John Ayotunde Isola Bewaji. *The Rule of Law and Governance in Indigenous Yoruba Society: A Study in African Philosophy of Law*. Lexington Books, 2016, 282 pages

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In his new book, Professor John Ayotunde Isola Bewaji has two self-imposed goals. First, he wants to explore aspects of indigenous Yoruba philosophy of law. Second, he wants to relate the Yoruba philosophy of law to Yoruba indigenous traditions of governance. Both goals also share an ultimate objective of soliciting an appreciation of the “relevance of Yoruba traditions of law and governance to contemporary African experiments with imported democracy in the 21st century.”

Bewaji is convinced that the survival and flourishing of African societies depend on their ability to solve their “governance problems,” including but not limited to what he characterizes as “the disregard for the rule of law” and its consequent “developmental paralysis” and deprivation of the good life to their populations. These failures are products of modernity, or, more aptly, postcolonial pandering to the governing philosophy of others, especially the former colonial and imperial masters.

If its teachings are taken to heart, Bewaji’s book promises an African renaissance in thought and practice, for it would do away with intellectual laziness that prevents rigorous and daring analysis of the fundamentals of African challenges. It would confront Eurocentric ideas and ideals that parade as objective thought. And if African political and policy leaders can take a leaf from its analysis and enact its findings, the good life that has eluded Africans

in general, and the Yoruba specifically, would be amply provided. This is my take of the grandiose objective that Bewaji sets himself.

In ten chapters and an Introduction, the book covers a wide range of topics, including social contract, democracy, and law and order in Africa; the concept of law in an indigenous African (Yoruba) society; the rule of law, leadership and development, human rights and law in indigenous and contemporary Africa; traditional religion, constituted authority; social ethics, law and development; Esu, and liminality in the Yoruba legal system; and culture, property rights, and risk management in African development.

Apart from its focus on law and order, which is the subject of analysis in three chapters (1, 7, 9), the other major focus of this book is development, which also comes up in three chapters (3, 8, 10). It is fair to suggest that the motivation for Bewaji's interest in the Yoruba indigenous philosophy of law and governance is the abysmal political and economic situation of postcolonial African states which he blames for the most part on the reliance of these states on externally inspired models when they could have benefitted from their time-tested indigenous models. As he sees it, "The new struggle which Africa faces in the twenty-first century is how to liberate itself from literal and virtual domestic occupation forces, in the form of various externally determined, imposed and controlled local/national governments for the continued exploitation, subjection and destruction of the human and material resources of the continent" (2).

It is doubtless the case that African states started their journey of development with their hands and feet tied, and without the freedom to chart their own paths. Those who dared, including Kwame Nkrumah and Julius Nyerere, were soon the target of imperialist fury. But while we still have some impediments by way of globalization and the various institutions it has created, including the World Trade Organization, it seems fair to suggest that our governance institutions are now very much of our own making, and the West sees its interest in furthering the emergence of democratic governments supported by the masses. Besides, African leaders through the African Union initiative are now eager to confront any of their wavering members still nursing a sit-tight mentality. The latest is the West African leaders' warning to President Jammeh of Gambia. In the matter of good governance, Africa now appears to be the architect of its own fortune. What it makes of it is a different matter, and Bewaji has ample evidence to support his cynical attitude to the continent.

The question that begs for answer is whether indigenous legal and political institutions can provide the solution to the myriad of challenges that Africa faces or whether having been drawn into the global market of economic, political, and technological ideas, Africa now must ride the tide of globalization

to its desired shore of development. For Bewaji, the second option appears to be a non-starter. To survive and flourish, Africa must remain true to its indigenous roots of law and governance as this is its tested route to development.

A skeptical mind that perhaps missed taking a sip from the water of knowledge that is available to Bewaji and the ancestral wisdom that he relies upon may wonder aloud: it was the same knowledge or lack thereof that gave the foreigners edge over us and led to the Middle Passage. I think here of the late Professor Peter Bodunrin's provocative take on this matter in "The Question of African Philosophy" years ago, which he elaborated upon in his introduction to *Philosophy in Africa: Trends and Perspectives* (University of Ife Press, 1985) as follows: "Modernization is the goal of all African governments. The key to development and modernization in the contemporary world is science and technology. The African past . . . was dominated by intense religiosity, spiritism, authoritarianism and superstition, some of which are inimical to scientific thought. Europe did not make rapid scientific and technological progress until the rise of humanism and until the spiritual and secular spheres became less confusedly fused. The forward march of science and technology will ensure not only that no nation lives in isolation from others but also that purity of culture is not maintained. It will make impossible return to the past."

Bewaji's approach and emphasis on an authentic African approach to development tallies with one of the two approaches that Bodunrin also identified, that is, moral development, which is an offshoot of the humanist tradition of African indigenous societies. No one can dispute this. The other is technological development which is an offshoot of the scientific revolution. It appears that the West has appropriated the later approach by doing away with its humanist past, while Africa hangs on to her humanist past, or at least should do so according to Bewaji, on the understanding that there must not be an unbridgeable gulf between humanism and scientism. If Africa can avoid the divorce between the two which the West has seemingly accomplished, the better for African development. Then, Africans could place their moral knowledge at the service of the technological development of their societies without a loss of their African identity. It is doable. After all, technology is colorblind.

From his analysis of the rule of law, leadership, and development, I assume that Bewaji would have no problem with the foregoing compromise with Peter Bodunrin. The original political sin in Africa was the adoption of the leadership model that colonialism generated, as well as the adulterated theory and practice of the rule of law that foreshadowed the degeneration of democratic institutions and their ultimate capitulation to military takeovers. Develop a robust rule of law that privileges indigenous moral norms as its foundation

and you have a good chance of strong economic development that prioritizes the well-being of the people.

Bewaji would go further, however. In his analysis of the centrality of Esu, the Yoruba divinity charged with the "responsibility of ensuring justice and fairness, responsibility and accountability . . . clarity, faithfulness and righteousness of individuals, social groups, leadership" (192), this divinity becomes the solution to the problem of law and governance. While Bewaji recognizes the impossibility of having all Yoruba people go back to traditional religion, he nonetheless suggests that the reason for the perennial problem of governance in Yoruba society and Africa in general is our having relegated indigenous symbols of justice and fairness to the dungeon of history. Swearing on the Bible or the Koran does not carry any real moral or legal significance for would-be leaders, as swearing on the symbol of Esu would. Bewaji's solution is to bring Esu back into legal and political reckoning.

While this would satisfy the yearning of the philosopher for an authentic system of rule of law with the promise of revitalizing African systems of governance and launching them to the paradise of development, it hardly has a chance, first of being accepted as practice, and second, of yielding any tangible outcome even if accepted. The reason is simple. First, Africans do not now have indigenous societies. Modernity has taken over with its varieties of beliefs and believers. Second, having been compromised and corrupted, neither Esu the divinity, nor its custodians can serve the purpose for which they were invented in indigenous Yoruba society. There is a fit between the republican system of governance and its rule of law. We must find it and work with it.