solidarity is rather quick and informal. It is quick in the sense of being inclusive in nature. The system embraces the victim, offender, their families and the general community involved in defining the forms of punitive sanction and reconciliation. It exhaustively addresses the interests of all parties to the conflict. This ‘openness’ involves a social solidarity system where no family or group would allow its members to be unjustly punished or subjected to inhumane treatment with impunity. It is also a system which restrains individuals on certain reciprocal obligations as the mutual interest of the group (Deng, 2004:501-2). This humane people-centeredness is reflected in the treatment of offenders. Offenders are encouraged to understand and accept responsibility for their actions. The offender is expected to accept accountability with discomfort but not so harshly as to degenerate into further antagonism and animosity, thereby alienating the offender. Strenuous efforts follow chastisement to integrate the offender back into the community. The institutions of social control are formal agents of re-socialization, hence, providing offenders support through teaching and healing. Teaching and healing are meant to address the reasons for inculcation in the offender's traditional institutions of the punitive justice system and the implications of flouting them. The above goal is realised through an informal court system. In the trial, both the accused and the accuser were physically present. The accuser would charge the accused in person, and the accused would be allowed to state his own defence. In addition, members of the native court’s jury would subject both parties to examination. Witnesses would be requested. After a serious deliberation on the case, the *Oba* (king) would sum up the decisions. Besides the court type, disputes could also be given instant adjudication when they happen in a public place. Such instant adjudication is referred to as “street ad hoc court”. The mediating elder(s) might or might not be known to the parties involved in the quarrel beforehand. This thorough airing of complaints ‘facilitates gaining of insight into and the unlearning of idiosyncratic behaviour which is socially disruptive’ (Gibbs, 1973:374). Participants, in this sense, are free to express their feelings in an environment devoid of power. If people involved in a conflict participate and are part of the decision-making process, then they are more likely to accept and abide by the resolution. This puts on hold conflicts in as

much as it provides opportunities for stakeholders to examine and bring about changes to the society's social, institutional and economic structure.

More so, communal solidarity for intergenerational justice in Yoruba culture further prevents greater conflict and revenge in contemporary society. It implicitly emphasises the fact that genuine reconciliation demands peace as the foundation for humanity to realise its highest essence, for it is the basis of advances in knowledge, culture, prosperity, mutual relations and development as a whole. All this is realised through the practice of inherent natural morality in the dispensation of justice. For the Yoruba, the concept of punitive justice means the upholding of the principle of natural rightness or wrongness on the assumption that morality is a natural property inherent in humankind, an instinctual kind of impulse which creates feelings of acceptance or rejection of what is either good or bad. What it means is that law becomes unenforceable and meaningless when its moral import is jettisoned. In another sense, law receives its moral sense of obligation when rendered and evaluated in a moral sense rather than what the reparability thesis claims in Western penology. This is an issue whose discussion falls outside the scope of this study.

To this end, the system conveys genuine reconciliation, which transcends established normative rules, institutions and formal procedures, which are inadequate to resolve conflicts, to enact a creative and flexible human activity that is undertaken for the sake of humanity as a shared community. Individuals in such cultures are enjoined to think in terms of what society can gain from them so that all can prosper rather than chasing the shadow of self-aggrandisement. In other words, it involves the principle of adjustment of personal interests to the interests of others, even at the possible cost of some self-denial. It provokes the acceptance of responsibility, as alluded to earlier, to the point of willingness to be part of the search for a solution. In fact, it is not an alternative to conflict but a transformation of the conflict. Both parties to a conflict would be able to define the stakes involved and relate them for the sake of the wider community as well as for the future of the next generation.

Conclusion

The study has shown the short-sighted nature of punitive justice in the contemporary generation, which could negatively impact our concern for the future generation if not

addressed in time. A strong sustainability principle germinates in an enabling environment where the culture of the people concerned is not muscled. This should be imposed prior to the maximisation of punitive justice between present and future generations. Thus, communal solidarity in Yoruba culture would provide for a coherent interconnection among social structure, law and belief systems towards certitude and trust, making for harmonious human well-being and future generations. Also, it will transcend the abusive nature of court proceedings where judgements are unnecessarily delayed, costs of prosecution and defence are beyond the ordinary, truth-telling is prohibited for circumstantial evidence, and complexity of facts gives way to distortion of justice. Rather, punitive justice in a sustainable communal solidarity system would reconcile the offender with the victim and the community at large. Justice is also dispensed within a timeframe against the prolonged abuse of court proceedings. This facilitates a creative and flexible human activity whereby human beings are amenable to change and deserve integration into the community.

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