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**“RUN-AWAY” WIVES OF CHIEFS: WOMEN IN SEARCH OF LIBERTY AND  
FREEDOM IN COLONIAL OYO TOWN**

**By**

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***Abstract***

*The Marriage Ordinance of 1884 made a significant impact on marriage in traditional Yoruba societies. Women utilized Native Courts to dissolve their marriages and often remarried. This trend particularly affected traditional chiefs in the Oyo Division of Southwestern Nigeria, as their wives left their homes to protest and reject forced marriages. These women were of a higher social class and threatened the chiefs' authority and spirituality, which were highly regarded in pre-colonial Yorubaland. They used various methods to leave the palaces, seeking freedom and independence. This gender history study explores the stories of "runaway" wives of Yoruba chiefs in colonial southwestern Nigeria who rebelled against traditional ruling structures and processes through modern means. The study concludes that, with the help of colonial officials and English laws, these royal wives began permanently deconstructing the norms of the Yoruba traditional institution.*

***Keywords:*** Divorce, marriage, royal wives, chiefs, native courts, yorubaland

## Introduction

British colonial rule had a profound impact on the social and economic relations, power politics, institutions, beliefs, and culture of Nigeria, particularly in the context of pre-colonial practices. As a result of legitimate trade and eventual full colonization, Nigeria was thrust into the global society, marking the inception of the country's integration into the wider world (Ifemesia, 1962). The Yoruba people's experience with colonization brought about significant changes linked with Western Civilization. In the 19th century, contact with missionaries led to the introduction of Western education, which brought along new concepts, perspectives, and aspects of the Yoruba heritage. The local Yoruba term for civilization, '*aye olaju*,' translated to 'the people's eyes were opened,' indicating a newfound sense of awareness (Igbodigo, 2007). That the 'eyes of the people being opened to new ways of doing things meant new ways of dressing, education, commerce, marriage, judicial processes and above all a new form of governance. Colonialism injected new values into the socio-cultural lives of the people. Their religion, educational pattern and scope, health and attitude to life changed significantly (Akinnaanu, 1994). The Yoruba people underwent a revolutionary transformation due to the impact of Western civilization. Their cultural practices were redefined for several decades after their contact with Europeans. This resulted in the emergence of new government systems, economic structures, judicial frameworks, and values that brought about a complete transformation of the Yoruba society.

Colonialism in Nigeria affected social and gender relations among the Yoruba in very significant ways, leading to clearly marked patterns in the social systems. Gender status, subordination in society and the experience of being socially or culturally marginalised or subordinated further influenced everyday experience that became integrated into a sense of subjectivity and identity. Marriage in pre-colonial Yoruba society was the union between two lineages (*ebi*). Marriage was not contracted by the individuals involved but by the *ebi*. Marriage was regarded a serious business.

The first Marriage Ordinance in the area that became known as Nigeria, made provisions for the granting of marriage licences. This came into existence in 1863 after the annexation of Lagos by the British Crown in 1861. This was followed by a Divorce Ordinance in 1872 and 1873 respectively. All these were repealed in 1877. When Lagos became part of the Colony of the Gold Coast, the Marriage Ordinance of 1884 was enacted for the Colony. The Marriage Ordinance of

1884 became the first all-inclusive piece of legislation that dealt with various matters relating to the solemnization of marriages. When in 1886 Lagos was separated from the Gold Coast Colony, the 1884 ordinance continued to apply in Lagos. It is worth noting, however, that, this ordinance did not apply to areas outside the Lagos Colony until the Marriage Proclamation for the Protectorate of Southern Nigeria came into effect in 1900. With the unification of the Lagos Colony and the Protectorate of Southern Nigeria in 1906, the Marriage Proclamation was repealed, and the 1884 ordinance applied to the whole of the new political and administrative entity (Anonymous nd).

A major feature of the 1884 ordinance was its promotion of monogamy against the prevalence and acceptance of polygyny in traditional Yoruba society. During the late nineteenth century, Yoruba society was socialized through Christianity into believing that marriage was to be based on love and companionship between two individuals and not two lineages.

### **Native Authority and the Institution of Marriage**

The colonial state created different levels of hierarchies: the Central government, the Provincial government and the Native Authority. The Central Government was headed by the Governor-General, the Provincial government by the Resident and the Native Authority by the District Officer. The Native Authority operated under Ordinances and Regulations that empowered them as part of the power devolved by the colonial state. The Native Courts, headed by indigenous chiefs, formed part of the Native Authority structure.

In the exercise of the powers conferred upon the Native Authority by section 30(2) of the Native Authority Ordinance (cap. 140) the Oyo Divisional Native Authority had considerable powers over bride price, divorces, custody of children and debts. The Native Authority (N.A.) was composed of male chiefs. Hence it implemented patriarchal powers. The rights of women were not only abridged under this law but also in reality. The power conferred on the Native Authority affirmed: 'Divorce shall only be granted on grounds which seem reasonable to the court (Oyo Prof, nd). This implied that, whether the woman wanted divorce or not, was immaterial. A further breach of the fundamental rights of women was the question of private sessions of courts in chiefs' houses to try petty quarrels and divorce cases. The ability of women to pursue and protect their rights was

severely circumscribed by the inability of colonial authorities to institute certain legal instruments to protect women from traditional values in an exceedingly patriarchal society.

In pre-colonial Yoruba society, there were established structures of conflict resolution. These structures started with the *ebi* and ended with the monarchy (*Oba*). In traditional Yoruba society, there was no clear-cut distinction between the public and private spaces. The *ebi* was always available to direct the young in the approved way of life, help in the selection of marriage partners for the young ones and settle disputes between couples (the young and the old) and society in general.

The most outstanding sphere of cultural assimilation was in domestic life (Goody, 1970). Socially, colonization affected the marriage institution. The introduction and adoption of a peculiar type of wedding, known as ‘*Iyawo Oloruka*’ – meaning a woman wedded with a ring, became prevalent. It ushered in the church, court or ‘white wedding’ – the white man’s wedding – as distinct from the ‘traditional wedding’. Conversely, it also brought along with it a new pattern of divorce. Although the ‘white’ wedding was entirely new to the people of Nigeria, divorce was not. Each society had laid- down rules guiding the divorce process. This is not to say divorce was a popular practice. Divorce was a process rarely used to settle marital problems in pre-colonial Yorubaland. Pearson et al have associated the rarity of divorce in pre-industrial societies with the amount of authority wielded by the husband (the patriarchal structure) and the few opportunities available to women outside the home (Pearson & Lewellyn, 1979). This may not be applicable to Yorubaland in every respect. Though the Yoruba society was patriarchal in nature, several economic opportunities were available to women. The major reason attributed to this unpopularity is the role of the extended family (*ebi*) in marital matters and the importance of marriage in the culture of the people. Serious attention and emphasis were paid to customary rules governing mate selection, the wife’s integration into her new family and the societal behavioural expectation of the couples within marriage. A commentator has succinctly affirmed that:

...Yoruba traditional marriage had stability built into it because of the fact that marriage was not the concern of the two persons but of all the members of both families. In fact, it is generally known that cases of divorce were very rare in the past and that this was so because a marriage contract was usually taken seriously by both parties. Where a case of matrimonial disharmony was particularly difficult, both sides rose to the occasion in order to effect a settlement. The girl

became not simply the man's wife but the "wife of the family." Under this system, divorce was a last resort (Olusanya, 1970).

The Yoruba people practised a unique and sophisticated form of marriage, and one where divorce was frowned upon, and everything done to stave off its likely occurrence. Because of the significant nature of this traditional institution, the form of marriage that evolved with colonialism became a mixture of the Western and traditional forms of marriage. This new trend and practice were mostly common amongst the educated elite. Even though the new marriage system had much fascination for the local, non-western educated populace, they still hung on to the traditional forms of marriage. Both forms of marriage subsequently became recognised by successive Nigerian constitutions. In other words, white weddings became more prevalent among the new elites rather than becoming a widespread social reality. The people of this region adopted 'white weddings' for different reasons. A white wedding was considered 'marrying well'; an acceptance of some of the traditions imposed by colonial rule and in some cases, it was just a status symbol. In the latter case, marriage vows did not really matter. White weddings still remained every girl's dream, but divorce did not become a popular option in the case of a failed marriage. It was an option mostly used by men and not women. This was because a social stigma was attached to a 'grand' wedding that could not stand the test of time. The prohibitive cost of such wedding arrangements was immediately obvious, and the girl married off on such a scale immediately becomes the envy of her peers.

In pre-colonial Yorubaland of Southwestern Nigeria, women occupied a unique cultural space. The power of women in the Yoruba society was a little distinct and complementary to men's (Lloyd, 1968), distinct in the sense that women were strictly wives – expected to take care of their husbands, children, and household chores, and complementary because they were involved in

some economic activities outside their home. Some women also became chiefs alongside the male folk. In order for women to gain respect and rise above their societal roles as mere wives, they were required to adhere to a strict moral standard and prove themselves worthy of becoming chieftains (Ondo Prof, nd). Lloyd summarized these women's status in their society thus:

Yoruba women have a high measure of economic independence. They do little or no cultivation of farms, and those who process or sell farm products do so independently of their husbands; many are craft workers or traders in imported goods. ... This occupational independence facilitates the woman's right to use her own income as she pleases. One survey showed that three-quarters of their own food and clothing; one-half clothed themselves and provided a part of their food; only 5 percent were totally dependent upon their husbands. Yoruba women are organized into guilds of craft workers or traders, each having a hierarchy of offices; in many towns titled women chiefs advise the *Oba* and his council on affairs affecting women. ... Men expect from their wives the usual domestic or sexual services; yet the women, especially if they have few or no children, seek to promote their own careers and as traders must often be absent from their homes for long periods (Lloyd, nd).

The most important social institution within which women featured significantly was the marriage institution (Mbamalu, 2003). There were three main stages in pre-colonial marriage: the early intimation; the formal betrothal; and the marriage ceremony (Johnson, 1921). The early intimation was the stage whereby the female members of the man's family sought a wife for their male relatives. Mostly, such girls were marked out from childhood with or without their knowledge. Traditionally, the two families must be of repute with no blemishes in character and no history of incurable diseases. Both families generally carried out thorough investigations of one another to establish the absence of hereditary flaws like leprosy, epilepsy, alcoholism, criminality, insanity, laziness and chronic indebtedness (Matory, 1994).

The second stage, betrothal or *Isihun*, was where formal consent was granted. In the words of Samuel Johnson, "No girl would marry without the consent of her parents; and it is rare for a

girl to refuse the choice of her parents (Johnson, 1921).” During the wedding ceremony, the bride's parents made an official announcement of their consent in front of the most important members of both families. The groom was expected to provide a variety of gifts, including 40 large kola nuts of the special species with four lobes (*Obi Abata*), 40 large tubers of yam, several pots of local beer for the entertainment of everyone present, the dowry or bride wealth (*Idana*), some alligator peppers (*Atare*), bitter kolas (*Orogbo*), a large covering cloth, a head tie, and some money according to his means. It was required that if the woman had been pawned off in debtor services (*Iwofa*) at the time, the man must pay off the debts to release her before the marriage could take place (Johnson, 1921).

The third stage was the marriage proper, *Igbeyawo* (literally, the carrying off of the wife). It was at this time that the wife was conducted to her husband's home amidst fanfare. The woman was expected to be a virgin. If she was, several presents were taken to her parents, including a pot of local wine. But if she was unchaste, her parents were sent an empty calabash. She was also made to name her violator who was fined; she was severely flogged and was made to run errands the next day, unveiled (Johnson, 1921). Betrothal took place at all ages, even before conception. Betrothal depended on the assumption that the baby would be a girl; ‘... girls are generally marked out from childhood as intended for a particular young man, with or without her knowledge (Johnson, 1921). However, she does not move into her husband's home until she attained a marriageable age, which was usually after the first menstruation (Talbot, 1969). Thus, love, as a requirement for marriage in the Western sense, was inconsequential. However, what was paid (bride wealth) and other gifts did not imply the gifts and money were in exchange for a woman or as a form of payment for services or obligations. The symbols and wealth were used to solidify the

contract and inform the community that the couple's relationship was legitimate and socially acceptable for engaging in sexual practices (Falola, 2001).

It must be reiterated that marriages in this culture were solely arranged by the *ebi*, without any input from the individuals involved. Such arrangements were considered to be of grave importance as they established a long-lasting relationship between two families, rather than just two people. The *ebi* had strict regulations regarding power, privileges, and seniority, which were determined by birth order, with the eldest man holding the highest authority. When it came to marriage, the elder members of the groom's *ebi* would approach the elder members of the bride's *ebi* to request their daughter's hand in marriage for their son. The boy and girl's opinions were often disregarded, with them being expected to comply with their parent's wishes. Once both *ebis* had agreed and dowries had been paid, the young woman would be led in a celebratory procession to her husband's home and handed over to the oldest woman in his *ebi*. It must be emphasized that in this culture, the woman was not only married to her husband but to his entire *ebi* (Akinjogbin, 2002, Dioka, 1997).

The involvement of the *ebi* in the marriage contract helped to maintain stability in marriage because if there were quarrels between couples, the two families made sure they were settled, and the woman, even if she was separated from her husband for some time would still keep her room in her husband's home and was expected to be present at all ceremonies in her husband's home. And as such there was no divorce in the strict sense of the word, which was total and final separation, in the traditional Yoruba society before colonialism. This was because the two people involved had to consider the feelings and roles of other lineage members. The customs were so designed to ensure the stability and survival of the relationship (Falola, 2001). Samuel Johnson explained the exception to the rarity of divorce,



Divorce is very rare; so rare as to be practically considered as non-existing. It is by no means easily obtained especially when there are children of the union. The causes that may lead to a divorce are kleptomania, and repeated insolvency, especially such as may bring trouble to the house. A woman may apply for a divorce for extreme cruelty, which can be testified to, and ill-usage. But the rulers of the town never grant these causes notwithstanding a divorce until all possible means of reclamation have been exhausted. A woman divorced from her husband can never be married or taken up legally by another man; hence the saying *A ki su opo alaye* (no one can inherit the relic of a living man). Under purely Native government the above rules still hold good (Johnson, 1921).

Under customary laws and in polygamous settings, women were often constrained by the fact that divorce could mean the loss of their children's rights to inheritance (Karp, 1987). Thus, no matter how unhappy the woman was in matrimony, women desiring to leave their husbands in the pre-colonial and early colonial period would not risk their children being disinherited (Green, 1999). They were, therefore, constrained to remain within the matrimonial setting 'for the sake of their children'.

The Colonial State viewed traditional marriage as a type of enslavement and regarded the wife as a mere possession. As opined in this Eurocentric view:

Anything like love, as we understand the term, is altogether unknown to the African; women are regarded as property, and the more wives a man is able to possess, the greater his importance in the eyes of his friends (Mockler-Ferryman, 1902).

It, therefore, became imperative that the codes on marriage be 'positively' interfered with. This implied the introduction of new marriage ordinances, laws, and marriage systems. The outcomes of these were fundamental and far-reaching. With colonial imposition, the introduction of the Western pattern of marriage became inevitable. Western forms of marriage based on the Christian model became popular. White weddings with all their paraphernalia became a major consequence of the colonial predilection of introducing 'modern' concepts of doing things into a largely

traditional and 'backward' society. Basically, contradictions developed from the introduction of the 'white' wedding as a result of the interface of traditional and modern values and customs. Fadipe identified three major effects of the infiltration of European civilization on the traditional marriage customs of the Yoruba people:

... marriage by the mutual consent of both parties and without the preliminaries of consent of parents and the payment of bride-price; second, the abandonment of betrothal of girls in infancy and without their consent; and, thirdly, the popularisation of divorce (Fadipe, 1970).

Simply put, the major effects of the European type of marriage were the appropriation of the hitherto existing rights of the family in the choice of spouses for their children by the children themselves, thus, the discouragement of child betrothal and the popularisation of divorce. The penetration of the European way of life into the traditional fabric of society was made possible through the introduction of several laws and the introduction of new ways of doing things. These were to ensure the smooth running of the colony and to justify the 'civilizing mission'. Two 1863 ordinances provided for licensing and registering Christian unions. Marriage Ordinance of 1884 went further by specifying that persons already married according to Yoruba custom could not marry someone else in church and that those married in the church could not wed again according to Yoruba custom. Thus, the 1884 ordinance prohibited polygyny among men who practised Christian marriage. It gave Christian wives a legal right to monogamy. It was taught that Christian Marriage was a union between two individuals, rather than two families. The belief was that it should be based on love and companionship, with personal happiness being the primary motive for marriage, rather than family welfare. This view was commonly held by Europeans (Mann1985). These laws guided the political, social, economic, and psychological lives of the colonized Yoruba people in what became southwestern Nigeria in 1914. Christianity partially

influenced the moral tone of society and the institution of polygamy. The early converts to Christianity who had more than one wife divorced the other wives (Bajowa, 1992). But as in the pre-colonial period, the culture of marrying many wives remained prestigious, particularly amongst traditional rulers and chiefs.

The Marriage ordinances stood against the major principles guiding traditional Yoruba marriage, namely: the discouragement of polygamy and the reduction of the relevance of the family *-ebi* system. The changes witnessed in the marriage institution were made possible through the introduction of Christianity, laws, and literacy through the introduction of European education – the basic requisites of the budding political, economic, and cultural life of the colonial state (Mann, 1983). Christian marriages were adopted by the newly-created Christian-educated elite, while others registered their marriages at the Court Registries and Customary Courts. Yoruba Muslims were married under the Islamic marriage law. Christian marriages took place in the Church with all the pomp and pageantry characteristic of European weddings – white gowns for the bride, black suit for the groom and a bridal train. However, all these marriages had one thing in common; the traditional rite of *Idana* (traditional introduction of both families cum engagement ceremony) was still mandatory before the union could be recognized in the Yoruba society. Though a person had a right to choose whoever he/she wanted to marry, he/she could not marry without the approval of both families, thus, marriage remained between two lineages and not strictly between two individuals. As earlier stated, the involvement of the *ebi* in the marriage contract helped to maintain stability in marriage, but did the weakening of the *ebi* lead to instability in marriage? No, because the *ebi* was able to carve a niche and make itself relevant in the new scheme of things. Many of the elite, however, continued to regard consent and a modified form of Yoruba bridewealth as vital preliminaries to Christian marriage (Mann, 1983). Missionaries urged

converts to wed in church, and the elite carried this aspect of their teaching a step further by adopting the trappings of European weddings – the ring, white dress, veil, bridesmaids, best man, wedding march, music, and a reception party.

The political, economic and social reality of colonialism was bound to shape the social lives of Yoruba people. People, family and marriage -- the core of the society -- responded to the changes instituted by colonialism. The society adopted that which suited their situation and left whatever was or could be antithetical to their cause. The introduction of legitimate commerce, education, Christian religion, wage labour and urbanization, all saw changes in the marriage institution. The introduction of legitimate commerce/cash crops opened up the economy to the export trade; the concomitant of which was the building of roads, railways, pipe-borne water, and the building of offices and houses for government workers. Wage labour was now in vogue and farming was no longer fashionable. Men and women left the villages for the urban centres in search of ‘white collar’ jobs. They fell in love with people they met and simply divorced if they were married or betrothed. They divorced on grounds approved by the Native Courts:

Divorce may be granted to a woman only on the following grounds:

- (a) Impotency of the husband;
- (b) Chronic venereal disease, leprosy or other dangerous or loathsome disease in the husband;
- (c) Conviction of the husband of serious crime including adultery;
- (d) Constant negligence or ill-treatment by the husband;
- (e) Lunacy of the husband for 3 years or more;

Provided that these conditions shall not apply

- (i) In the case of a girl who has been betrothed during childhood
- (ii) In the case of a widow who has been inherited according to Native Custom.

In both these cases the petitioner shall be granted divorce on repayment of dowry.

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- (b) Conviction of the husband of serious crime including adultery;
- (c) Desertion or constant negligence (Oyo Prof nd)

The colonial government and its laws informed women not to allow themselves to be forced into marriage or cohabitation with men against their will. They were advised to utilise their rights by acting in the Native Courts for divorce. As soon as divorce was formalized in customary law, in 1907, women sought liberation from Native Laws and Customs; making use of the courts to dissolve marriages so as to remarry (Adewoye, 1977). Divorce was granted on the repayment of the dowry to the husband or betrothed husband. In some cases, such as impotency and cruelty by the husband, divorce was granted without refunding the dowry. Since women were free to bring cases of attempted coercion to the notice of the District Officer, there were large numbers of “virgin divorces” in 1936 – betrothed girls paid back their dowries to enable them to marry the men of their choice rather than the men of their parent’s choice (Ondo Prof nd).

‘...there has been a tendency for young women, especially those married in their teens and too much older, poor, or disliked men, to divorce their husbands and re-marry younger and apparently more prosperous men of their choice (Ondo Prof nd) ’

In the traditional sense, choosing spouses for children did not amount to tyranny. Parents in pre-colonial Yoruba societies engaged in this practice either for strategic and security reasons or because of the love they had for their children. This was evident in the trouble they went through in consulting the *Ifa* oracle for compatibility. The union of the couple was dependent entirely on the oracle – the marriage was sanctioned based on the favourable response of *Ifa* and otherwise if the union of the two was disapproved. With the discouragement of traditional worship of gods and consultation with the oracle, parents took the names of the couple to churches, prayed over the proposed union and believed God would reveal the compatibility of the duo. The major significant and persistent change in the marriage practice of the Yoruba people is the non-interference of parents in the choice of whom they wanted to marry.

Apart from Islamic marriage, the two types of marriage in the colonial period were the Christian and Customary marriages. Customary marriage was common amongst the non-literate while Christian marriage was popular amongst the educated elite. It has been said that customary marriage enslaved women while Christian marriage liberated women – how true is this? In the words of a colonial administrative officer, as cited by Adewoye, the law and the courts tended to “liberate them from the old position of servitude to which they were doomed” (Adewoye, 1977). This Eurocentric view was based on a comparison between European marriages and Yoruba marriages. These two forms of marriage evolved from different historical and cultural antecedents. The Eurocentric view, from a general point, perceived the Yoruba marriage and indeed other African marriages, as a form of slavery and the wife some kind of asset. It has, however, become clear that reverence towards their husbands in indigenous and non-Christian societies did not imply servitude and neither does the collaborative economic efforts of the woman towards the domestic economy of her home a slavish existence. Kristin Mann best summed up the situation:

Domestic groups formed the basic unit of economic production in Yorubaland. These were headed in theory by husbands and comprised also wives, unmarried children and perhaps slaves, clients or pawns. ...A sexual division of labour characterized most domestic groups. However, the precise economic activities of men, women and slaves depended on how the group made its living. In farm families, males cleared the forest, burned the bush, and tilled the soil. They also hunted and gathered palm nuts. Females helped with the harvest, processed food crops, traded agricultural surplus, and performed domestic labor. Slaves worked in the field, market or home. The scale of men's activities depended in part on the amount of labour he controlled. Wives formed an important economic asset because they both worked themselves and reproduced labour by bearing and rearing children. ...The Yoruba regarded polygyny as the ideal form of marriage ... few men had more than two wives simultaneously. Only the richest elders and chiefs had upwards of ten wives at a time. Even so, polygyny contributed to social and economic differentiation. Wives and children created wealth and enhanced power (Mann, 1985).

She affirmed further that:

The greater the number of a man's wives and children, the greater the size of his labour pool and the wider his network of political alliances. Because only rich and powerful men could make multiple marriages, the number of a man's wives and children also marked his prestige. In ordinary families, meeting domestic needs required a degree of cooperation between husbands and wives. Spouses had clearcut economic obligations to one another. The Yoruba expected husbands to provide their families with a place to live, give their wives capital to begin trading, meet their obligations to affines, and contribute to their children's upkeep. The Yoruba expected wives, on the other hand, to support themselves and their children and to fulfil responsibilities to their husbands' kin. After meeting these responsibilities, spouses enjoyed considerable autonomy. Each could pursue independent economic activities and accumulate wealth. Neither had a right to use the other's property, nor interfere in its management (Mann, 1985).

It has been argued by some scholars that the impact of the courts was felt in three main areas, namely: the growth of individualism, the elevation of the status of women in society, and changes in customary practices (Adewole, 1977).

It is therefore clear that the status of women was not specially elevated by colonialism because pre-colonial Yoruba gender relations were a collaborative one and not a discriminatory one. Gender roles might be divided on biological grounds, but it was complimentary. Women were represented in the political structure of the Yoruba by the Iyalode – a female chief – and other women were also made chiefs based on their contributions to their society. The pre-colonial period was a period in Yorùbá history that witnessed the unprecedented rise of powerful and independent women who were invested with important titles. These women came to dominate the political landscape. The title of Iyalode of the Egba was given to Madam Tinubu in 1864 as a reward for her support during the Dahomey invasion (Judith, 2001). The prominence of some of these female chiefs was short-lived as they were relegated to the background by colonial officials. Women's status was not elevated by the colonialists; they were merely allowed to get out of troubled

marriages because hitherto, great pressure was exerted on women to remain married (Cornwall, 2001).

On the issue of marriage, Christian marriages were particularly attractive to women because the emphasis was on monogamy and most women wanted to be rid of the strife that plagued polygamous homes. The assurance of monogamy soon became a thing of the past for many educated women elite whose husbands took second wives according to customary laws. Some elite women found their marital expectations disappointing as their husbands formed outside unions, despite marrying in the church. A few elite women welcomed customary wives into their families, while most bitterly resented them (Mann, 1983). Falola, clearly stated that in polygynous settings, men justified extra-marital affairs as an attempt to seek their next wives, but the women do not put forward similar reasons (Falola, 2001).

### **The Marriage Ordinance and the Royal Household**

The introduction of the Marriage Ordinance radically affected the institution of marriage in traditional Yoruba societies as women took advantage of the courts to dissolve marriages and remarry. Once women started having access to the courts, they rejected forced marriages or cohabitation with men against their will. Young women who did not admire their parent's choices of husbands, together with their new suitors, sought the assistance of District Officers to dissuade their parents from marrying them off without their consent. Most badly hit by the divorce scourge were the chiefs in the Oyo Division of colonial South-western Nigeria. It also affected paramount rulers like the Alafin of Oyo, a deeply cultural and well-known preserver of the values of the Yoruba people. In the 1924 Annual Report of Oyo Province, the District Officer (D.O.); Mr. Dew, lent credence to this aspect of the lives of the people of Oyo Province when he stated that:



In not a single instance has there been found any other feeling than that of a devoted loyalty to the Alafin on the part of the District Heads and Chiefs, or similar loyalty to the latter on the part of the people. Undoubtedly this particular tribe of the Yoruba nation, unspoilt by contact with alien ideas, and for the most part living in the same manner as it must have done for many years past, but now, with the added security of British protection, preserves its customs, its manners, and its traditional allegiance to its own chiefs in a fashion that can hardly be surpassed elsewhere. When to these characteristics are added an unvarying display of good manners, and innate and genuine readiness to carry out the wishes of the Government. ... Above all, the name of Alafin stands out predominantly, and it is not easy for anyone unacquainted with local customs and traditions and social grades, to realise with what awe and veneration this name is universally regarded (Oyo Prof, 1924).

From the observation of Mr. Dew, it is pertinent to look into the discontinuities evident in the involvement of the wives of the Alafin in the divorce pandemic of the early twentieth century. The questions that come to my mind from the D.O.'s comments are: Did the 'added security of British protection' boost the confidence of Chiefs' wives to query their 'traditional allegiance' to the local customs and traditions? At what point did the 'awe and veneration' attached to Alafin's name dwindle?

It is, therefore, of particular interest to study the lives of women of the royal household. These women and their spouses are certainly important in the study of divorce in Yoruba land given the nature of the royal household as the custodian of the Yoruba traditional values and custom. The stirring tales of these women who extricated themselves from the chains of traditional patriarchal oppression are particularly intriguing.

The chieftaincy structure of the Yoruba society was adaptable and changed in response to colonial rule and its structures. The structure was made up of paramount traditional rulers known as obas, followed by subordinate rulers called baales. There were also titled chiefs and village

heads. In the Oyo Province, the titles of the obas varied based on social formations, such as the Ooni of Ife, Alafin of Oyo, Owa Obokun of Ijesaland, Oluwo of Iwo, and the Okere of Shaki.

In the past, chiefs flaunted their power by living in opulent homes and owning large harems. Acquiring wives was one of the ways they demonstrated their prestige. In societies where being related to a chief was highly valued, daughters were encouraged to marry them. Chiefs could obtain wives through various means, such as child betrothal, inheritance, seizure, exchange, or as gifts. However, regardless of the method of acquisition, a traditional marriage ceremony was always conducted to ensure the payment of bride wealth, except when families declined it. Once these women were married to chiefs they were welcomed to the harem and remained behind closed doors. They joined in the routine of the royal household; taking turns to share beds, cook for the chiefs, attendance at traditional ceremonies, and other duties of the household. It was forbidden for them to commit adultery, an offence punishable by beheading. It was, probably, the general opinion of the larger society that women in the harem were advantaged and enjoyed life in the harem before the enactment of the Marriage Ordinance.

### **Yoruba Chiefs Vs Colonial Authority**

The introduction of Christianity led to the promotion of monogamous marriages, which was disseminated through pamphlets. One such pamphlet, titled "Christian Marriage," was attributed to Mrs. Abigail C. Oluwole, the wife of a Yoruba bishop. In this pamphlet, she provided instructions to her readers about the benefits of monogamous marriages, 'God instituted marriage between only two persons, a man, and a woman. Marriage should be based on love... No calamity is greater than for two persons to be united who do not love one another (Mann, 1985). These words definitely appealed to the women in the harem who were married to the chiefs against their

will. From available pieces of evidence, chiefs' wives started patronising the Native Courts as early as the 1920s. However, the pattern of patronage was different from that of ordinary women; chiefs' wives (*oloris*) first ran away from the palace to start divorce proceedings from wherever they were not directly through the Native Courts controlled by Yoruba chiefs but through Assistant Residents, Residents, and District Officers. It is evident from the grievances of these women of royalty that they were adequately informed about the Divorce Laws. The experiences of women in the royal household become clearly evident in one of the letters written by Olori Jejelola (Oyo Prof, nd) one of the wives of Alafin Adeyemi in her divorce petition:

Through the District Officer,  
To The Honourable  
The Resident, Oyo Province,  
Oyo.

2<sup>nd</sup> November, 1949

Jejelola  
Vs  
His Highness Adeniran Adeyemi II  
The Alafin of Oyo

Hon. Sir,

Your humble petitioner respectfully beg (sic) to solicit your indulgence in this matter, and fully hope to be granted your protection in the circumstances.

, originally, I was the wife of the late Modaresa the Baba-Iyaji of Oyo. On his death, I was one of those wives transferred to the late Alafin Ladigbolu as an inheritance.

During the lifetime of late Alafin Ladigbolu, I respectfully beg to say that there was no connection or intercourse whatsoever betwixt us, save that I was only added to the harem of wives as decoration, and as you are aware, no one is allowed to go out, and under the native law and custom, no one dares divorce the Alafin, hence I was forced to remain as a slave within the palace.

On the death of the late Alafin Ladigbolu, I became also transferred and inherited by the present Alafin Adeniran Adeyemi II and the same fate befell me since his ascension.

As I was born by a human being, I cannot afford to remain barren all my life, hence I managed to quit the palace to go into the world and seek my luck.

As I said before, honourable Sir, it is absolutely difficult for one to issue divorce action against the Alafin of Oyo in Oyo, I cannot rest anywhere except after the divorce is issued, and I am dissolved. (sic) I am aware that I should get in touch direct with the court, but the above circumstances prevented me, hence I seek your good-naturedness (sic) to intervene and use your good offices to order that the court issue the action and help to speak Alafin (defendant) to release me from slavery into which I had been harnessed for several years.

For this purpose, I attach herewith the sum of £10.1.6d (Ten pounds, one shilling and six pence) sterling for disbursement as follows:

£8 payable as return dowry to Alafin (defendant)

£2.1.6 being the cost of summons

Believing that under the British flag upon which the sun never sets, and under liberty which is the coveted Briton's heritage, I pray that you will take and plead my cause as an exception, and I

would be grateful to receive the necessary court's receipts through the above address at an early date, so as to set my heart at rest, for his threats will simply send me to the city beyond the staggering world.

I have the honour to be,  
Sir,  
Your Obedient Servant,  
Jejelola

The Resident demanded that the D.O. Oyo visit the Alafin and submit a report to S.R. immediately. It is important to note that divorce proceedings for royalty followed a separate protocol. When petitions were filed by royal women, it would be discussed between colonial authorities and chiefs. Although colonial personnel would attempt to persuade chiefs to release the women and return the dowry, chiefs were often unwilling to comply. In the case of Jejelola, Alafin denied her release. The D.O. reported back to the Resident Oyo Province on January 5, 1950, providing a detailed account of the outcome (Oyo Prof, nd):

Divisional Office,  
Oyo,  
5 January 1950

The Resident,  
Oyo Province,  
Oyo.

Jejelola Versus Alafin of Oyo

I regret that my letter No. 15/3038 of 6<sup>th</sup> December 1949, was issued from this office while your file in this connection was in fact still on my table. Alafin is most reluctant to divorce this woman (she cannot of course divorce him): he may come around later. Meanwhile, there is of course no restraint upon her since she is not in Oyo.

2. I should mention that she bore a son, Ake, whom I have seen, to the previous Alafin.
3. I will try again to persuade Alafin to give this woman legal release.

Signed

Allen  
District Officer  
Oyo Division

On this note, the Resident wrote a letter to Jejelola on the 10<sup>th</sup> of January, 1950 (Oyo Prof, nd)

10<sup>th</sup> January 1950

Madam,

With reference to your petition of 2<sup>nd</sup> November 1949, I return you herewith the Money order for £10.1.6d as I cannot act as your agent in this matter.

2. I suggest that you should endeavour to see the District Officer, Oyo, regarding your complaint if you cannot receive satisfaction directly from Alafin.

I have the honour to be,

Madam,

Your obedient servant,

Signed P.V. Main

Resident, Oyo Province

### **Conclusion**

It is clear that under Native Law, wives had no means of obtaining a divorce from traditional titleholders. This led to situations where the prestige of the Alafin was prioritized over the happiness of women like Jejelola, who were denied their right to a fulfilling life. Women in general faced challenges due to the clash between traditional values and modern adjudication. Many women who were in arranged marriages, either as children betrothed to chiefs or without their consent, sought a divorce. While some were granted their request, most were not. Those who were allowed to divorce had to leave their towns and relocate with the help of colonial personnel, as the chiefs insisted on it.

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