

Why Differing Patterns of Land Rights Transformation and Land Conflict among the Yoruba of Nigeria?

By

Oyebade Kunle Oyerinde, Ph.D.
Assistant Professor of Political Science
Indiana Wesleyan University
EMAIL: kunle.oyerinde@indwes.edu

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Abstract

The varying impacts of indigenous ordering principles on land rights transformation in African communities have been generally neglected in scholarly works. Despite strong reasons to believe that indigenous ordering principles can be hugely important in explaining a wide variety of outcomes, extensive attention in property rights research has gone to models of efficiency, the relative power of actors, distributional conflict, colonial legacies, and the role of African national governments as possible explanations. Based on *a priori* assumptions, studies on the Yoruba of Nigeria have treated Yoruba indigenous institutions as similar, with scholarship on African indigenous institutions treating these indigenous institutions as wholly useful for governance and property relationship reform. Yet, it is puzzling why changes in the distribution of land rights in Yoruba communities of Nigeria have led to differing patterns of violence. The main focus of this paper is to attempt to resolve this puzzle by analyzing how indigenous ordering principles in three relatively similar Yoruba communities of Nigeria - Abeokuta, Ibadan, and Ile-Ife – have influenced land rights transformation to lead to different patterns of violence. This study uses data from archival research, and unstructured and semi-structured interviews.

Introduction

Africans have developed cosmological perspectives, beliefs, and experiences that they follow as indigenous ordering principles. These historically rooted arrangements reflect shared notions of governance and property relationships, have influenced the emergence, distribution and transformation of land rights, and have determined the outcomes of conflict processing in African communities. However, scholarly works on property rights research have generally neglected the varying impacts of African indigenous ordering principles on land rights transformation. Without equivocation, this lacuna is worthy of problematization through the instrumentality of the comparative method and deeper level analysis.

The main objective of this paper is to fill this gap by examining how differing indigenous ordering principles have shaped land rights transformation and patterns of violence in three relatively similar Yoruba communities of Nigeria – Abeokuta, Ibadan, and Ile-Ife. In addressing this issue, this paper attempts to provide clues about why land rights transformation and the treatment of the resultant land conflicts before and after 1978 have resulted in different patterns of violence in Abeokuta, Ibadan, and Ile-Ife. The 1978 land law, for example, transferred land-ownership from families to the Nigerian national government. The nationwide land reform has disrupted peace and order in Ile-Ife, with members of diverse Yoruba groups in both Abeokuta and Ibadan able to find

more peaceful ways to process the resultant land conflicts into mutually productive outcomes.

These differing patterns of violence also characterized these communities following series of land rights transformation prior to 1978. With regard to violence over land rights in Ile-Ife, over 30,000 people have been killed, approximately 10,000 people critically injured and maimed, and houses, farmlands, and other property destroyed. Abeokuta and Ibadan have however moved up the ladder of entrepreneurial progress, eclipsing Ile-Ife by virtue of their mutually beneficial inclusive associational life and their increasing level of commercial and industrial progress (Mabogunje 1961; Biobaku 1983; Falola 1984; Akinjogbin 1992; Olutobi and Oyeniyi 1994; Adeyemi-Ale 1999; Udo 1999; Albert 2001; Toriola 2001; Ayo 2002; Watson 2003; Ellsworth 2003; Oyerinde 2006; Vaughan).

The importance of indigenous ordering principles as a major explanation for the differing outcomes of land rights transformation rests on the following. First, how the emergence, distribution, and transformation of land rights influence the standing of individuals, conflict resolution, public peace, and productive entrepreneurship in Yoruba communities of Nigeria depends on the prevailing ordering principles. Second, shared ordering principles, and the attributes of land and its flows of benefits, such as food and tree crops from farmlands, determine whether a given land right should be exercised as private or common. Third, indigenous ordering principles differ among the Yoruba, and other Africans, and influence governance and property relationships differently (Oyerinde 2006). Consistent with a view by Sjaastad and Bromley (1997), there is no question that some indigenous ordering principles serve as bright grounds for hope in institutional transformation in Africa. This paper however calls for caution in treating African indigenous ordering principles as wholly useful for property rights reform.

Subsequent discussion in this paper shall proceed as follows. Theoretical perspectives about property rights transformation are first discussed to situate this paper within the property rights literature. A discussion of the study sites follows before analyzing the ordering principles for land rights in Abeokuta, Ibadan, and Ile-Ife. Before drawing conclusions, a discussion of the impact of ordering principles on land rights transformation and the resultant violence patterns before and after 1978 in the three communities is undertaken, along with other possible causes of violence.

Property Rights Transformation: Theoretical Perspectives

A wide divergence of perspectives has characterized the study of transformation of property rights institutions. Structural functionalists argue that individuals create and retain property rights institutions that are able to promote the common good of society (Evans-Pritchard 1940). Studies emphasizing the efficiency side have taken this argument some step further in focusing on the benefit-cost possibilities of institutions. The efficiency school posits that institutions become more efficient over time. Individuals are presumed to be rational and able to sort out efficient institutions based on their benefit-cost potentials, with less efficient institutions gradually replaced over time. Thus, it has been claimed that property rights transformation would go through several steps in a unidirectional way, ultimately leading to private rights as the most efficient (Demsetz 1967; North and Thomas 1973; Anderson and Hill 1975).

An important element of the efficiency argument is the place of individual agency and choice in institutional change. Another aspect is that rational individuals in a social setting have similar, rather than conflicting, goals and interests. These underlying elements however weaken the efficiency argument for the following reasons. Individuals in a social setting do not always have the same goals/interests and the same power level, but divergent interests with differing positions based on their ordering principles. Individuals would use their relative power to retain or jettison existing institutions based on the incentives created by their ordering principles. Also, property rights transformation may not be unidirectional. A transition from common to private property rights institutions, for example, may yield a mix of common and private property rights institutions.

In this regard, an alternative argument claims that institutional change are not evolutionary but the outcomes of distributional conflict among individuals and groups characterized by power differentials and conflicting interests (Ensminger and Knight 1997; Knight 1992; Lesorogol 2003, 2008). In property rights transformation, “Potential losers and winners will attempt to protect their benefits under the status quo or seek new advantages promised by the new structure” (Mwangi 2007, 817). The uniqueness of this line of thought crystallizes around the idea that “it is useful to analyze the relative power of actors and to understand both the sources of power and how it is gained, used, and lost in efforts to influence institutional outcomes” Lesorogol (2003, 533). Actors are presumed to gain power through exposure to modernity shaped mainly by western education, white-collar jobs and/or military service, through material wealth or location in economic stratification, through physical ability to hurt or kill opponents, and through state backing (Ensminger 1992; Lesorogol 2003, 534; Mwangi 2007, 823).

By focusing on the relative power of actors and treating transformation of property rights as “closer to a zero-sum situation” (Lesorogol 2003, 533), this model predicts institutional change as significantly approximating Hobbes’ brutish, chaotic state of nature where participating actors face the temptation to set aside mutual agreement and fairness in favor of superior-inferior relationships, to foreclose error-correcting possibilities, to neglect consideration of the terms and conditions of property relationships on which mutually beneficial alternatives are available, and to see domination as the chief tool of achieving individual interests. In all likelihood, the only possible outcome in zero sum institutional environments is the perpetual victory of the strong over the weak.

Cutting-edge studies have used the model of relative power of actors to examine land rights in Africa, two of which focus on relatively similar groups of individuals in the Rift Valley Province of Kenya: the Maasai pastoralists of Kajiado district (Mwangi 2003, 2007) and the Siambu pastoralists of Samburu District (north of Kajiado district) (Lesorogol 2003, 2008). In her excellent, thoughtful analysis of the transition from common to individual land tenure among the Maasai pastoralists, Mwangi (2007, 823) finds that the transition “favored wealthy cattle owners and the committee”, the allocating committee having the backing of the Kenyan state, at the expense of both “the poor livestock herders” and individuals “with disagreements, personal or political, with the committee”. In sharp contrast, Lesorogol’s (2003, 538) finds that a similar process among the Siambu pastoralists resulted in “equal subdivision”, a solution “perceived as fair since all were treated equally”.

Since the model of the relative power of actors hinges fundamentally on the victory of the strong over the weak, the findings of the two studies are puzzling. The solution of equal subdivision, a positive-sum game, among the Siambiu contradicts the zero-sum prediction of the model of relative power of actors. If the Siambiu pastoralists are capable of transforming property rights institutions into fair arrangements, should property rights research be guided by a culture of deeper-level inquiry into people's shared understanding of the bases of governance and property relationships, rather than a culture of command and control dominated by those engaged in the art of manipulation? Also, the relative power of actors may not be endogenous to actors as the two studies apparently admit that the Kenyan state significantly determined the relative power of actors among the two groups. Explanations of institutional change focusing on "the internal processes and decisions that characterized the transition from collectively held group ranches" (Mwangi 2007, 815) and that claim that exogenous forces did not determine the outcome of the Siambu case (Lesorogol 2003, 540) need to be rigorously subjected to critical review.

Furthermore, the Maasai and Siambu pastoralists are known for the egalitarian values of equal standing, fairness, and mutual agreement (Salzmann 1999; Schneider 1979). Given the dismal role of the Kenyan state in the process of property rights transformation, as its "officers are corrupt and take bribes" (Mwangi 2007, 824), what motivated the Siambu pastoralists in Lesorogol's (2003) study to follow the path of mutual agreement in institutional change? How much influence did the egalitarian ordering principles of the Maasai pastoralists exert on property rights transformation, and why? Are there alternative conditions of property relationships on which property rights transformation can proceed among Africans? Are individuals capable of creating and transforming property rights institutions through reflection and choice, or are individuals forever doomed to depend on force for institutional change? Put differently, "Is the world constituted by patterns of dominance in which some exercise power over others, or is it possible to conceive of binding and workable relationships being achieved by mutual agreement among colleagues working with one another?" (V. Ostrom 1997, 4).

These are fundamental questions the model of relative power of actors and many other studies have not resolved. While not answering the questions above, other studies argue that violence over property rights is more likely in a social setting with environmental scarcity and a high population density (Homer-Dixon 1994, 1999; Percival and Homer-Dixon 1998). However, this prediction does not apply universally in Africa. As illustrated later in this paper, ecologically similarly social settings exist in Nigeria where those with lower population densities, rather than those with higher population densities, have been characterized by property rights violence. To the neglect of indigenous ordering principles, still other scholars have focused on colonial policy, commodity price change, religion, local government creation, and divisive electioneering campaigns as explanations for land conflict (Albert 2001; Oladoyin 2001; Vaughan 2006; Akinwumi *et.al* 2006; Abdullahi and Saka 2007). Also with extensive criticism of colonial administrators for disrupting human-land relationships in Africa (Commission for Africa 2005; Kedar 2003), state control of land is believed to provide the most effective way to rein in African land conflict (Lugard 1922; Arua 1979; Udo 1990; Cheru 1992). However, state control of land has not translated into conflict reduction or termination. Rather, state control of land has interacted with inflexible indigenous

ordering principles to fuel land conflicts and escalate such conflicts into prolonged violence in some Nigerian communities (Suberu 2001; Oyerinde 2006).

Incidentally, the inevitability of a wholesale return to African indigenous institutions as wholly useful for property rights reform is receiving growing attention among some scholars (Ayittey 1991, 1998; Chamlee 1993; Firmin-Sellers and Sellers 1999; Doumbia and Doumbia 2004; Boone 2007; Musembi 2007). It has been argued *a priori* that “to the extent that the indigenous arrangements are stunted, it is often the result of state regulation and restrictions” (Chamlee 1993, 81). More specifically, scholarship on the Yoruba of Nigeria has treated Yoruba indigenous institutions as at best roughly patterned after the hierarchical order of command and control in Ile-Ife (Price 1933; Lloyd 1962; Coker 1966; Adeyemi-Ale 1999; Akinjogbin 2002; Soyinka-Airewele 2003, 281-284). We are therefore supposed to put all of the Yoruba of Nigeria in one class. One fundamental problem with these studies lies in the failure to recognize that African indigenous foundations of property relationships differ and shape institutional change differently, even when influenced by state institutions. The studies are also unclear about how the lessons embedded in successful indigenous processes of institutional change can be understood and used as the basis of institutional change in Africa. In addition, the idea of institutional homogeneity among the Yoruba of Nigeria is misleading. As will become clearer later in this paper, Yoruba indigenous institutions significantly differ.

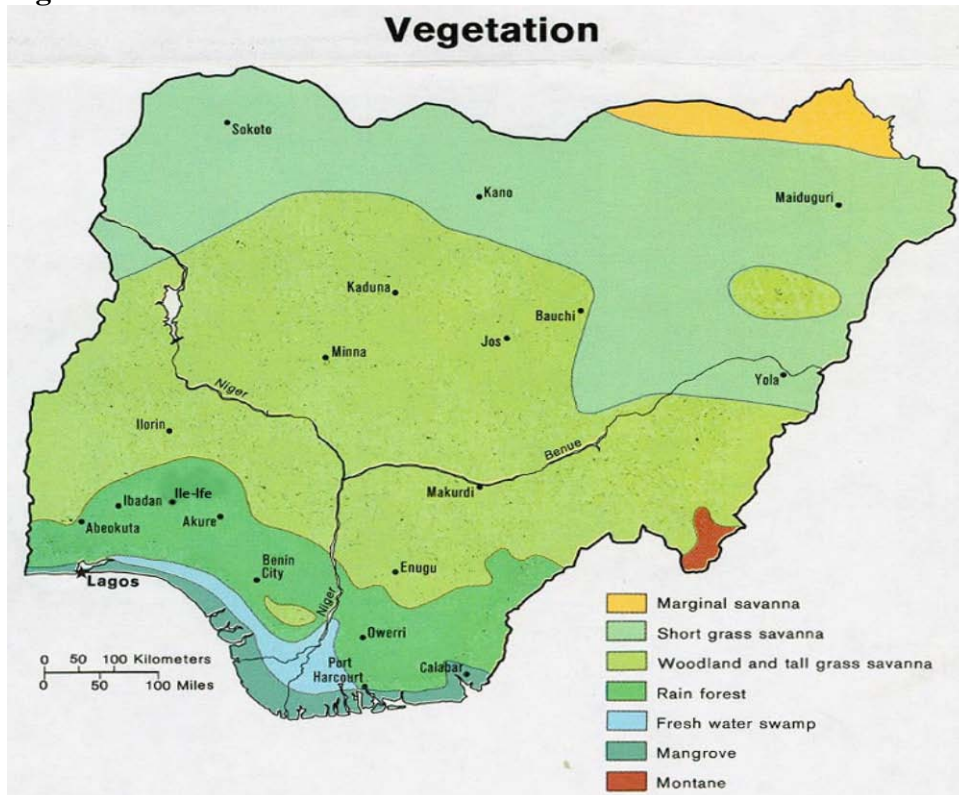
This paper seeks to address this gap through in-depth comparative analysis of how differing patterns of indigenous ordering principles have shaped land rights transformation as well as the varying patterns of violence in Abeokuta, Ibadan, and Ile-Ife. Indigenous ordering principles among the Yoruba embody shared beliefs about governance and property relationships. The argument pursued in this paper therefore recognizes the importance of historical legacies that have to do with people’s shared experiences and beliefs about the universe, and how people think and relate to one another. An understanding of such legacies has been considered fundamental in gaining insight into people’s ordering principles that in turn can explain the emergence, regulation, and transformation of governance and property relationships as well as a variety of other outcomes (Tocqueville 1966; V. Ostrom 1987, 1994; Clark 2002). Attention is now shifted to the criteria for selecting Abeokuta, Ibadan, and Ile-Ife as the study settings for this study.

Case Selection Criteria

Abeokuta, Ibadan, and Ile-Ife were intentionally selected for in-depth, comparative analysis. The large-N randomized strategy was ruled out because it would not have allowed going into the depth necessary to establish the existence of indigenous ordering principles and trace their influence in detail across the selected three communities. A selection criterion for the three cases rests on the logic of the comparative method requiring case selection to be based on variation on the independent variable in order to avoid selection bias and inference problems (King, Keohane, and Verba 1994). As explained in the next section, Abeokuta, Ibadan, and Ile-Ife have different ordering principles. This study treats these principles as a hugely important factor for explaining the differences in land rights transformation and the resultant patterns of violence in the three Yoruba communities.

Another selection criterion is based on the need to control for potentially competing explanations. Ile-Ife, Ibadan, and Abeokuta provide a relatively natural control for ecology, population, ethnicity, conflict types, divisive party politics, and exposure to national government influence, which could affect how the inhabitants of the three communities organize and transform property relationships. The three communities belong to the same Yoruba ethnic group in Southwestern Nigeria and were among the few major Yoruba political economies in the 19th century. Each setting is currently an urban area with villages that serve as farmlands. Yoruba is the common language for the three settings, with variation in linguistic intelligible dialects. Abeokuta, Ibadan, and Ile-Ife are in the same rainforest vegetation zone of Nigeria, as illustrated in Figure 1. The vegetation belt corresponds to the major cocoa-growing area of Southwestern Nigeria. The region is well-drained and has rich heavy loamy soils that offer favorable conditions for similar agricultural production involving the cultivation of tree crops such as cocoa, kolanut and palm produce, root crops such as cassava, yam and cocoyam, grains such as rice, beans and maize, hunting, and timber extraction. The three communities are homes to diverse Yoruba groups. Ile-Ife is home to Yoruba groups including Oyo and Ife Yoruba groups. Ibadan provides home to descendants of Oyo, Ife, Egba and Ijebu Yoruba groups, and freed slaves. Abeokuta provides home for descendants of Egba and Owu Yoruba groups along with descendants of freed slaves (Akinjogbin 1992; Ayo 2002; Biobaku 1991; Falola 1984; Falola and Oguntomisin 2001; Johnson 1921).

Figure 1



Source: http://www.lib.utexas.edu/maps/africa/nigeria_veg_1979.jpg

In addition, Abeokuta, Ibadan, and Ile-Ife have been similarly influenced by the Nigerian state. The Nigerian state consists of a central government, 36 states, and 774 nationally created local governments. Operating within a superordinate-subordinate pattern of relationships, the whole country is similarly governed and policed by the central government with one single police force. The states and local governments depend on the central government for over 90% of their fiscal resources. Consistent with the logic of command and control, the states and the local governments are subordinate to the central government in constitutional prescriptions and directions (Wunsch and Olowu 1995; Ayo 2002; Nigeria 1999; Olowu and Wunsch 2004). Abeokuta, Ibadan, and Ile-Ife have also experienced landlord-tenant conflicts over land, including those arising from the 1978 land law enacted by the Nigerian state (Udo 1999).

The three settings however differ in population density. Ile-Ife, Ibadan, and Abeokuta have population densities of 151 persons per km², 529 persons per km², and 161 persons per km², respectively (Akinjogbin 1992; Nigeria 2000; Oyo State 2000; Thomas Brinkhoff: <http://>). Nevertheless, the population density differences are not a threat to this study as violence related to land rights transformation has been breaking out in Ile-Ife with the smallest population density, rather than Abeokuta with a higher population density and Ibadan with the highest population density. The nature of ordering principles in the three settings is the focus of the next section.

Ordering Principles for Governance and Property Relationships

The pattern of fairness and standing for individuals in governance and property relationships reflects the prevailing ordering principles. Individuals tend to enjoy fair treatment in governance and property relationships when their institutional arrangements are based on principles of mutual agreement, respect, trust, and impartiality. An institutional structure may however hinder mutually beneficial ways of life when the institutional environment marginalizes some individuals in governance and property relationships. In an unfair institutional environment, individuals with the ability to impose sanctions may interpret institutional arrangements for their own benefits and thereby exploit others. The more extreme the deprivation, the more willing the disadvantaged become to use extreme measures in the absence of means to achieve more agreeable solutions. Such a repressive institutional environment is more likely to decrease possibilities for reaching more mutually acceptable contractual agreements in institutional change, increase transactions costs for investment-making, lower security of expectations, and consequently undermine mutually productive entrepreneurship (Kemp 1981; Field 1989; V. Ostrom 1987; E. Ostrom 2001).

In the ethical systems of Yoruba people, ordering principles play an important role as a connection between their cosmological perspectives, beliefs, experiences, and institutions for governance and property relationships. These cosmological perspectives, beliefs, and experiences are transmitted orally from generation to generation through socialization in the family. With the advent of writing through Christian missionaries and colonialism, some of the beliefs and experiences have been documented for easy accessibility.

Past experiences among diverse Yorubas that founded Abeokuta and Ibadan led to a major shift in their cosmological perspectives, beliefs, and ordering principles in the

early 19th century. Initial settlers in both Abeokuta and Ibadan adopted equality and fairness as ordering principles following the collapse of the Old Oyo Empire, the aftermaths of the Owu war, and the breakdown of Maye Okunade's autocracy in Ibadan in the early 19th century. The purpose was to create a flexible institutional environment for governance and property relationships, where newcomers could claim their host community as their permanent home, rather than a temporary place of abode, through the freedom to associate with people of their choice and the right to own land, and where social mobility would be based on personal achievements rather than blood ties.

This institutional flexibility is a contrast to the ordering principles of command and control under the Old Oyo Empire where ordinary individuals were required to submit to leaders as divine rulers and as second in command to *Eleda*, the Creator. Under the Old Oyo Empire, blood ties also determined the standing of individuals in governance and property relationships. The repressive traditions of the Old Oyo Empire incapacitated ordinary individuals from exercising choice in setting, maintaining, and altering the terms and conditions of governance and property relationships for better opportunities (Imoagene 1976; Biobaku 1983; Falola 1984).

After the collapse of the Old Oyo Empire and the outbreak of the Owu war in 1821, some Yoruba refugees fled from communities under the Empire, moved further south, and founded Ibadan in 1829. Shortly thereafter, Maye, an Ife Yoruba man, emerged as an autocratic leader in Ibadan and terrorized non-Ife Yorubas in the new land, including Egba Yorubas. Many Egba Yorubas later fled from Ibadan to establish Abeokuta in 1830 before Maye's autocracy was effectively terminated in 1833. In light of their experience with repressive ordering principles, diverse Yoruba groups in Abeokuta and Ibadan, as from 1830 and 1833 respectively, changed their ordering principles to ensure fairness, equality, and mutual agreement among participating individuals in governance and property relationships.

The new ordering principles rested on a cosmological understanding that the relationships between ancestors, lesser gods (*orisa*), and *Eleda* (the Creator), and man on the one hand, and among human beings on the other hand, were covenantal. By their relationships being covenantal, rulers and the ruled occupied the same position in the eye of the rules of ancestors, lesser gods (*orisas*), and *Eleda*, and were to relate to one another in governance and property relationships as partners through mutual agreement, fairness, and mutual behavioral expectations¹ (Falola 1984; Lawoye 1984).

The ordering principles guiding the choice of occupation, allegiance to families and groups, and land use and landownership were also relaxed in both communities in the 19th century to enable individuals to enjoy more freedom than was available in other Yoruba communities (Imoagene 1976; Falola and Oguntomisin 2001). The ordering principles in the two communities were so flexible that newcomers were easily attracted, integrated into the community, and allowed to try out new ideas in order to facilitate mutually beneficial entrepreneurship. Accordingly, newcomers and their descendants had as many choices as initial settlers and their descendants in governance and property relationships. It was against this background that members of diverse Yoruba groups in Abeokuta and Ibadan were allowed to exercise access, withdrawal, management, exclusion and alienation rights in land. In the 19th century, for example, initial settlers in both Ibadan and Abeokuta willingly waived property rights (*eto*) in many portions of their land to newcomers and enabled the newcomers to claim Abeokuta as their

permanent home (Falola 1984; Mabogunje 1961; Biobaku 1991). In the Itoko, Ijemo and Ikopa neighborhoods of Abeokuta, for example, individuals “were requested to waive their rights to the land so that all the new-comers might have some land to cultivate” and form independent landowning compounds (Mabogunje 1961, 266).

In colonial Nigeria, the colonial administrators made deliberate attempts to weaken these flexible indigenous arrangements in Abeokuta and Ibadan. Colonial administrators ran a centralized system of government where local chiefs loyal to the colonial administrators were accorded the status of sole native authorities to conduct public affairs on behalf of the colonial administration and manage land. Deliberate repression of the autonomy of individuals became so apparent that efforts by inhabitants of Abeokuta and Ibadan to modernize their ordering principles for governance and property relationships were forcibly suppressed by the colonial administration (Oyediran 1988; Olowu 1996; Watson 2003). The tension between indigenous ordering arrangements and the formal structure of governance has not changed since Nigeria became independent of Britain in 1960. Agents of the Nigerian national government and its subordinate units have made deliberate attempts to stifle and dismiss indigenous institutions as primitive (Ayo 2002).

Despite strong resistance from the colonial administration and agents of the Nigerian national government, the indigenous ordering principles in Ibadan and Abeokuta have remained the main basis of governance and property relationships and have been reinforced by settlement patterns, flexible membership terms of neighborhood associations and community-based associations, and relative peace from conflict resolution processes. In post colonial Nigeria, associational life in Ibadan and Abeokuta is mostly inclusive. Long time residents and newcomers have an equal opportunity to hold access, withdrawal, management, exclusion and ownership rights in land. Individuals are not restricted to a part of the community based on their background, with intermarriages taking place between members of different groups to strengthen intergroup collaboration among neighborhood associations and other community-based associations. Children can inherit land from paternal and maternal lines (Imoagene 1976; Falola 1984; Biobaku 1991; Oyerinde 2006).

In colonial and postcolonial Nigeria, shared understanding about the ordering principles in Abeokuta and Ibadan as a basis of fairness in governance and property relationships has been reinforced by popular sayings: *Ibadan o ki se ile enikan* (Ibadan is no man’s ancestral home), *Ibadan kii gba onile bi ajeji* (Ibadan never blesses the natives as much as newcomers), *Egba o loba, onikalulu lo nse bi oba* (residents of Abeokuta are their own governors), and “no landless person in Abeokuta and Ibadan”. Similarly, relative peace among diverse Yoruba groups and increasing economic expansion since the 19th century in the two communities have provided their inhabitants a strong basis for treating their ordering principles as a more viable basis of achieving mutual productive entrepreneurship in post colonial Nigeria (Johnson 1921; Imoagene 1976; Falola 1984; Biobaku 1991; Tejuoso 1991; Ayo 2002; Watson 2003; Oyerinde 2006).

These reinforcing factors have today enabled institutional flexibility where small-scale and medium-scale governing structures like compounds and neighborhoods, as conjectured by Bickers and Williams (2001), have come into and gone out of existence due to changing circumstances. The institutional flexibility has also enabled governing units to be constructively competitive as individuals engage in the processes of

competition, cooperation, conflict and conflict resolution. The goal of conflict resolution is to maintain friendly relationships and to avoid apportioning blame², making it possible for newcomers to be attracted and integrated into the communities (Ade-Ajayi and Smith 1971; Imoagene 1976; Falola 1984; Biobaku 1991; Falola and Oguntomisin 2001).

In Ile-Ife, however, individuals are differentiated in property relationships based on genetic distance from the presumed founding father of Ile-Ife, *Oduduwa*. *Oduduwa* is believed to be a “son” of *Eleda* and a lesser god (Bello 1999), who allegedly descended from heavens through a chain let down in Ile-Ife³ along with 400 *orisas*.⁴ Against this background, Ife Yorubas in Ile-Ife share a cosmological understanding that Ife Yorubas are the only individuals who can claim a direct descent from *Oduduwa* and claim Ile-Ife as home. As a result, Ife Yorubas claim to have the exclusive right to specify the terms and conditions of governance and property relationships in Ile-Ife. Based on the prevailing ordering principles of superior-inferior relationships among Ife Yorubas, Oyo Yorubas in Ile-Ife are believed to have an obscure link to *Oduduwa*, assigned lower status as permanent migrants/tenants, and required to submit to Ife Yorubas in governance and property relationships⁵. In reality, Oyo Yorubas are not allowed to claim Ile-Ife as their permanent home. Ife Yorubas, for example, have the opportunity to hold access, withdrawal, management, exclusive and ownership rights in land. Oyo Yorubas are however not allowed to hold exclusive and ownership rights because of their constitutional status as strangers/tenants⁶ (Ajulo 1989; Bello 1999).

Instead of relying on submission, passive obedience, and tenancy, Oyo Yorubas in Ile-Ife, whose ancestors moved to Ile-Ife around 1827 after the collapse of the Old Oyo Empire, have however shared a cosmological belief supportive of the ordering principles of equality, fairness, accountability, and mutual behavioral expectations. Having lived in Ile-Ife for over 150 years, Oyo Yorubas desire to treat Ile-Ife as their permanent home where they expect to enjoy the same rights in governance and property relationships as Ife Yorubas. Ife Yorubas have rejected the claims of Oyo Yorubas. As a result of the failure of Oyo and Ife Yoruba groups to resolve their disagreements about how they regard one another, what they consider to be fair, and how they distinguish right from wrong, peace and inter-jurisdictional cooperation have been compromised several times between the two Yoruba groups (Bello 1999; Toriola 2001; Ayo 2002; Vaughan 2006).

The disagreement between the two Yoruba groups was further worsened under the colonial administration as colonial administrators and prominent Yoruba rulers sided with Ife Yorubas and recognized their superiority over the Oyo Yoruba group in governance and property relationships (Akinjogbin 1992; Olutobi and Oyeniyi 1994; Vaughan 2006). The situation has not changed dramatically since 1960 when Nigeria became independent of Britain. This is evident in the divisive patterns of socialization, association and settlement, and conflict processing between the two groups.

The two groups occupy different areas in Ile-Ife, which are obscurely separated from each other by streets. A visitor to Ile-Ife can hardly observe the physical boundaries between the two groups. Each group has associations that are not open to members of the other group. For examples, Ife Yorubas cannot assume membership in Oyo Yorubas' associations such as Modakeke Progressive Union, Modakeke Youth Movement, and landlords' associations. Similarly, Oyo Yorubas cannot aspire to be members of associations in the area controlled by Ife Yorubas. Elementary and high students from either group have been unable to attend schools in the hostile area. The situation has

become so aggravated today that leaders of each group socialize their members to develop exclusionary bonds and norms of revenge and violence against members of the other group. This has led both groups to relate to each other as enemies⁷. However, intermarriages have taken place between the two groups, but children of the relationships cannot inherit land from the maternal line (Johnson 1921; Ajulo 1989; Akinjogbin 1992; Akinlawon 1996; Oladoyin 2001; Oyerinde 2006). Equally important is the fact that land conflicts between Ife and Oyo Yorubas are usually resolved in favor of Ife Yorubas, as evident in the position of an Ife chief in 1997, “Ifes would fight with the last drop of their blood because nobody would allow Modakeke [Oyo Yorubas] to take any of Ifeland” (Ellsworth 2003: 164).

Ordering Principles and Other Changes

The advent of Christianity and Islam has brought about modifications in the beliefs of the three Yoruba communities. Many Yorubas in Abeokuta, Ibadan, and Ile-Ife that became Christians and Muslims regard the God of Abraham as *Eleda* and disregard the roles of ancestors and lesser gods. The Yoruba people of Abeokuta in particular believe that the *Ifa* oracle, the divinity of wisdom that reveals the mind of *Eleda*, instructed their ancestors to embrace Christianity as a new religion that “...would raise the Egba nation on the proposed site” (Ajisafe 1998, 61)⁸ and enable Abeokuta to experience prosperity and increased enlightenment. With resounding warfare victories attributed to the God of Abraham in Abeokuta, Ibadan received Christianity, which later spread to Iwo, Oyo, Ile-Ife and other Yoruba communities. Much as both Christianity and Islam support fair treatment and equality in governance and property relationships and have reinforced the ordering principles in Abeokuta and Ibadan, the embrace of Christianity and Islam by Oyo and Ife Yorubas in Ile-Ife has not changed the fundamental inequalities inherent in Ile-Ife's prevailing ordering principles. With Christianity and Islam, Ife Yorubas in Ile-Ife have continued to believe that, by virtue of their direct descent from the founding father of Ile-Ife, all land in Ile-Ife belongs exclusively to Ife Yorubas as their ancestral right and only Ife Yorubas have the exclusive right to specify the terms and conditions of human-land relationships in Ile-Ife without transferring land-ownership to non-Ife Yorubas (Ayo 2002; Oyerinde 2006).

Formalized, written rules are another change the Yoruba have experienced with the advent of colonialism under the British authorities. With the coming of the British as colonial masters, new rules began to be written and formalized across the Yoruba nation such that indigenous ordering principles were hardly considered. One major change that came with rule formalization is the rule of conflict resolution. The Yoruba people, especially those in Abeokuta and Ibadan, believe that conflicts should be resolved in ways that promote friendship rather than apportion blame. In contrast, new formalized rules for handling conflicts rest on apportioning blame to one party in favor of the other. This is strange to the Yoruba people because they believe that *a ki ti kootu bo sore*, we do not come back from the government court and remain friends.

Nevertheless, formalization of rules by the British during the colonial era, and by Nigerian political elites after independence in 1960, has not stopped the Yoruba people from developing new patterns of human relationships based on their prevailing ordering principles. The basic unit of the neighborhood in the 19th century used to be the compound. Efforts to extend beyond the traditional frontiers of Ile-Ife, Abeokuta and

Ibadan have led to the development of new neighborhoods in the 20th and 21st centuries, the basic unit of which is the immediate family consisting of a man, his wife/wives, children and relatives. Significant restrictions however exist in Ile-Ife where Oyo and Ife Yorubas cannot move to and live in the neighborhoods belonging to the hostile group, strongly reinforcing the disagreement about their ordering principles (Price 1933; Bascom 1944; Schwab 1955; Lloyd 1962; Akinjogbin 2002). The differences in the ordering principles of Abeokuta, Ibadan, and Ile-Ife suggest that Yoruba and other African indigenous ordering principles are different and produce different outcomes. This significantly casts doubt on the plausibility of idealistic calls to return to African indigenous ordering principles as wholly useful for institutional transformation.

Empirical Analysis of Ordering Principles

A number of statements were formulated and administered as a semi-structured survey to actors in Ile-Ife, Ibadan and Abeokuta. This was intended to further understand whether the Yoruba people agree or disagree that their ordering principles are uniform and produce the same outcomes. The statements were designed around seven variables: equality in participation, autonomy of local units (such as compounds, neighborhood development associations), distribution of land rights among diverse Yoruba groups, inter-group trust, inter-group cooperation, loyalty to the community over loyalty to individual Yoruba groups in the community, and security of life and property from relations among diverse Yoruba groups in the community. The design of the statements was essentially influenced by the data initially gathered from intensive archival research and in-depth interviews in each of the three Yoruba communities.

The respondents were not randomly selected. Rather, the selection exercise targeted leaders of local units in each of the three Yoruba communities, such as compounds, neighborhoods, sections and neighborhood development associations. The questionnaire was administered on ten (10) people each in Ile-Ife and Abeokuta. Twenty-five (25) people were considered for questionnaire administration in Ibadan because Ibadan's population size is more than twice as big as the population size of either Ile-Ife or Abeokuta. The three samples are independent and the data from the samples are distribution free. The three samples are considered sufficient to accurately measure the ordering principles of each community since the interpretation of the data does not depend on the population of the community fitting any parameterized distributions. With little research about the ordering principles of the three settings, the use of parametric statistics is very difficult. Based on their current prevailing ordering principles, the selected respondents were asked to rank each statement from most disagreed (1) to most agreed (6) to form an individual average scale for each of the seven variables, as summarized in Figure 2. The responses of the selected responses are presented in the following three tables.

RATING OF YORUBA ORDERING PRINCIPLES

ILE-IFE

Variable/ Respondent	Equality in Participation by all Yoruba Elements in the Community	Recognize d Autonomy for all Diverse Yoruba Elements' local units	Fair Distribution of Land Rights among Diverse Yoruba Elements in the Community	Inter- Group Trust	Inter-Group Cooperation	Loyalty to the Community over loyalty to groups in the community	Security of Life and Property in Relations among Diverse Yoruba Elements in the community	Average of Columns 2 to 8
1	1	6	3	3	3	3	3	3.142857
2	1	1	1	2	1	3	3	1.714286
3	2	3	3	3	1	3	1	2.285714
4	1	3	2	2	2	2	1	1.857143
5	3	1	1	3	2	3	no rating	2.166667
6	1	1	1	1	3	no rating	1	1.333333
7	2	2	3	No rating	2	1	2	2
8	1	1	1	1	no rating		3	1.4
9	1	1	1	3	1	1	no rating	1.333333
10	2	3	2	3	1	1	3	2.142857
Average Rating of Individual Variable	1.5	2.2	1.8	2.333333	1.7778	2.125	2.125	

ABEOKUTA

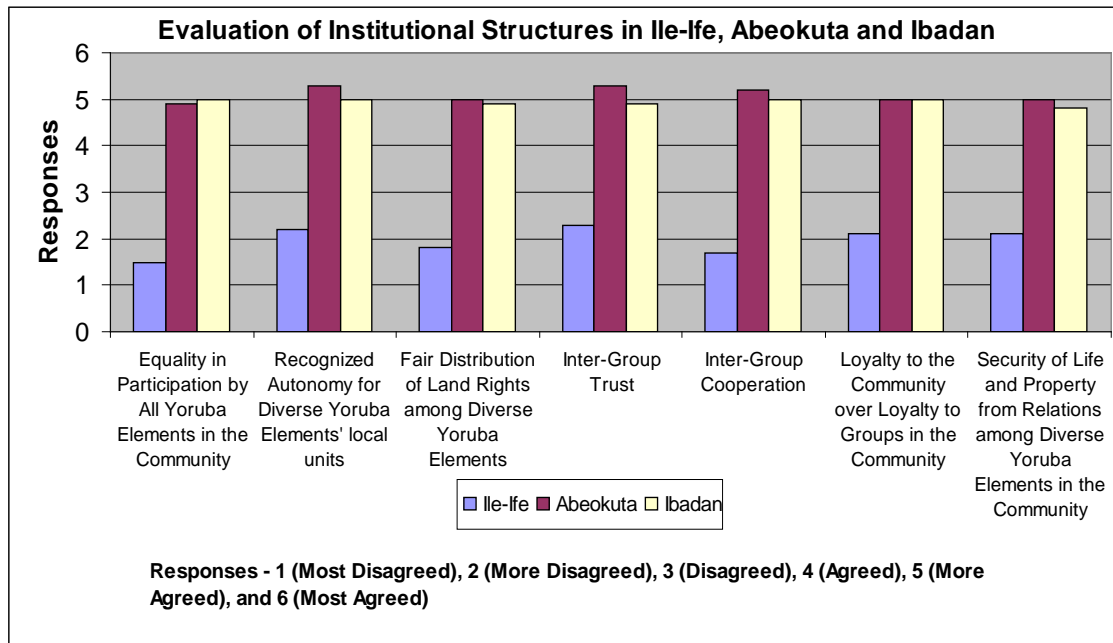
Variable/ Respondent	Equality in Participation by all Yoruba Elements in the Community	Recognized Autonomy for all Diverse Yoruba Elements' local units	Fair Distribution of Land Rights among Diverse Yoruba Elements in the Community	Inter- Group Trust	Inter-Group Cooperation	Loyalty to the Community over loyalty to groups in the community	Security of Life and Property in Relations among Diverse Yoruba Elements in the community	Average of Columns 2 to 8
1	4	4	4	5	6	3	4	4.285714
2	6	6	6	6	6	6	6	6
3	5	6	6	6	5	5	5	5.428571
4	4	6	4	4	6	5	4	4.714286
5	5	6	6	6	6	6	6	5.857143
6	5	4	4	5	5	4	6	4.714286
7	5	5	4	5	4	5	4	4.571429
8	6	6	4	4	6	4	6	5.142857
9	4	4	6	6	4	6	4	4.857143
10	5	6	6	6	4	6	5	5.428571
Average Rating of Individual Variable	4.9	5.3	5	5.3	5.2	5	5	

IBADAN

Variable/ Respondent	Equality in Participation by all Yoruba Elements in the Community	Recognized Autonomy for all Diverse Yoruba Elements' local units	Fair Distribution of Land Rights among Diverse Yoruba Elements in the Community	Inter-Group Trust	Inter-Group Cooperation	Loyalty to the Community over loyalty to groups in the community	Security of Life and Property in Relations among Diverse Yoruba Elements in the community	Average of Columns 2 to 8
1	6	4	6	6	6	4	6	5.428571
2	4	6	4	4	4	4	4	4.285714
3	4	6	4	4	4	4	4	4.285714
4	6	6	5	6	6	5	6	5.714286
5	6	4	5	6	6	3	6	5.142857
6	6	6	6	6	6	6	6	6
7	4	5	6	4	4	4	4	4.428571
8	6	5	6	6	6	4	6	5.571429
9	6	4	5	6	6	5	5	5.285714
10	6	5	5	6	6	5	6	5.571429
11	5	4	5	5	5	5	5	4.857143
12	5	5	5	5	5	6	5	5.142857
13	4	4	5	4	4	4	4	4.142857
14	4	5	4	4	4	4	4	4.142857
15	5	5	5	5	5	5	4	4.857143
16	5	5	4	5	5	5	4	4.714286
17	4	6	6	4	4	6	4	4.857143
18	6	5	4	6	6	6	5	5.428571
19	5	5	4	5	5	5	4	4.714286
20	5	6	6	5	5	6	6	5.571429
21	4	6	4	4	4	4	5	4.428571
22	4	5	4	4	4	4	5	4.285714
23	6	5	6	6	6	6	6	5.857143
24	5	5	4	5	5	6	6	5.142857
25	5	5	5	5	5	5	5	5
Average Rating of Individual Variable	5.04	5.08	4.92	5.04	5.04	4.84	5	

Figure 2 represents a summary of the individual average ratings of the seven variables across the three Yoruba communities.

Figure 2



From Figure 2, the respondents in Ile-Ife disagreed that their ordering principles, described as institutional structure, in Ile-Ife allow for equality in participation for diverse Yoruba groups, recognized autonomy for diverse Yoruba elements' local units, fair distribution of land rights among diverse Yoruba elements, inter-group trust and cooperation among diverse groups of Yoruba elements, loyalty to the community of Ile-Ife over loyalty to the individual groups of Yoruba elements within the community, and security of life and property from relations among diverse Yoruba elements. On the other hand, the respondents in both Abeokuta and Ibadan agreed that their respective ordering principles promote equality in participation for diverse Yoruba groups, recognized autonomy for diverse Yoruba elements' local units, fair distribution of land rights among diverse Yoruba elements, inter-group trust and cooperation among diverse groups of Yoruba elements, loyalty to the community of over loyalty to individual groups, and security of life and property from relations among diverse Yoruba elements in each community. The next section shifts attention to how the different patterns of ordering principles have shaped the transformation and distribution of land rights in the three Yoruba communities.

Ordering Principles and Land Rights Transformation and Distribution

Fair treatment in property relationships in Abeokuta and Ibadan has encouraged participating individuals to bring norms of mutual trust, fairness, equal treatment, non-violent means of conflict processing, and a strong sense of shared community to bear on institutional change and the resultant disputes. This was evident in the transition from a common land rights regime to the co-existence of common and private land rights systems as from 1860 (Price 1933; Mabogunje 1961). With the abolition of the slave

trade in the late 1850s, freed slaves from Sierra Leone, Brazil, and Europe came to settle in Abeokuta and Ibadan. The newcomers engaged in landed property investment. Given the openness of Abeokuta and Ibadan to newcomers, many of the freed slaves were given land as private property to run private businesses and to regard their new community as home. Other freed slaves successfully negotiated with landowning families for land sale. As from 1860, both freed slaves and descendants of initial settlers were able to hold land as private property, either through sale or as a gift from landowning families to build houses, run business, and/or for agricultural purposes. At the same time, landowning families retain ownership over unsold family land, making it possible for common and private property regimes for land to co-exist in Ibadan and Abeokuta without resulting in violence⁹ (Mabogunje 1961; Ike 1977; Falola 1984).

However, the inflexibility underlying the exclusive claim of Ife Yorubas to land in Ile-Ife did not allow for land sale in Ile-Ife when the practice became popular as of 1860 in both Abeokuta and Ibadan (Eades 1980). In addition, the unfair treatment of Oyo Yorubas (the main newcomer group) in property relationships, based on the historically rooted foundations of human-land relationships in Ile-Ife, has been a major obstacle in achieving public peace and mutually productive ways of life in Ile-Ife. As explained earlier in this paper, Oyo Yorubas prefer equal treatment in holding land. Ife Yorubas have maintained an uncompromising preference for the rules that treat Ife Yorubas as landowners and Oyo Yorubas as tenants or landless individuals. This circumstance has set Oyo and Ife Yoruba groups against each other as enemies¹⁰ (Ajulo 1989; Bello 1999).

As predicted in studies by Putnam (1993), Uphoff (2000), and Greif and Laitin (2004), distrust and mutually destructive socialization have hindered inter-group cooperation between Oyo and Ife Yoruba groups in solving problems of collective interests. The relationship between the two groups was worsened in the late 1940s when the Oyo Yoruba group demanded the transformation of the existing land tenure into a fair system of property rights following sudden spikes in commodity (cocoa beans) prices in the international market. With the boom in cocoa bean prices, Ife Yoruba landlords demanded a 10% rise in *Isakole* rents (traditional Yoruba leasehold payments) from Oyo Yorubas. Oyo Yorubas found the rent increase outrageous and demanded the right to own the land they had cultivated for several decades. The matter was taken to the native courts. With the support of the colonial administrators and prominent Yoruba rulers for Ife Yorubas, the native courts consolidated the claims of Ife Yorubas as landlords in Ile-Ife and re-affirmed Ife Yorubas' perspectives as the dominant ordering principles for governance and property relationships in Ile-Ife (Vaughan 2006).

With the relative power of the Ife Yoruba group, Oyo Yorubas were required to choose between (i) accepting their status as tenants, or (ii) selling their houses and the crops on their farms in Ile-Ife to members of the Ife Yoruba group and then moving out of Ife land (Olaniyan 1992, 278). The then incumbent Ooni (king of Ile-Ife), Oba Adesoji Aderemi warned the Oyo Yoruba group that "whosoever chooses to farm in another man's land must pay the inevitable fee" (Olaniyan 1992, 276). Since "[p]eople who are subject to dominance will find capabilities for resistance" (V. Ostrom 1997, 286), the situation left Oyo Yorubas with no other means of achieving acceptable solutions than the use of violence that erupted in 1948. Violent resistance by Oyo Yorubas was further deepened with a previous refusal by Ife Yorubas to allow Oyo Yorubas to have an independent mosque for observation of Islamic rites. The overwhelming support the Ife

Yoruba group enjoyed from Yoruba leaders and the colonial administrators forced the Oyo Yoruba group to suspend violence and accept their status as permanent tenants. Religion and commodity price change played a role in the 1940s violence. Instead of being the root causes of the violence, religion and commodity price change only served as triggers that inflamed the old hostilities created by the fundamental inequalities in the dominant ordering principles for governance and property relationships in Ile-Ife. The 1940s cocoa boom did not lead to violence in Abeokuta and Ibadan where long-time residents and newcomers faced greater flexibility in holding land and more peaceful means for conflict processing (Ayo 2001; Oyerinde 2006).

Ordering Principles and the 1978 Land Reform

The influence of indigenous ordering principles on land rights transformation and the resultant patterns of violence was also evident in how Abeokuta, Ibadan, and Ile-Ife responded to the land rights transformation of 1978 by the national military government. The Nigerian national government enacted a new land law in 1978. The 1978 land law led to the wholesale transfer of landownership from families to the Nigerian national government. The state and local governments, the subordinate units of the Nigerian national government were delegated the authority to hold land in trust for the national government and approve access and management rights for individuals and groups through issuance of certificates of occupancy.

Fundamental ambiguities however characterized the provisions of the 1978 land law. Section 36 of the land law simultaneously recognized both the rights of existing landowning families, and the rights of their respective tenants to possession of the land being used for agricultural purposes as if a right of occupancy had been granted to the tenants (Igbozurike 1980; Udo 1999). By this provision, tenancy could be said to have become an illegal act. This was later confirmed in 1979 when Brigadier David Jemibewon, the then military governor of the old Oyo State, now Oyo and Osun States, indicated that customary tenancy was illegal by the 1978 land law (Ajulo 1989, 56; Adeyemi-Ale 1999, 162). It can then be inferred that tenants could take full possession of their land as full owners based on section 36 of the land law.

The ambiguous provisions of the land law resulted in land conflicts treated differently in Ile-Ife, Ibadan and Abeokuta. When the land law came into existence, there was no land-related violence in Abeokuta, Ibadan, and other communities where indigenous ordering principles had given rise to flexible institutional environments. Reaction to the land law in the two communities came in more peaceful ways. Many landowning families in Ibadan and Abeokuta reacted to the new change by dividing up the unused parts of their family land. In most cases, the shared land was quickly planted with crops so that the affected family members could become “legal occupiers/holders”, as provided for in section 36 of the land law (Udo 1999).

In other instances, some individuals bought unused land from landowning families and developed it by either building houses on it or planting it with crops. Other individuals took advantage of the weak enforcement mechanisms of the Nigerian state by backdating transaction documents to dates before March 1978 when the land law came into existence. In addition, a number of landlords in Ibadan and Abeokuta entered into “gentlemen’s” agreements with their respective tenants to enable the latter to take over full possession of the land. Due to the weak enforcement capacity of the Nigerian state,

many individuals in remote parts of the two communities did not bother to get legal documents from officials of the Nigerian state for legal use of their land (Igbozurike 1980).

This does not mean that the promulgation of the land law did not create disputes in Ibadan and Abeokuta. The apparent ambiguities in section 36 of the land law led to disputes over simultaneous declaration of title to the same land by some landlords and their respective tenants (Udo 1999). Such individuals made use of both state-owned courts and their community leaders in resolving their disputes instead of resorting to violence.

In many of such disputes, resolution efforts were targeted at keeping the existing friendship relationships between the disputants, which, rather than seeking the victory of the strong over the weak, reflects the integrative method of conflict resolution inherent in the ordering principles of Abeokuta and Ibadan. Many tenants were said to have appealed to their community elders to help them prevail on their landlords to grant them full possession of parts of the land. Many of the disputes were resolved with many landlords allowing their tenants to keep parts of the land as full owners. This occurred in the spirit of friendship, which the indigenous ordering principles in both Abeokuta and Ibadan have generally enabled with a shared belief not to render individuals landless.¹¹

The 1978 land law however came to inflame the strained inter-group relations created by the fundamental inequalities inherent in the prevailing indigenous ordering principles of Ile-Ife. The pre-1978 unequal property relationships between Ife and Oyo groups had generated a weak sense of shared community, mutually destructive socialization processes, and distrust (Akinjogbin 1992). With the 1978 land law, Oyo Yorubas began to claim the land rented to them by Ife Yorubas. Their claims were based on section 36 of the 1978 land law, and on the fact that they had lived in Ile-Ife and cultivated the rented land for about two centuries. The Ife Yoruba group dismissed the claims of the Oyo group on the ground that section 36 of the 1978 land law recognized and protected the land rights of Ife Yorubas as the only landowning lineage in Ile-Ife. The claims of Ife Yorubas meant that Oyo Yorubas would remain permanently landless individuals in Ile-Ife. The position of the Ife group was further corroborated, as earlier indicated, by an Ife Chief who in 1997 asserted, "Ifes would fight with the last drop of their blood because nobody would allow Modakeke [Oyo Yorubas] to take any of Ifeland" (Ellsworth 2003, 164). In the absence of non-violent means to resolve the conflicting interests over land, Oyo Yorubas resorted to violence. The violence led to a complete breakdown of law and order in 1981, 1983, and 1997-2000.

Other Possible Causes of Land Violence in Ile-Ife

The 1978 land law was not the only trigger of land violence in Ile-Ife between 1981 and 2000. Other triggers have included the 1980 launching of a special town hall and palace fund by Oyo Yorubas, a unilateral declaration by Ife leaders to change the name of the geographical area occupied by Oyo Yorubas from Modakeke to Isale-Ife, replacement by Oyo Yorubas of old road signs, Governor Ige's 1981 local government reform, party politics, and the 1997 location of the headquarters of a newly created local government unit for Oyo Yorubas.

The failure to reconcile the conflicting claims of the two groups over the provisions of the 1978 land law lead the two groups to adopt new counter-productive

strategies. Before 1978, both Ife and Oyo Yorubas had accepted the name “Modakeke-Ife” for the geographical area occupied by Oyo Yorubas. Oyo Yorubas were also required seek approval from Ife Yorubas before the former took any action on Ifeland. To assert their political autonomy from Ife Yorubas and have a part of Ile-Ife as a permanent home, Oyo Yorubas however launched a special town hall and palace fund in December 1980 without the permission of Ife Yorubas. This behavior infuriated Ife Yorubas whose leaders, out of retaliation, changed the name “Modakeke-Ife” to Isale-Ife in order to assert that Modakeke-Ife was part of Ifeland, rather than an independent community. Tensions began to rise rapidly as Oyo Yorubas reacted by changing the name of old roads within their jurisdiction from Modakeke-Ife to Modakeke. All these factors worked together to lead to another land-related violence on April 14, 1981 after the Unity Party of Nigeria state government of the old Oyo State (now Osun and Oyo States) attempted a local government reform. The state government, under Governor Ige, set up the Adio Commission to make recommendations about the creation of three local government units from the existing local government unit in Ile-Ife. The commission, allegedly in support of Ife Yorubas, failed to recommend a local government unit for Oyo Yorubas’ geographical jurisdiction in Ile-Ife (Oladoyin 2001; Ogbara 2002; Vaughan 2006).

The then Oyo State government later set up a judicial commission of inquiry to find ways to prevent the reoccurrence of the 1981 inter-group conflict. The commission, headed by Kayode Ibidapo-Obe, a judge of the High Court of the old Oyo State, recommended the creation of a separate local government unit for Oyo Yorubas in Ile-Ife. The government of the Old Oyo State, under the late Chief Bola Ige as Governor, ignored the recommendation. Oyo Yorubas treated the decision of the state government as a reward for the support of Ife Yorubas for the Unity Party of Nigeria that produced the late Chief Ige as the Governor of the Old Oyo State. Oyo Yorubas massively decamped from the Unity Party of Nigeria (the ruling party in the Old Oyo State) to the National Party of Nigeria (the ruling part at the national level). The National Party of Nigeria had promised an autonomous local government unit for Oyo Yorubas in Ile-Ife if it snatched the state from the Unity Party of Nigeria. Oyo Yorubas voted for Chief Victor Omololu Olunloyo, the governorship candidate of the NPN, who won the governorship election in 1983. With a strong signal that a portion of Ifeland could be given to Oyo Yorubas under the creation of a new local government unit, another spate of violence broke out in Ile-Ife after the general elections of August/September 1983 (Albert 2001; Oladoyin 2001; Ogbara 2002).

Creation of local government also inflamed the land-related tensions between Ife and Oyo groups in 1997. The national military government under General Sani Abacha instituted the Arthur Mbanefo Panel to look into the creation of new states and local government units. Just like the Ibidapo-Obe Commission, the Mbanefo Panel recommended the creation of an autonomous local government for Oyo Yorubas in Ile-Ife. However, the headquarters of the new local government unit was first sited within the area controlled by Ife Yorubas. Oyo Yorubas protested against the decision and the headquarters was moved to the area controlled by Oyo Yorubas. Ife Yorubas regarded this as a humiliating attempt to give a part of Ifeland to Oyo Yorubas. Following the protests of this decision by Ife Yorubas, the local government headquarters was once again moved out of Oyo Yorubas’ jurisdiction on August 14, 1997 and was sited within an area whose inhabitants were loyal to Ife Yorubas. The protests that followed turned

violent, leading to the 1997-2000 violent conflict between Ife and Oyo Yorubas (Albert 2001; Oladoyin 2001; Ogbara 2002).

These possible causes of land violence in Ile-Ife are also important and worthy of consideration. The causes however cannot be treated as the root causes of land violence in Ile-Ife, but factors that have inflamed the pre-existing tensions created by the fundamental inequalities in the dominant indigenous ordering principles of Ile-Ife. Abeokuta, Ibadan, and other Nigerian communities have experienced conflicting interests, land rights transformation, local government creation, divisive party politics, and electioneering campaigns without leading to land related violence. In the case of Abeokuta and Ibadan, this is due to their more flexible indigenous ordering principles that have not allowed tensions that can be inflamed into violence by the triggers of land violence in Ile-Ife (Suberu 2001; Ayo 2002; Oyerinde 2006).

The differing situations in Abeokuta, Ibadan, and Ile-Ife are consistent with an argument by V. Ostrom (1994, 253) that an institutional environment that is open to more diverse ways of assembling individuals with diverse interests and of achieving effective complementarities in governance and property relationships is one that allows for greater productive potentials and progress. Variations in institutional environments in Ile-Ife, Ibadan, and Abeokuta are not isolated cases. They are analogous to historical developments in Europe where institutional environments that ensured fairness and equal standing in governance and property relationships experienced increasing productive entrepreneurship while repressive institutional structures did not (Berman (1983).

Conclusion

The preceding discussion demonstrated that Ile-Ife, Abeokuta and Ibadan do not have the same ordering principles. As opposed to the assumption of institutional homogeneity among the Yoruba people of Nigeria in earlier studies, the different ordering principles in the three communities have yielded varied patterns of governance, property relationships, and violence. It can be argued that the outcomes of the development, distribution, and transformation of land rights among the Yoruba of Nigeria depend on their prevailing indigenous ordering principles for organizing governance and property relationships.

These contrasts in Yorubaland have important policy implications for property rights transformation in Africa. The three cases have shown that indigenous ordering principles can be hugely important in explaining a wide variety of outcomes including the emergence, distribution, and transformation of land rights. This demonstrates that the continued neglect of African indigenous ordering principles as an independent variable in property right research in particular and in political science in general will prevent plausible explanation of the emergence, distribution, and transformation of land rights as well as the resultant patterns of violence in Africa.

Second, rather than focusing on models of efficiency, relative power of actors, distributional conflicts, colonial legacies, commodity price change, the role of African national governments and their subordinate units, and party politics, indigenous bases of property relationships need to be carefully studied to understand the terms and conditions of property relationships on which mutually beneficial alternatives are available. Since indigenous ordering principles differ among Africans and some indigenous ordering principles serve as bright grounds for hope in institutional transformation in Africa,

caution needs to be exercised in treating African indigenous ordering principles as wholly useful for property rights reform.

Third, the poor understanding of variation in African indigenous ordering principles can be overcome through systematic, in-depth comparison involving African communities where indigenous ordering principles have enabled fairness, equality, and peaceful resolution of conflict and those where indigenous ordering principles have not led to these outcomes. Effort in this direction may help to understand the authenticity of the idea that “to the extent that the indigenous arrangements are stunted, it is often the result of state regulation and restrictions” (Chamlee 1993, 81). In this regard, more studies based on a culture of deeper-level inquiry into people’s shared understanding of the bases of governance and property relationships should be conducted in and beyond Yorubaland to avoid idealizing African foundations of property relationships as all useful for mutually beneficial institutional change.

Fourth, the exaltation of a particular type of rights as the only best way to achieve productive entrepreneurship is also misleading. As explained in the case of Ibadan and Abeokuta, both private and common property institutions have long co-existed. Reform of land rights will more likely be properly undertaken when attention is given to how an institutional environment can enhance equal standing, fairness, and mutual trust among participating individuals as they work out solutions to the problems of daily existence within the opportunities and constraints created by their physical environments.

¹ Interview with the University of Ibadan’s retired professor of African languages on March 22, 2004

² Interviews with a senior chief of the Federated Egba Ogboni in Abeokuta on May 19, 2004; an executive officer of the Ogun State Community Development Council in Abeokuta on May 26, 2004; the University of Ibadan’s retired professor of African languages and a member of a landlords’ association in Ibadan, March 22, 2004; and an Ibadan Mogaji (compound head) on March 6, 2004.

³ Ile-Ife is believed to have been an island surrounded by a large body of water.

⁴ According to the current *Ooni* of Ile-Ife, Oba Sijuwade, “...*Oduduwa* descended directly from Heaven through a chain to a spot known as Ife today in company of four hundred deities” (The Comet, Saturday, May 8, 2004, page 21).

⁵ Interview with an archeologist and leader of a landlords’ association in Ile-Ife on April 17, 2004

⁶ Interviews with an Ife compound leader on March 8, 2004; a senior Ife female chief on April 17, 2004; and a professor of African Languages at Obafemi Awolowo University, Ile-Ife, April 28, 2004.

⁷ Interviews with an Ife compound head on March 8, 2004; secretary of a landlords’ association in Modakeke, Ile-Ife, April 21, 2004; and a professor of African Languages at Obafemi Awolowo University, Ile-Ife, April 28, 2004.

⁸ Rev. Ladi Thompson’s presentation on OGTV (Ogun State Television) at 6pm on Friday, May 21, 2004 also supports Ajisafe’s (1998) account.

⁹ Report of the West African Lands Committee, 1992 (Colonial Office, 1916).

¹⁰ Interview with a professor of African languages at the Obafemi Awolowo University, Ile-Ife, April 20.

¹¹ Interviews with an executive officer of the Ogun State Community Development Council in Abeokuta on May 26, 2004; public relations officer of an Ibadan compound at Oja’ba on March 6 and April 8, 2004; an Ibadan village head (a Ph.D holder) on March 17, 2004.

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