



Sexual and Gender Identity in Indigenous Law: Exploring the Concept of Complementarity and Balance in Ifa Jurisprudence

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Abstract

This study examines gender and sexuality in African Indigenous legal traditions, focusing on Ifa Jurisprudence, a spiritual-legal system of the Yoruba. Central to Ifa is the principle of complementarity with fluidity, which emphasizes the balance and interconnectedness of male and female energies within the cosmic order, rather than rigid binaries or sexual competition. Unlike colonial legal frameworks that introduced restrictive, binary, and criminalized views of gender and sexuality, Ifa presents a more harmonious and fluid understanding of gender relations. The research highlights how this dual but neutral principle of balance can inform contemporary debates in family law, dispute resolution, and societal roles, offering alternatives to colonial and Western frameworks that often instigate fragmentation of sexual identities. Using qualitative methods, the study reviews literature and engages perspectives from Ifa practitioners to show how indigenous jurisprudence can provide valuable insights for advancing gender equity and justice in both traditional and modern contexts.

Key words

Sexual and gender identity; indigenous law; Ifa jurisprudence; concept of complementarity and balance

Resumen

Este estudio examina el género y la sexualidad en las tradiciones jurídicas indígenas africanas, centrándose en la jurisprudencia Ifá, un sistema jurídico-espiritual de los yoruba. Un aspecto fundamental de Ifá es el principio de complementariedad con fluidez, que hace hincapié en el equilibrio y la interconexión de las energías masculinas y femeninas dentro del orden cósmico, en lugar de binarios rígidos o competencia sexual. A diferencia de los marcos jurídicos coloniales que introdujeron visiones

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restrictivas, binarias y criminalizadas del género y la sexualidad, Ifá presenta una comprensión más armoniosa y fluida de las relaciones de género. La investigación destaca cómo este principio dual pero neutral de equilibrio puede informar los debates contemporáneos sobre el derecho de familia, la resolución de disputas y los roles sociales, ofreciendo alternativas a los marcos coloniales y occidentales que a menudo instigan la fragmentación de las identidades sexuales. Utilizando métodos cualitativos, el estudio revisa la literatura y recurre a las perspectivas de los practicantes de Ifá para mostrar cómo la jurisprudencia indígena puede proporcionar valiosas ideas para promover la equidad y la justicia de género en contextos tanto tradicionales como modernos.

Palabras clave

Identidad sexual y de género; derecho indígena; jurisprudencia Ifá; concepto de complementariedad y equilibrio

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1. Introduction

As global conversations around justice, equity, and the rights of marginalized communities grow, there is a renewed interest in exploring varieties of systems for their unique contributions to legal theory and practice. Among these systems, *Ifa* Jurisprudence, a spiritual and legal framework practiced majorly by the Yoruba people of West Africa can offer a deep understanding of sexual and gender identity, one that is consistent and in stark contrast to many Western legal models. Rooted in a deep belief in the interconnectedness of all elements of existence, *Ifa* provides a holistic view of gender relations, emphasizing balance, complementarity, and harmony.

Historically, the Yoruba people have inhabited a vast region in West Africa, and their belief systems, including *Ifa*, have shaped their social, cultural, and legal structures for centuries (Adegbite 2018). This research explores the concepts of gender and sexuality in Indigenous law within the context of *Ifa* Jurisprudence. Indigenous Law refers to the body of rules, norms, and practices developed and maintained by Indigenous communities to govern social behavior, resolve disputes, and sustain communal wellbeing. Within this framework, *Ifá* Jurisprudence is the Yoruba system of legal and ethical guidance derived from the *Ifá* corpus, which blends spiritual, moral, and social principles to regulate conduct and ensure harmony. Sexual and Gender Identity in this context encompasses an individual's sexual orientation, gender expression, and socially recognized role, understood relationally rather than through rigid binaries. Central to *Ifá* jurisprudence are the concepts of Complementarity and Balance: complementarity denotes the interdependent interaction of masculine and feminine energies, while balance reflects the ethical, social, and spiritual equilibrium achieved when these forces coexist harmoniously. Together, these concepts situate human identity within a broader cosmological and communal framework, highlighting how Indigenous legal thought affirms diversity, relationality, and social cohesion.

With an overview of *Ifa*, the study explains the concept of complementarity in *Ifa*, emphasizing the interdependence of male and female energies as essential components of cosmic and societal balance. This work emphasizes, the reliance on *Odu Ifa* as an existing predictive and problem-solving method, for the purpose of achieving harmony, balance and complementarity in modern legal systems. By examining *Ifa*'s approach to gender and sexuality, this study not only highlights the significance of Indigenous legal thought but also proposes pathways for integrating these perspectives into contemporary legal frameworks, with the potential to challenge and enrich existing gender norms in the global legal system.

2. Historical overview of *Ifa* and its significance within Yoruba culture and legal practices

According to *Ifa* (Abimbola 1997), in an era when no barrier existed between heaven and earth, *Ifá* was often summoned by *Olódùmarè*, the Supreme God, to apply his profound wisdom in resolving celestial matters. However, following an insult from one of his own children, *Ifá* withdrew in anger to heaven, severing his earthly ties. His departure plunged the world into chaos, famine and pestilence spread, and the fertility cycle was disrupted to the point that "pregnant women no longer delivered; barren women remained barren." In desperation, humanity resolved to send *Ifá*'s eight children to

plead for his return. Their journey led them to the foot of a towering, much-climbed palm tree in heaven, its trunk branching into sixteen hut-like sections. They entreated their father to return, but he refused. Instead, Ifá entrusted each child with sixteen sacred palm nuts, the foundation of the Ifa divination system, ensuring that even in his absence, humanity could consult his wisdom and restore balance to the world.

B'é bā délé¹,

Be bā f'owo ni,

Eni te maa bi nü-un.

B'e bā délé,

B'é bā f'ayaa ni,

Eni t'é é maa bi nü-un.

B'4 bā délé,

B'é bā f'e omo bi,

Eni t'e maa bi nü-un.

Ilé le bā fe ko layé,

Eni t'é maa bi nü-un.

be bā fe aso ni layé,

Eni t'e maa bi nü-un.

Ire gbogbo t'é bā fe ni layé,

Eni te maa bi nü-un.²

Ifa is an ancient divination system of both spiritual and legal significance, that has been central to the Yoruba people of Southwestern Nigeria for centuries. At its core, it is a complex and comprehensive spiritual and philosophical system, serving not only as a divinatory practice but also as a means of understanding the cosmos, moral values, and human conduct (Abimbola 1976). Banking on the ability to foresee the future and understand the divine order of the universe, the system of *Ifa* divination was thus established to help humans gain insight into the will of the gods, as well as to address practical issues in their daily lives. The Yoruba oral tradition holds that *Orunmila* imparted knowledge of *Ifa* to his followers, who became the first *Ifa* priests (*Babalawos*) and priestesses (*Iyanifa*). These diviners have since played a central role in the transmission of knowledge, preserving *Ifa*'s teachings and ensuring its continued relevance in Yoruba society (Abimbola 1996). Traditionally, two names, *Ifá* and *Örünmilä*, are used to refer to the deity while the name *Ifa* is used also for the system of

¹ Abimbola 1968, pp. 45-46.

² Translation: When you are back home / If you want to have money / That is the person you are to consult. / When you are back home, / If you want to have wives, / That is the person you are to consult. / When you are back home, / If you want to have children, / That is the person you are to consult. / If you want to build houses on earth, / That is the person you are to consult. / If you want to have clothes on earth, / That is the person you are to consult. / All good things you want to have on earth, / That is the person you are to consult.

divination (Bascom 1978). Ifa has evolved over time, both as a religious practice and as a system of ethics and legal guidance.

As a sacred knowledge system of the Yoruba people, *Ifa* serves not only as a spiritual and philosophical tradition but also as a foundational source of customary law (Obilade 1979, Adegbite 2018). The teachings of *Ifá*, encoded in the *Odu Ifá* (the corpus of sacred texts), offer detailed guidance on matters such as marriage, inheritance, leadership, and communal ethics. Historically, these teachings were drawn upon by elders, chiefs, and spiritual leaders to resolve disputes and maintain societal order within Yoruba communities (Awolalu and Dopamu 1979). A defining feature of customary law is its flexibility and capacity to adapt to changing societal needs (Elias 1956). Similarly, *Ifá* embodies a dynamic and situational legal system. Divination through *Ifá* provides context-specific advice, allowing for responses tailored to the particular circumstances of individuals and communities (Abiodun 2014). This continuous process of interpretation ensures that *Ifá* evolves alongside social realities while preserving core values such as justice, truth, balance, and community welfare. As such, *Ifá* remains a living and relevant source of Indigenous law, capable of addressing contemporary issues through its adaptable, people-centered framework (Makinde 1988).

Ifa divination is based on a sophisticated system of symbols, stories, and wisdom encapsulated in the *Odu Ifa*, a collection of 256 primary verses, each containing a wealth of teachings (Abimbola 1997). Each verse is associated with specific patterns of marks, called *odu*, which are made by a diviner during the divination process (Salami 2023). These verses are then interpreted in relation to the situation at hand, providing guidance for decision-making and predicting the future. Ifa is not merely a system of predicting outcomes, but rather a philosophical framework that helps individuals align their actions with the divine order of the universe (Ademowo and Adekunle 2013). The practice of Ifa involves not only the performance of rituals and ceremonies but also the recitation of sacred oral literature passed down through generations. The divination process is guided by a set of ethical principles that dictate how people should live in harmony with one another and the environment, emphasizing balance, fairness, and respect for both human life and the natural world (Salami 2023).

Another primary function of Ifa within Yoruba society is its role in dispute resolution. Whether disputes involved family matters, business transactions, or issues of land ownership, Ifa provided a neutral and divine basis for resolving conflicts (Ademowo and Adekunle 2013). Yoruba people have long viewed the process of Ifa divination as a means of accessing divine wisdom, which could offer guidance on how to restore harmony and resolve disagreements. In pre-colonial Yoruba society, the Ifa priest would be called upon to mediate between parties involved in a dispute. The priest, in consultation with the Ifa oracles, would offer solutions based on the spiritual teachings of the *Odu Ifa* (Ademowo and Adekunle 2013). This approach to dispute resolution emphasized reconciliation rather than punishment, focusing on restoring balance and peace within the community. The importance of Ifa in dispute resolution extended beyond the family and local community to the larger political realm. For instance, the Oyo Empire, one of the most powerful Yoruba kingdoms, relied on Ifa consultations for decisions involving war, peace treaties, and governance (Ademowo and Adekunle 2013). The Oyo Mesi (the council of chiefs) would consult with the Ifa priests when

decisions about statecraft and international diplomacy were required. This practice of consultation demonstrated how deeply ingrained Ifa was in the legal and political systems of the Yoruba.

3. Complementarity in Ifa and the interdependence of male and female energies as essential components of cosmic and societal balance *Ọṣe Otura*³

Ko n koro laṣwo ewi ni ile alado.

Orunmila dede kanle laṣwo ode ijesa

Alakan ni n be lodo, ti n lakara aya pereperepere

Adifafun irunmole ojuko otun

Abu fun irunmole oju oko osi

Won de ile aye tan

Won la igbo oro, won la igbo ota

Won la ona gboro te se to

Wo ko fi ti osun se

Awon a peregede ajuba, ajuba na abi oju peregede

Adifafun osun se n ge se, eyi ti yio o mo gbe koko mob a ise irunmole

ọkan lé ní irinwó je

Ebo won ni won wa se

Gun yan guyan ile ife , obirin ni n se

Yeye wa ba wa pe ni mo,

osun afimo je tire o

Roka roka ile if obirin ni won se

Aje lode ibini obirin ni se

Awon iyami osoromoniga obinrin ni gbogbo won n se

Okun omo olurada obinrin ni se.

Yeye wa ba pe nimo

Osun a fimo je tire.

Ore yeye osun oo

Omi oo, eri oo, ide oo, ota oo, agba oo

Ore yeye osun.⁴

³ Ọ̀rúnmilà, Ọ̀sẹ̀-Ọ̀tùrá (Ose-Tura) verse, oral recitation by Babaláwo Amosun, Ìbadan, Nigeria, field notes recorded 31st June 2025. The above recitation, drawn from the Ọ̀sẹ̀-Ọ̀tùrá corpus, was recorded in Yorùbá poetic form. It exemplifies the intricate blend of metaphor, history, and incantatory rhythm that characterizes Ifá literature. Each image, from the crab in the river to the opening of sacred pathways, serves as a symbolic key to deeper layers of meaning, accessible through both cultural knowledge and divinatory interpretation.

⁴ Translation: Ko n koro is the priest of Ewi Ado / Orunmila dede kanle the priest of ijesa. / It is the crab that stays beneath the river and / Cast ifa divination for the 200 deities the right side / Cast ifa divination for the

Among *Odù Ifá*, *Òsé-Òtùrá* as quoted above, occupies a special position as one of the most frequently cited in discussions of gender balance, cosmic order, and the indispensable role of feminine power in creation. This *Odù* recounts the journey of the primordial divinities, to the earth and the challenges they faced in bringing harmony to the newly formed world. At the heart of the narrative is *Òṣun*, the river goddess and custodian of fertility, diplomacy, and aesthetic order. Initially excluded from the deliberations of the other divinities, *Òṣun* allows the mission to falter until her contributions are sought, acknowledged, and integrated. This episode, preserved in oral performance and transmitted through countless lineages of *Babaláwo* and *Ìyánífá*, functions both as sacred history and as a moral lesson. It affirms that no project, divine or human, can reach its full potential without the participation, wisdom, and consent of both sexes. The above verse also situates *Òṣun* among the *Ìyámi Òsòròngà*, the collective mothers whose spiritual authority undergirds social stability.

Ifa presents a holistic understanding of the universe where male and female energies are seen as complementary forces rather than oppositional or hierarchical. This balance is also reflected in Yoruba superstitions and myths, where male and female deities, though distinct in their attributes, are interdependent. While *Ifa* does not necessarily emphasize the existence of same-sex or intersex individuals in the same way as contemporary Western legal or social frameworks, their existence appears not to disrupt the cosmic or societal order. The divinities' roles and interactions symbolize the broader Yoruba worldview that all forces whether divine, natural, or human must complement each other to uphold the order of the universe. This view suggests that even though other identities may not be overtly highlighted in traditional Yoruba belief systems, their existence is recognized and managed in ways that do not jeopardize the societal balance.

The arrangement of divinities in male and female forms as gods and goddesses illustrate that harmony is prioritized over rigid classification (Jung 1991). Masculine and feminine energies are understood as distinct yet interdependent, each carrying unique qualities essential to balance in the world. Masculine traits are often associated with physical strength, assertiveness, fire, protection, and authority. They symbolize external power, action, and the ability to enforce order. By contrast, feminine traits are linked to beauty, nurturing, creativity, diplomacy, patience, and transformative wisdom. They represent internal power, fertility, emotional depth, and the capacity to sustain life. Rather than existing in opposition, these traits are woven together in Yoruba thought, whereby it is the harmony between them that is seen as the foundation of cosmic and social stability (Turyatunga 2020). This cultural understanding can also be reflected in some pantheon of *Òrìṣà* (deities) that embody not only their dominant gendered traits, but also aspects of the opposite gender, illustrating intersexual or androgynous tendencies. By

200 deities of the left side / Subsequently after reaching the world / They cleared the cult forest / The cleared the ota's forest. / They paved the walking path and eventually nobody walked in it / They created markets but were occupied by nobody / The aperegede ajuba, the ajuba aboju peregede / Cast ifa divination for osun the mother of mystery / The one who has comb made of coral beads. / The one whose hidden damaged the work of the 401 gods / They were asked to offer sacrifice / The one that pounds yam in ile ife is a woman / Our mother come and completes our gathering / The one that makes amala in ile ife is a woman / The wealth from Benin is a woman / The witches from ode ota are all women / Okun the daughter of olurada is a woman / Our mother come and completes our gathering / We praise the mother osun / Omi oo, eri oo, ota oo, agba oo / Ore yeye osun.

transcending singular gender roles, these deities show that true power flows from the blending of masculine and feminine qualities. Four Òrìṣà in particular, Olókun, Ọṣùmàrè, Èṣù, and Ẹ̀ṣàngó, demonstrate this inclusivity and fluidity (Peel 2002).

Olókun: Depth and Androgyny : Olókun, deity of the deep sea, is a profound example of divine gender fluidity. In some traditions, Olókun is male; in others, female; and in yet others, both. This fluid identity reflects the ocean itself, vast, mysterious, and beyond human categorization. Olókun's intersexuality symbolizes the unknowable depths of existence and the blending of opposites. As the sea contains both life-giving abundance and destructive force, Olókun embodies duality, showing that power transcends fixed gender categories (Peel 2002) .

Ọṣùmàrè: The Rainbow Serpent: Another prominent figure is Ọṣùmàrè, the rainbow serpent. Ọṣùmàrè alternates between male and female, sometimes described as embodying both simultaneously. The rainbow, a blending of multiple colors into a harmonious arc, serves as a possible metaphor for gender multiplicity. In Yoruba thought, Ọṣùmàrè represents cycles, continuity, and the unity of opposites. This dual nature reinforces the idea that spiritual wholeness arises not from singularity but from the weaving together of diverse elements (Àjàgùnna 2024).

Èṣù: Trickster Fluidity: Èṣù, the divine messenger and trickster, also resists confinement within rigid gender norms. Though often portrayed as male, Èṣù's very nature is ambiguity and liminality. He mediates between the human and divine, order and chaos, truth and deception. In embodying this interstitial role, Èṣù reflects aspects of intersexuality, not through physical traits but through philosophical liminality. He is never one thing alone, but many things simultaneously. This mirrors the position often occupied by intersex or multi-sex individuals in society, existing beyond conventional categories (Ayanwuyi 2023).

Ẹ̀ṣàngó: Thunder, Beauty, and Gender Fluidity: Ẹ̀ṣàngó, the Òrìṣà of thunder and lightning, is perhaps the most striking case of intersexual tendencies in Yoruba mythology. Commonly remembered as a hyper-masculine figure, a warrior, king, and fiery deity, Ẹ̀ṣàngó also embodies traits and practices that blur gender lines. Oral traditions describe Ẹ̀ṣàngó as plaiting his hair, a practice culturally associated with feminine beauty in Yoruba society. By adorning himself with plaits, Ẹ̀ṣàngó integrates beauty and elegance into his identity, illustrating that power is not weakened by feminine traits but enhanced by them. This act makes him a deity whose masculinity coexists with femininity, embodying androgyny. His marital unions with Ọya, Ọbà, and Ọṣun also reveal fluid gender dynamics. These wives are not passive consorts but formidable powers in their own right. Ọya, goddess of winds and transformation, often contests Ẹ̀ṣàngó's authority; Ọbà symbolizes sacrifice and resilience; and Ọṣun embodies diplomacy and beauty. Rather than reinforcing male dominance, these relationships display a balance of energies, where feminine forces are essential to Ẹ̀ṣàngó's identity. His mythology therefore highlights a relational and fluid understanding of power, not tied exclusively to masculine dominance. In diasporic traditions like Candomblé (Brazil) and Santería (Cuba), Ẹ̀ṣàngó's intersexuality is ritually expressed. Male devotees sometimes dress in garments associated with his wives or adorn themselves in feminine-coded ways during festivals. This ritual crossing embodies the theological truth that Ẹ̀ṣàngó straddles masculine and feminine energies. His thunderous masculinity is never

singular. Philosophically, Ẓàngó reflects Yoruba recognition of duality: fire and wind, strength and beauty, masculine and feminine. His intersexual traits demonstrate that Yoruba divinity thrives not on strict separation but on harmonious integration. Just as lightning illuminates the sky with both destructive force and awe-inspiring beauty, Ẓàngó embodies multiplicity (Onyewuchi 2024).

Such multiplicity or duality as explained through Orunmila's teachings underscore that the world cannot be understood through a binary lens of good versus evil, light versus dark, or male versus female. Instead, the essence of life is captured in the complementary relationship between these diverse forces (Idowu 1962).

4. The Ifa concept of cosmology as the basis for complementarity, harmony, and procreation⁵

In Ifá, cosmology refers to the Yoruba understanding of the structure, order, and purpose of the universe, rooted in a balance between the spiritual and physical realms. It begins with *Olódùmarè*, the Supreme Being, who is the source of all creation and ultimate authority. From *Olódùmarè* emanate the *Òrìṣà (deities)*, that govern different aspects of nature and human life, acting as intermediaries between heaven (*òrun*) and earth (*ayé*) (Adegbite and Olusegun 2019). Central to this cosmology is also the concept of *Aṣẹ (Authority)*, the vital spiritual energy that sustains existence and enables transformation. Human beings are also key participants, born with *Ori* (inner head/destiny), which must align with divine will through moral living, ritual, and sacrifice (*ẹbọ*). In all, Ifá, transmitted through the wisdom of *Òrúnmìlà*, provides the divinatory system that reveals hidden truths and guides humans in maintaining harmony with cosmic order. Thus, Ifá cosmology is not abstract metaphysics but a practical philosophy of balance, destiny, and interconnectedness between all beings. The Ifa concept of cosmology explains the universe through other corpus, explaining their balance of opposite but complementary forces (Atlanta University Center Woodruff Library 2024). These can also be in forms of dualities, such as light and darkness, male and female, good and evil, which are not seen as conflicting energies, but as essential parts of a natural, dynamic system. Here's how Ifa interprets some of these core relationships:

i. Light and Darkness:

In Ifa, light and darkness are not enemies, but two sides of the same process. Just as science explains that light can form matter and that matter can return to light, Ifa teaches that light emerges from darkness, and darkness also comes from light. This constant exchange between light and dark symbolizes the natural flow of energy and creation.

ii. Male and Female:

Ifa sees masculine and feminine not as unequal, but as different expressions of the same life force. The right side is associated with the male (expansion, light), and the left with the female (contraction, darkness). These qualities are reflected in the human body, particularly in the reproductive organs, and are celebrated as essential forces that bring about diversity and balance in the world.

⁵ Atlanta University Center Woodruff Library 2024.

iii. Good and Evil:

Ifa does not divide the universe into a battle between good and evil. Instead, it sees the tension between opposites, like expansion and contraction, as the source of life and form in nature. Darkness and light are simply expressions of this natural tension, not moral judgments. What matters is balance, not opposition.

Ifa Says,⁶

Obe sinu igbo fese ja gbawo

Adifafun ire, ire n tikole orun bo wa si ikole aye.

Obe sinu igbo fese ja gbawo

Adifafun ibi, ibi n tikole orun bo wa si ikole aye.

Ojo ti a ribi nibi n wole

*Ojo ti a ri ire, nire n wole.*⁷

This Ifá verse shows that goodness (irè) and evil (ìbì) are interwoven realities of life. Both descend from heaven into the world, reminding us that blessings and trials often appear side by side. The day misfortune comes, it must be confronted; the day goodness arrives, it must be embraced. Thus, life is a balance where joy and hardship define each other, teaching resilience, vigilance, and wisdom.

Oturupon Otura⁸

Bi a soore a o ku

Bi a se ika a o ku

Olorun ko Dari iku jin enikankan

parakoyi ko dari iku jinniyan

Eruko ile abi idi sasalele

*Awon lo difa fun orunmila....*⁹

Complementarity, therefore, is about balance, not opposition. It is through the union and harmonious interactions of seemingly diverse energies such as the male and female forces, that the universe's cosmic order is preserved. This balance is fundamental in not only the divine creation of the universe but for human procreation.

⁶ Ayanwuyi 2023.

⁷ Translation: He dashed into the forest and used his leg to solve its problems / Cast Ifá for Irè (good fortune), when goodness was descending from heaven to earth. / He dashed into the forest and used his leg to solve its problems / Cast Ifá for Ìbì (misfortune), when evil was descending from heaven to earth. / The day misfortune comes, that is when it must be conquered. / The day goodness comes, the day it becomes ours.

⁸ Òrúnmìlà, Òsé-Òtùrá (Ose-Tura) verse, oral recitation by Babaláwo Amosun, Ìbadan, Nigeria, field notes recorded 31st June 2025. The above recitation, drawn from the Òsé-Òtùrá corpus, was recorded in Yorùbá poetic form.

⁹ Translation: If we do good, we will die / if we do bad we will die / Olorun does not forgive us when it come to death / Parakoyi does not forgive any human of death / Eruko ile abi idi sasalele / Are the ones who made Ifa divination for orunmila.

Odu Iwori Meji

Eni a n wa lo

Ona n la ko

adifafun atọ eyi ti n re ile ase

Ẹbọ wọn ni ko wa se

Nigba ti atọ n rẹle ase

wọn parapo

wọn lawọ lase

wọn di omọ¹⁰

Above, is the *Ato–Ase* narrative of the Ifá corpus, most often associated with Iwòrì Mèjì, the Odu underscores the Yoruba belief that “one comes out from dual interactions” through its layered imagery and sequence of events. By personifying sperm (*Ato*) and egg (*Ase*) as travellers whose destinies converge, the verse teaches that neither principle is complete without the other and that each finds fulfilment in union. The poetic line, “the one we were looking for is the one we met on the way,” captures the reciprocity of origin and destiny, where each is both the source and the outcome of the other. The narrative structure reinforces this cycle: the initiating force of *Ato*’s journey, the sacrificial preparation that ensures harmony, the receptive and transformative power of *Ase*’s home, and the final emergence of new life through their union. In doing so, the above Odu encodes the metaphysical principle that from unity comes duality and from duality comes renewed unity, a teaching that extends beyond biology to guide human relationships, communal cooperation, and the balancing of complementary forces in all aspects of life.

In practice, the societal structures of the Yoruba people are hence built on the foundation of complementarity. This interdependence of male and female roles manifests in the division of labor, familial relations, and governance practices. Historically, Yoruba communities have been organized in such a way that men and women both play pivotal roles in ensuring the survival, growth, and harmony of the community. Unless otherwise instigated, men and women are not viewed as competitors or opposites but as individuals whose contributions are mutually beneficial. Women, for instance, often manage the household, family, and social relations, while men traditionally assume roles in leadership, politics, and external trade. Overall, both sexes contribute to the holistic well-being of the community. On another hand, *Iyalawos* (female diviners) and *Babalawos* (male diviners) are both essential for the practice of Ifa divination, further illustrating that the spiritual and philosophical teachings of Ifa emphasize an equality of roles, not a hierarchy (Ademowo and Adekunle 2013). This interdependence is especially evident in the Yoruba legal framework, which places a high value on the balance between male and female energies.

¹⁰ Translation: The person we were looking for / Is the one we met on the way. / Ifá was cast for Ato (the sperm) / On his journey to the home of Ase (the egg). / They were advised to offer sacrifice. / On the day Ato arrived at Ase’s home, / They split into parts, / And from their union, a child was formed.

Ifa also reflects the concept of gender complementarity in its approach to individual identity and self-realization. During Ifa consultation and divination, the answers provided to clients often reflect the necessary balance between personal aspirations and external circumstances. When consulted, an individual might be advised to seek guidance from a female figure or to balance their personal ambitions with communal responsibilities (Salami 2023). Individuals are encouraged to understand and integrate the complementary energies within themselves (Ademowo and Adekunle 2013). These energies help guide individuals to make morally sound decisions that promote their own welfare and communal harmony. The divination process itself can involve the invocation of either or both male and female spiritual forces. The above is reflective of the Yoruba understanding that gender is not a social construct to be defined rigidly, but a fluid dynamic that should be respected and utilized in a balanced manner. This philosophical standpoint does not promote one gender over the other but rather recognizes the importance of both in maintaining cosmic and societal order.

The societal balance of complementary male and female energies also extends to the Yoruba understanding of leadership. Yoruba political systems, including the Oyo Empire, were built on the idea of balance and complementarity. Rulers were expected to embody the virtues of both masculine leadership and feminine wisdom. This balance was seen as essential for wise governance and just rulership. The Oyo Mesi, a council of chiefs that advised the king, often included both male and female members who contributed different perspectives to decisions, reflecting the necessity of diverse energies for a balanced and prosperous society. Generally systems were not regimented in Positive/formal laws, they are designed to promote social justice and stability, subject to Ifa Consultations. The Yoruba people have long recognized the interdependence of these energies, using this understanding to guide their laws, governance systems, and personal conduct. For example, Johnson's historical accounts of succession for some Alaafin of Oyo kingdom contradict the hypothesis of male-exclusive succession. Two are discussed below. One concerns *Osinyago*, the twenty-first *alaafin* on his list. According to Johnson, *Osinyago* who succeeded to the throne was equally worthless. His firstborn son, like his father, grasped propensity, which led to his early death. The second child [*Omosun*], though a female, was masculine in character, and she considered the rank and privileges of the *Aremo* (Crown Prince) her own (Oyěwùmí 1997).

In an account of the state of Ketu, in southern Yorubaland, there were three claimants to the title of Alaketu's in the 1970s. One was a female from Brazil: "One other Alaketu, a woman, based in Bahia, South America, even visited Nigeria in 1974 with such pomp that she tended to eclipse the existence of the West-Africa based ones. The position of Ketu in Yoruba historiography lends credence to the idea that female rulership in Ketu has historical grounding. Ketu was one of the Yoruba polities that is accepted as having been founded by one of Oduduwa's daughters, not a son. (Oyěwùmí 1997). By emphasizing balance and fluidity of thoughts about gender stereotypes, the above confirms that rather than competition, Ifa offers a framework for achieving societal harmony and justice that transcends binary gender distinctions. This approach to gender and society offers valuable insights for contemporary discussions on gender equity and justice, particularly in the context of indigenous legal practices.

5. Concept of gender fluidity in contemporary gender discourse

Legal scholarship and gender studies have often been dominated by Western frameworks, which tend to overlook the complexity and diversity found in Indigenous perspectives on gender, including the covert recognition of the essence of intersex individuals. Gender fluidity in African contexts reflects a deep and complex understanding of identity that predates Western colonial influences. Scholars like Oyèrónké Oyěwùmí argue that precolonial societies, such as the Yorùbá, did not operate within rigid gender binaries; instead, social roles were structured around factors like age, lineage, and seniority, rather than sex or gender (Oyěwùmí 1997). In *The Invention of Women*, Oyěwùmí critiques the colonial imposition of Western gender frameworks, which not only distorted African social organization but also introduced patriarchal norms alien to indigenous settings. Supporting this, research in *Gender Epistemologies in Africa* (Amadiume 1987, p. 17) reveals how traditional African societies often viewed gender as fluid and relational, emphasizing communal roles and cosmological balance over binary identities. These perspectives highlight the existence of gender diversity that colonial rule either erased or misrepresented as “deviant.”

Contemporary studies and media further assert that colonialism played a significant role in shaping current transphobia and rigid gender norms in Africa. For instance, (Hernandez 2020) traces the suppression of non-binary roles, such as spiritual and community leaders with fluid gender expressions, to colonial moral codes and missionary teachings. Meanwhile, research from Ekine (2013) documents the resilience and reemergence of indigenous gender understandings through modern African trans-activism. These works collectively argue that African societies have long held nuanced, non-binary conceptions of gender, rooted in spirituality, functionality, and cosmology, underscoring that the current dominant gender binaries are foreign impositions rather than intrinsic cultural truths.

For example, in Nigeria, it is the Nigerian Criminal Code (Section 214) that criminalizes homosexuality, prescribing penalties for same-sex relationships, thereby imposing a rigid, binary framework on sexual relationships (Nigerian Criminal Code, LFN 2004). Additionally, the Nigerian Marriage Act (Section 2) defines marriage as a union between a man and a woman, reinforcing the binary gender distinction (Marriage Act, LFN 2004). The Matrimonial Causes Act further entrenches these views, outlining marriage in conventional, heteronormative terms and limiting legal recognition to male-female unions (Matrimonial Causes Act, LFN 2004). However, historical and anthropological accounts reveal traces of same-sex unions, particularly among women, where a woman could “marry” another woman to secure lineage, inheritance, or social status, often with children provided through surrogacy arrangements (Nwogugu 2014). Such arrangements were socially functional, emphasizing communal obligations and family continuity over sexual orientation. Among men, similar partnerships existed in limited contexts, often tied to domestic or economic collaboration, though these were not considered full marriages under customary law (Epprecht 2008).

In many ways, colonial-era laws, have disrupted and regimented the more flexible, complementary understanding of sexuality and gender inherent in traditional Yoruba law. This imposition of Western legal frameworks on Indigenous groups has caused a disconnect, as it undermines social harmony and excludes diverse expressions of gender

and sexuality that were once recognized. While Ifa Jurisprudence, recognizes male and female distinctions, it is not on records that its philosophy is homophobic or sexually competitive. While Western legal frameworks have historically struggled to incorporate and respect non-binary gender identities, Indigenous legal systems such as Ifa have impliedly recognized the fluidity of gender, and the complementarity between masculine and feminine energies, which provides an important alternative for understanding gender diversity.

Strict binary views as entrenched in many Western legal systems has historically excluded intersex individuals, who are born with biological attributes that do not fit typical definitions of male or female. By stereotypes, many legal systems inadvertently marginalize those who do not conform to these rigid classifications. (Jung 1991). Events and Histories of such marginalizations are foundational to the increasing promulgation of human rights laws for the protection of marginalized sexualities. Binary profiles and regimes necessitate inclusive policies that address the rights of individuals beyond the traditional male-female setup, while International human rights instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), recognize the right to non-discrimination based on sexual orientation and gender identity (UDHR, Article 1; ICCPR, Article 26). These provisions have led to a proliferation of laws and political campaigns that advocate for the inclusion of same-sex couples, gender-diverse individuals, and the decriminalization of non-heteronormative sexualities. In response to these growing human rights movements, legal frameworks in many countries, including the Yogyakarta Principles (2007) and subsequent revisions, call for the legal recognition of gender and sexual diversity. These frameworks have urged states to protect individuals from discrimination based on their sexual identity, which has led to significant advancements for LGBTQ+ rights, including the legalization of same-sex marriage in various jurisdictions, non-discrimination laws in the workplace, and the inclusion of gender diversity in official documents (Yogyakarta Principles 2007).

Nevertheless, despite efforts towards recognizing the multiplicity of sexualities, tension still exists in societies that adhere to strict stereotypes on gender and sexuality. In these societies, particularly in places where there is a deep cultural commitment to conventional family structures, the legalization of same-sex marriages and the recognition of gender non-conforming individuals can disrupt the stipulated social fabric. For instance, while international human rights law insists on the rights of individuals to express and live out their gender and sexual identities, such legal frameworks often come into conflict with national laws that define marriage as between a man and a woman, as found in many African nations (the Nigerian Constitution and Family Law in some jurisdictions). The debate has escalated within political campaigns, with human rights organizations emphasizing sexual diversity as a universal human right. However, critics argue that this expansion of sexual identities could lead to social fragmentation, as an overemphasis on individual identity risks undermining collective social values, particularly in regions where there is still a dominant binary understanding of sexuality. The introduction of multiple sexual identities into the political sphere, while important for the dignity of marginalized groups, may challenge the ability of societies to maintain cohesion, as the concepts of family, marriage, and social roles become increasingly complex.

Ifa's inclusivity appears to extend beyond just men and women; it affirms the dignity and rights of all individuals, regardless of their gender identity or biological attributes. This philosophical framework recognizes the full spectrum of human experience and provides a space for gender diversity within a sexual framework that is although dual but not confined to binary definitions. By incorporating this inclusive perspective, legal systems can move toward a more equitable and comprehensive understanding of gender that respects the identities and rights of all individuals, including those who fall outside the male-female binary. The strength of Ifa lies in its focus on divination, which allows for flexibility and adaptation rather than adhering to rigid stereotypes or predetermined categories. Ifa's emphasis is on the realities of existence, offering guidance based on the specific circumstances and energies present in each situation, rather than strictly codified laws. This adaptability enables Ifa to address complex societal issues such as gender-specific toilets or sports participation without being constrained by fixed gender roles. By focusing on the balance, complementarity, and interdependence of male and female energies, Ifa allows for a more fluid understanding of gender that transcends binary classifications. In this sense, Ifa's approach to gender is dynamic and responsive, prioritizing the lived reality of individuals over legal definitions or social conventions. This principle of inclusivity ensures that all individuals, regardless of their sex or gender identity, are respected and valued. By integrating the fluidity and flexibility of Ifa's divinatory wisdom into contemporary legal systems, societies can promote a more inclusive and harmonious environment, where fairness and respect for diversity take precedence over rigid categorizations or discriminatory practices.

5.1. Scenario 1: Resolving issues around gender-specific toilets in public spaces

In contemporary society, the question of gender-specific toilets in public spaces often leads to tension and exclusion, particularly for intersex, non-binary, and transgender individuals. Many legal systems and institutions still operate on the assumption of a binary gender distinction (male and female), which excludes people whose gender identity or biological characteristics do not fit into these categories. Ifa would likely encourage a solution that promotes inclusivity, cosmic balance and mutual respect. Rather than segregating spaces strictly by gender, the principles of Ifa might call for innovations and creation of gender-neutral facilities that respect the dignity and privacy of all including those in the minority. Such an approach would reflect the Ifa worldview, The divination process might suggest consulting community leaders and Ifa practitioners, who could draw from the wisdom of the Odu Ifa to determine a solution that can navigate pressing peculiarities, while acknowledging the practical needs of individuals.

Ifa's inclusivity focuses on recognizing and validating the essence of all individuals, including intersex and non-binary persons, while maintaining social harmony. However, this inclusivity does not imply the promotion of sexual identities or declarations that could disrupt societal equilibrium. Instead, Ifa encourages a balanced approach where diverse identities are respected without causing division or conflict. In the case of facilities like gender-segregated toilets, the emphasis should be on ensuring accessibility and respect for all individuals, promoting an environment where everyone's dignity is upheld. The core value of fairness would guide the creation of inclusive spaces, but always with an understanding that social harmony and unity are

paramount. Thus, Ifa supports inclusivity in a way that nurtures coexistence and mutual respect, while discouraging any form of expression or behavior that could destabilize the community's collective well-being.

5.2. Scenario 2: Ifá, procreation, parenthood and modern questions of surrogacy and same-sex adoption

Ogunda Ose (verse)¹¹

Eni a n wa lo

Ona n la ko

adifafun atọ eyi ti n re ile ase

Ẹbọ wọn ni ko wa se

Nigba ti atọ n re ile ase

wọn parapo

wọn lawọ lase

wọn di omọ¹²

The Ifá verse from Ògúndá Òsé offers a symbolic account of human conception through the union of Àtọ̀ (sperm) and Àṣẹ (egg). In poetic form, the odù narrates how Àtọ̀, on a sacred journey, meets Àṣẹ, and through divine sanction, a new life emerges. This illustrates the Yoruba philosophical understanding that procreation is not merely biological but spiritual, an act requiring balance, sacrifice, and the infusion of Àṣẹ, the vital force that animates existence. The verse thus encodes a timeless fact: the origin of life is rooted in complementary dualities, convergence, and the sanctity of creation.

In the context of modern reproductive technologies, especially surrogacy, this teaching resonates strongly. Surrogacy involves the implantation of an embryo, already formed through the fusion of sperm and egg, into the womb of another woman who carries the pregnancy to term. In Ifá terms, this may be interpreted as the extension of Àṣẹ through another vessel. While the biological journey of Àtọ̀ and Àṣẹ remains essential, the role of the surrogate may echo the Yoruba idea of communal responsibility in childbearing and upbringing. In traditional societies, motherhood was not the sole preserve of the biological mother; other women in the lineage shared in nurturing. Surrogacy, therefore, while technologically modern, may not contradict the Yoruba worldview of collective parenthood and shared responsibility for life (Adegbite 2018).

However, the debate becomes more complex when considering same-sex adoption and families formed outside the traditional male-female reproductive union. The Ifá verse explicitly encodes the necessity of duality, Àtọ̀ and Àṣẹ, as the biological foundation for life. This does not necessarily negate the capacity of same-sex couples to raise children,

¹¹ Babalawo Amosun Ifakorede Ajisefa Òrúnmilà, recited Ogunda Òsé verse, in Ibadan Nigeria, field notes recorded 31st June 2025. The above recitation, drawn from the Ogunda Ose corpus, was recorded in Yorùbá poetic form.

¹² Translation: The person we were looking for / Is the one we met on the way. / Ifá was cast for Ato (the sperm) / On his journey to the home of Ase (the egg). / They were advised to offer sacrifice. / On the day Ato arrived at Ase's home, / They split into parts, / And from their union, a child was formed.

but it highlights that in the Yoruba metaphysical order, the creation of life requires complementarity. Adoption by same-sex couples may then be interpreted not as a contradiction of Ifá but as a continuation of its principle of communal care (Adegbite 2018). Ifá recognizes that raising a child is not solely the duty of biological parents; it is a societal function. Thus, while same-sex couples or single parents cannot replicate the biological duality of procreation, within the given community, parents largely participate in the spiritual and social duty of nurturing, guided by *Àṣẹ* (Command) and by the ethic of *ìwà pẹ́lẹ́* (good character).

5.3. Scenario 3: Addressing gender-specific sports participation

The question of appropriate sports participation based on sex and gender is another contentious issue in many modern legal systems. In some contexts, policies may limit or exclude individuals from competing in sports based on their sex at birth, creating challenges for transgender athletes and others whose gender identity does not align with their assigned sex. Ifa's fluid perspective on gender complementarity would offer a unique approach to resolving these issues, emphasizing balance, fairness, and the recognition of individuals' inherent qualities, rather than focusing on rigid distinctions between sexes. Ifa teaches that male and female energies are complementary, with each playing a vital role in maintaining harmony in both the cosmos and society. Therefore, Ifa would likely emphasize the importance of ensuring that both male and female athletes have equal opportunities to compete in sports. However, Ifa would not view these roles as fixed or prescriptive; instead, the teachings would encourage flexibility in gender roles and the recognition that both masculine and feminine qualities naturally flow from each other. They should therefore coexist and complement each other. Ifa might prefer harmonious and socially cohesive sporting systems where, rather than focusing exclusively on sex-based categories, sports organizations and governing bodies would innovate and continue to create more inclusive and flexible frameworks that allow athletes to participate based on their abilities, after objective assessments.

In its flexibility and desire for harmony, Ifa divination consultations to address specific circumstances, may acknowledge that tournaments and categories must fit participants abilities and gender. However, sports competitions are not to be planned as expressions of gender varieties. Rather, they are arrangements to display human strengths and limitations to multitudes in human race. Such multitudes are not limited to binary gender forms. Odu Ifa might provide guidance on creating additional systems that honor inclusivity. This could involve the establishment of new sections for gender-neutral issues or specific accommodations for transgender and non-binary athletes. Creating special tournaments to feature vulnerable persons as LGBT+, persons with disabilities, migrants or children among many others ensure that no one, so far they have been independently assessed, is excluded by structures. Also, that everyone can be planned for, and given an equitable opportunity to participate and benefit. Ifa's guiding principle would not be on the distinctions in sexual attributes, but the focus on the idea of universal cohesion and balance, despite the multitudes of expressions and perspectives.

5.4. Scenario 4 on leadership and governance: Gender equity, participation and inclusion

Ose Itura¹³

Wọn yẹ igbó orò, won la igbo opa

Wọn la lànà gbàgbàlá, wọ la ibi ẹsẹ tọ

Wọn kọlé imọ̀kóróbójó. Wo kò fì tọsun se

Ìmọ̀wọn kò gú, Ìmọ̀wọn kò

Ìmọ̀wọn kò jọ bọ̀rọ̀bọ̀rọ̀.

Àsẹ̀ kò doyún

Àtọ̀ kò dọmọ

Ọ̀kùrun dùbúlẹ̀, wọn ọ̀dìde

Abóyún ilé wọn ọ̀ bí wẹ́rẹ́

Àgàn wọn ọ̀ tọ̀wọ̀ àlà bosùn.

Wọn wá padá sọ̀dọ̀ Olódùmarè

Wọn láláwọn se ilé ayé

ilé ayé ọ̀ gún.

Àwọn sèlú, ilú ọ̀ tòrò

Olódùmarè ní “Àwọn obínrin tí òun dá sí ààrin yín níkọ?”

Wọn láláwọn ọ̀ fì ti wọn se

Olódùmarè ní “Àwọn ara wọn ní wọn ní dara wọn láàmú. Kí wọn ó padà sí ọ̀de isálayé, Kí wọn ó mọ̀ ọ̀ fì tọsun se.

Wọn wá délé ayé, wọn wá ní fímọ̀jẹ tọsun

Abóyún ilé wọn wá bí wẹ́rẹ́

Àgàn wọn wá ní tọ̀wọ̀ àlà bosùn.

Ọ̀kùrun dùbúlẹ̀, ní dide

Apẹ̀rẹ̀gẹ̀dẹ̀ àjùbà

Àjùbà náà abi ojú pẹ̀rẹ̀gẹ̀dẹ̀

Adífáfún Ọ̀sun sẹ̀h̀gẹ̀sẹ̀ olríyà iyùn

Tí ní gbé kọ̀kọ̀

Tí ní gbé bàbà

À sé òun ní ní bẹ̀bọ̀ irúmọ̀lẹ̀jẹ lórùn.

¹³ Ọ̀rúnmilà, Ọ̀sẹ̀-Ọ̀tùrá (Ose-Tura) verse, oral recitation by Babaláwo Amosun, Ìbadan, Nigeria, field notes recorded 31st June 2025. The above recitation, drawn from the Ọ̀sẹ̀-Ọ̀tùrá corpus, was recorded in Yorùbá poetic form.

Gúyán gúnyán tí, ò fí tòsun se

Iyán wọn a mọ o lẹ mọ.

Afimọ jẹ tòsun

A bá wọn pé ní mọ`

Ọsun, afimọ jẹ tìrẹ o

Rokà rokà tí, ò fí tòsun se

Ọkà wọn a mọ o lẹ mọ.

Afimọ jẹ tòsun

A bá wọn pé ní mọ`

Ọsun wá ní kii se òun nìkan

Ó ní Ajé lode ibíni obìnrin ní í se

Okùn ọmọ Olúrádà, oní ọmọ ìyá òun ní í se.

Idẹ ọwọ, ará òde Ìkọpa,

Àjé ará ọ̀de ọ̀tá

Odù ogbódo ọje

Ọya tí í da warawara iná bo orí.

Eléríkò, tí í bẹ lóde ọrun

Obìnrin ní gbogbo wọn í se.

Afimọ jẹ tòsun¹⁴

The above Ifá narrative about Ọsun and the failure of the Òrìṣà to establish the world without her presence offers a profound lesson on leadership, governance, gender equity, participation, and inclusion. In the myth, the male Òrìṣà sought to create a stable and

¹⁴ Translation: They cleared the grove of Orò, they cut down the grove of Ọpá. / They made a tiny pathways, the one a feet could walk pass. / They built a palm houses in secrecy, but did not with the knowledge of Ọsun. / Their gathering did not prosper, / Their gathering did not bear a good fruit, / The sperm bore no pregnancy, / The ovaries (egg) bore no children. / The sick ones lay but did not rise from their sick beds. / The pregnant women did not give birth safely. / The barren women did not see visions of children in dreams. / So, they returned to Olódùmarè. / They said, "We made the world, / But the world is not established. / We founded towns, but the towns are not peaceful." / Olódùmarè asked: "And what of the women I placed among you?" / They said: "We did not include them in what we built." / Olódùmarè said: / "They are the ones causing problems for themselves. / Let them return to earth, / Let them acknowledge and honor Ọsun" / So they came back to the earth, / And they began to acknowledge Ọsun. / Then the pregnant women bore children. / The barren women began to get pregnant. / The sick ones began to rise from their sick beds. / Apẹrẹgẹdẹ àjùbà / Àjùbà nàà abi ojú pẹrẹgẹdẹ / Are the priests who made Ifa divination for Ọsun Sẹngẹsẹ, / Who in secrecy spoiling the work of the irunmole. / If the one who pounds yam did not acknowledge Osun, their pounded yam will have lumps. / Come and complete our gathering. / We acknowledge you, Osun / If the one who make Amala did not acknowledge Osun, their Amala will have lumps. / Come and complete our gathering. / We acknowledge you, Osun / Ọsun said: "It is not only me. / The Ajé from Benin town is a woman / Okùn, child of Olúrádà, it is my fellow sisters is also a woman. / Idẹ Ọwọ, from Ìkọpa, is a woman / Odù,ogbódo ọje is a woman. / The IYAMI Aje from Ota town are women / Ọya, who wraps the head with flashes of lightning, / Eléríkò, who dwells in the heavens. / Are all women / We Acknowledging you, Ọsun.

prosperous world but deliberately excluded Ọṣun and the feminine principle from their plans. The outcome was catastrophic: towns were founded but lacked peace, pregnancies did not come to term, barren women saw no visions of children, the sick did not recover, and even fertility itself was suspended. These failures symbolize how any system of governance that excludes either of the sexual energy or gender roles is incomplete, illegitimate, and destined to collapse. When the Ọrìṣà returned to Olódùmarè for guidance, they were reminded that women were part of the divine blueprint and that their exclusion was the root of their problems. Upon acknowledging Ọṣun and other feminine powers such as the Ìyámi Àjẹ, Ọya, and other female deities, prosperity returned: childbirth became safe, fertility was restored, the sick regained health, and peace was reestablished. This shift reflects the truth that inclusion leads to wholeness and collective wellbeing. This philosophical framework can be directly applied to modern governance: women's inclusion in leadership is not an act of charity but a requirement for legitimacy, productivity, and sustainable development. Just as the Ọrìṣà's gathering was incomplete without Ọṣun, so too are contemporary political systems, institutions, and communities incomplete without women's voices and participation. This myth demonstrates that prosperity, justice, and peace can only emerge from inclusive leadership that recognizes the interdependence of all genders.

6. Conclusion

As the Universal Declaration of Human Rights states, "All human beings are born free and equal in dignity and rights" (Article 1).

This fundamental principle underscores the need for legal systems to recognize and protect the rights of all individuals, irrespective of their gender, sex, or identity. However, Western legal frameworks have often struggled to address the complex, non-binary nature of gender, which excludes individuals who do not fit within traditional male-female categories. In this context, Indigenous legal systems like Ifa Jurisprudence offer a significant opportunity to rethink and expand our understanding of gender, providing an inclusive framework that emphasizes balance, complementarity, and the recognition of fluid identities. The concept of complementarity within Ifa where masculine and feminine energies are seen as interdependent and mutually reinforcing offers a dynamic approach to understanding gender. Ifa challenges contemporary focus on rigid gender binaries for concepts on their interwovenness, acknowledging the existence of intersex, non-binary, and gender-diverse energies within its cosmic and societal order.

This inclusive and holistic view has the potential to fill critical gaps in contemporary legal scholarship and human rights discourse, particularly concerning the rights and recognition of individuals whose gender identities do not align with traditional categories. The major gaps in contemporary legal systems, particularly in the areas of family law, inheritance, and dispute resolution, often fail to address the realities of intersex, non-binary, and gender-diverse individuals. Legal systems rooted in binary gender constructs limit the full expression of human identity and marginalize those who do not conform to these categories. Ifa's emphasis on balance, inclusivity, and recognition of diverse gender identities offers valuable lessons for moving toward a more just and equitable legal framework. Incorporating Ifa's principles into contemporary legal frameworks can promote a more comprehensive understanding of

gender and human rights. The principles of balance, fairness, and cooperation in Ifa's approach to governance, sexual expressions and dispute resolution can help modern legal systems to be more responsive to the complex issues of gender and sexuality.

References

- Abimbola, W., 1968. *Ijinle Oun Enu Ifa, Apa Kiini*. Glasgow: Collins.
- Abimbola, W., 1976. *Ifa: An Exposition of Yoruba Divination*. University of Ife Press, 1–20.
- Abimbola, W., 1997. *Ifá: An Exposition of Ifá Literary Corpus*. Revised ed. New York: Athelia Henrietta Press (Publishing in the name of Orúnmilà), 1–3.
- Abiodun, R., 2014. *Yoruba Art and Language: Seeking the African in African Art* [online]. Cambridge University Press. Available at: <https://doi.org/10.1017/CBO9781107239074>
- Adegbite A.E., and Olusegun, O., 2019. The Nigerian Human Right Framework on Children under the Care of Deities. *University of Benin Law Journal*, vol. 1, 79–98.
- Adegbite, A., 2018. *The Child Care System under the Customary Law of the Yoruba People in Southwestern Nigeria* [online]. University of Ibadan. Available at: <https://pgsdSPACE.ictp.it/xmlui/handle/123456789/823>
- Ademowo, A.J., and Adekunle, A., 2013. Law in Traditional Yoruba Philosophy: A Critical Appraisal. *Caribbean Journal of Philosophy* [online], 3(1). Available at: https://www.academia.edu/5124082/Law_in_Traditional_Yoruba_Philosophy_A_Critical_Appraisal
- Àjàgùnna, B.T., 2024. Orishá Oshumaré: The Orishá of Transformation, and Endless Cycles. Blog post. *Daily Ifá* [online], 16 November. Available at: <https://daily-ifa.blog/oshumare-the-orisha-of-rainbows-transformation-and-endless-cycles>
- Amadiume, I., 1987. *Male daughters, female husbands: Gender and sex in an African society*. London: Zed Books.
- Atlanta University Center Woodruff Library, 2024. *African Traditional Religions: Ifa* [online]. Available at: <https://atla.libguides.com/OER>Ifa>
- Awolalu, J.O., and Dopamu, P.A., 1979. *West African Traditional Religion*. Ibadan: Onibonoje Press and Books.
- Ayanwuyi, I., 2023. *Èṣù is Not Satan: Exploring the Indigenous Yoruba Worldview*. Lagos: NIDD.
- Bascom, W., 1978. Ifá: An Exposition of Ifá Literary Corpus. 'Wande Abimbola. *American Anthropologist* [online], 80(3), 703–704. Available at: <https://doi.org/10.1525/aa.1978.80.3.02a00490>
- Ekine, S., 2013. Contesting Narratives of Queer Africa. In: S. Ekine and H. Abbas, eds., *Queer African Reader*. Dakar: Pambazuka Press, 78–91.
- Elias, T.O., 1956. *The Nature of African Customary Law*. Manchester University Press.
- Epprecht, M., 2008. *Heterosexual Africa?: The History of an Idea from the Age of Exploration to the Age of AIDS*. Athens: Ohio University Press.

- Idowu, E.B., 1962. *Olódùmarè: God in Yoruba Belief*. London: Longmans, Green and Co.
- Jung, C.G., 1991. *The Archetypes and the Collective Unconscious*. Trans.: R.F.C. Hull. 2nd ed. London: Routledge.
- Makinde, M.A., 1988. *African Philosophy, Culture, and Traditional Medicine*. Athens: Ohio University Press.
- Nwogugu, E.I., 2014. *Family Law in Nigeria*. 3rd ed. Ibadan: HEBN.
- Obilade, A.O., 1979. *The Nigerian Legal System*. Ibadan: Spectrum Law, p. 3.
- Onyewuchi, E., 2024. Gender swap, cross-dressing, and androgyny in Oyin Olugbile's Sanya. *Journal of Languages, Linguistics and Literary Studies (JLLLS)* [online], 4(3). Available at: <https://www.journals.jozacpublishers.com/index.php/jllls/article/view/712/436>
- Oyěwùmí, O., 1997. *The Invention of Women: Making an African Sense of Western Gender Discourses*. 1st ed. Minneapolis: University of Minnesota Press.
- Peel, J.D.Y., 2002. Gender in Yoruba Religious Change. *Journal of Religion in Africa* [online], 32(2) 136–166. Available at: <https://doi.org/10.1163/157006602320292898>
- Salami, A., 2023. *Ifa: A Complete Divination*. Lagos: NIDD.
- Turyatunga, V., 2020. Exploring gender through African oral traditions. Blog post. *Open AIR* [online], 14 October. Available at: <https://openair.africa/exploring-gender-through-african-oral-traditions>

Legal sources

- Criminal Code Act, Cap. C38, Laws of the Federation of Nigeria, 2004.
- International Covenant on Civil and Political Rights (ICCPR), United Nations, 1966.
- Marriage Act, Cap. M6, Laws of the Federation of Nigeria, 2004.
- Matrimonial Causes Act, Cap. M7, Laws of the Federation of Nigeria, 2004.
- Nigeria Same Sex Marriage Prohibition Act (2013).
- Universal Declaration of Human Rights (UDHR), United Nations, 1948.
- Yogyakarta Principles, International Commission of Jurists, 2007.