

The Battle of Bastards in Judges 11 and its Comparative and Theological Implications for Child Legitimacy Among the Yoruba People of Nigeria.

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Abstract

Child legitimacy is a very important phenomenon in the biblical times and even in the contemporary age especially among the Yoruba people of Nigeria. The idea that holds that, children are prospective sustainer of a man's image and lineage and the inability to conceive or to birth a child either, the fault being from the man or the woman can lead to pains for either or both parties alike. The statement of a child being referred to as a "bastard" is relatively in variance from one place to another with majorly the societal influence upon innocent children in some cases while the child being the cause at times. As such, this paper examines the concept of bastard in Judges 11, which centers on the life of Jephthah in comparison with child legitimacy among Yoruba people of Nigeria.

Key Words: Bastard, Child Legitimacy, Yoruba, Judges.

Introduction

The concept of bastard is a very broad one and it is related to all people at all times and of serious importance is the fact that, it is of serious significance among some people than other people which calls for serious attention as the concept of

being a bastard is very important in the traditional culture of the Israelites and in the Yoruba people of Nigeria. They both hold in high regard the understanding of the root or origin of an individual in order to know what is more probable to happen when they get close to one another. Significant example from the Old Testament is- the questioning of Rebekah by Abraham's servant on her lineage (Genesis 24:23), the Qumran Community who is said to claim origin with the Priest Zadok (Adeyanju, 2015), and even in the New Testament where Jesus' origin was traced to Joseph as his Father (Matthew 13:5; Mark 6:3). The historical importance of the phenomenon of origin reveals that, the reality of a man is embedded in his origin as that represents as his identity.

Children most times could be unaware of their status as far as progeny is concerned but most of them get to know at the point of death of their parent, when other family members are busy running after the properties left behind by the deceased without putting them into consideration to be rightful beneficiaries of such inheritance. The children are then left with little or nothing from the parent's property which eventually leads to the 'dirty' history of how the child came into the family and how the family members were silenced on revealing the identity of the child to him, while some cases reveal the act of a child in making his identity known by the kind of inherent character he displays which is not in agreement or similarity with either the father or the mother.

The views of referring to a child as a 'bastard' is therefore a complicated issue and its importance is not to be trivialized, as such, the positions of the Jews especially in reference to Judges 11 and the Yoruba people of Nigeria will be examined in this work with comparative analysis of the two perspectives which will include the similarities and differences.

Concept of Child Legitimacy

The words illegitimate and bastard are adopted in this paper to be used interchangeably as both actually have the same inclination or connotation as the first (illegitimacy) is a recent usage and a legally related while the other (bastard) appears to be a more general use and old usage of describing an individual in such state. The concept of legitimacy generally is a legal term which gives a particular form of identification or recognition of an individual or character in the society and though it could be used for describing a character of activities, it is mostly used in relation to people. As noted by Kasumu and Salacuse (1966), legitimacy of a child is referred to as the status that is being acquired by an individual who is born into a lawful marriage which is constituted by the recognized institutions of solemnizing union of couples. Such children in this category are referred to as legitimate right from their period of birth, and that right is not negotiable or deniable socially. In corroboration of that, Abifarin opined that a legitimate child is a child conceived or born in lawful wedlock. modernly, a child conceived or born in lawful wedlock or legitimated either by the parents' later marriage or by a declaration or judgment of legitimation. Itua (2012) also opined that if a child is given birth to within 280 days after his parents have obtained a decree absolute, the right of legitimacy is still fully applied to the child which implies that the child must have possibly been conceived when the parents were still legally married and the child should maintain his paternal affiliation.

The concept of illegitimacy has always been in broad recognition when it comes to the fight of properties. Schoeman (1999) was of the opinion that African society does not recognize the concept of illegitimacy as it is used in the western world. Although the position might be questionable, one could see that not all African nations have a place for legitimacy in the customary laws of their country. But that does not cure the social stigma that the knowledge of people

about an individual in such state is really embarrassing. This leads to separation when there is the case for inheritance, especially when the deceased was an affluent individual. In Africa, as well as some other nations outside the continent, illegitimacy could be left hidden from the child and even to the society as a whole but the 'secret' is always blown when there is the case of death for a parent and there is need to distribute the property of such parent.

Coker (1966) rightly argued that, it is generally supposed that there is no status of illegitimacy in native law and custom: this however, is not correct, for there is a status of illegitimacy as opposed to that of legitimacy. This shows a negation of the position of Schoeman (although, schoeman is not totally wrong to have opined such, but rather Coker's opinion was a technical positional statement for the availability of illegitimacy in the law). He further explained that legitimacy entitles the subject *ipso facto* to succeed to property; the while illegitimacy disentitles the subject from so succeeding unless his rights are legalized by an acknowledgment of paternity by the father. Therefore, there is an indirect position on illegitimacy in the law since the law deals with legitimacy.

A close look at the position of Coker in examining the African laws about legitimacy reveals that the portrayal of an individual as illegitimate, is seasonal, in other words, aside the fact that there is the social stigma of seeing the person as an illegitimate person, when it is time to distribute the properties of the deceased is when everyone knows the adverse effect of being legitimate or illegitimate. Itua (2012) cited a possibility that when an illegitimate son of a woman dies and he is well to do, in intestate (a will on how the properties should be distributed), the woman can take over the properties while if a parent dies intestate the illegitimate child can go ahead to take over the properties because he should have possessed the right to do that, if he were born legitimately (but on either occasions, to inherit the property

will mean that, the illegitimate individual is the only surviving ‘family’).

Nigeria as a nation hold in high regard the concept of legitimacy as it is very important due to the social stigmatization that is involved in the state of being “an illegitimate child”. The child in this state is considered to have no right to his parent nor to the parent’s property as such, he is being regarded with the legalistic term *fillus nullus*, which portrays the idea of dissecting one thing from the other—placing the child in the position of a direct stranger to his father, mother and his relatives and he cannot enjoy the status of his parent and they are not responsible for the well being and living of the child, and this is recognized by the Law (Itua, 2012).

Judges 11: A Stage of Contention between Bastards

The narrative contained in the Judges 11 would be explored in the next section of this paper but more significantly, emphasis will be on the designation of Jephthah as a bastard child who was unable to personally defend his interest and had to flee. His designation (bastard) was more of a human verdict and also the affiliation of his mother which was more likely to be from the neighboring race portrays him as an unwanted fellow in his father’s community as such he had to flee to the outskirts of the town.

But more importantly, the chapter also presents two other categories of bastards who were not referred to as bastards but which can be traceable to their lineage and their character. The first are the Ammonites who stage the battle of contest while the second category are the children of Israel who also fought in the battle. This places the battle that was staged in Judges 11 as battle between bastards, a main rationale behind the title of this work.

The first set of people who could be traced as bastards were the Ammonites. They are traced by Block (2001) back to the occurrence of Genesis 19: 30-38 which indicates that, the Ammonites were descents of the son of Lot's younger daughter (the son who was given birth to outside wedlock) and brother of Moab. Their patriarch was conceived in an unlawful way and they must have inherited this designation of a bastard since they still continue to bear the name of Ammon as their progeny (they were referred to as "children of Ammon" in the book). Ironically, descents of a bastard are claiming rights to the land that ought to belong to the true children of Yahweh.

Another set of individuals traced to being bastards in the chapter were the Israelites. This is because they had gone against the law of the lord and their character was not in conformity with the proclamation that they were the children of God. As children or people of God as posited by Clement (1978), they are to act in line with the character of God but this was outrightly kicked against by the Israelites, an attitude that was displayed by the Israelites (vicious circle) throughout the book of Judges which make the book to be known as a period of anarchy.

The battle in Judges could therefore be summarily referred to as the battle between the Ammonites (a group of people who were directly related to a bastard) against the Israelites (who acted in a way a bastard should have acted) and the leader of the team of Israel was himself a bastard known to all (but whose identity as a bastard was waived based on his condition to heed their clarion call).

A Bastard in Judges 11: Examination of Jephthah's Life

His Origin

The definition of Longman (2001) aligned well with the concept of a bastard in the Jewish world and as used in the book of Judges 11- it defined bastard as someone who was born to

parents who were not married. The definition of legitimate children as presented by Kasumu and Salacuse (as it has been defined earlier in this paper) also relates well with the concept of recognizing a child as “legitimate” in the Jewish Culture as seen in the presentation of Judges 11. Jephthah could be perceived to have fit well into this definition by the duo and the setting of the narration was the ancient Jewish culture which has respect and accord for the genealogical identity of an individual (which includes the paternal axis and maternal axis).

The life of Jephthah is filled with challenges and right from his birth, the challenges must have persisted for him right from the time of his growth before he was eventually made to leave the house he grew up in. Jephthah is identified as a bona fide Gileadite, having been fathered by a man who bore the same name. Gilead is technically a geographic designation (Block, 2001) but the name is also being used to refer to a tribe, clan or family and as such, his origin from among the people of Israel is certified. His (Jephthah) name means “He (the deity) has opened”, a synonym of which he used in his tragic meeting with his daughter after returning from the war and he had promised that he will give to God whatever from his household that meets him first (Judges 11:35-36).

Block (2001) saw his name as an appreciative state where, in a cultural context that fertility of a woman is very vital, the mother and/or the father must have been grateful to be able to conceive and bear a son. But the question that is so puzzling must have been the relationship between the parents where, the reference to “deity” could be a complicated reference as the deity might be difficult to actually pinpoint. But he (Block) suggested that the name could be written as *yiptah-el* (originally written in Hebrew as *yiptah*), or could be written as *yipta-yhwh* and it could possibly be *yipta-baal*. But there is more possibility that it was a reference to Yahweh as the father was not said to have died at the time of giving birth to the child and since the child was living with the people of

Yahweh, he would have been referred to in the name of Yahweh.

The role of his father (aside being responsible for Jephthah's birth and that of his half brothers) was not stated in the text which implies that he could have been dead at the time of the event of Judges 11. If he was alive and available- he must have got a means of making the brothers to believe that he has the same identity as they had or authoritatively made them live a united life or better still his absence in the text shows a possibility that he was dying or had died and his inheritance was to be shared where the eldest son is entitled to half of the properties of the father and his half brothers being of a large number overpowered him (either by scorn or by violent gestures), in order not to take in the inheritance to be left or which had been left by their father after death.

In explaining the venue Jephthah fled to and his activities after he had been chased away by his own brothers, Jackman and Ogilvie (1991) explained that Jephthah had fled to Syria where his natural leadership gifts seem to have attracted to him a band of adventurers who, like their leader, lived outside normal society (birds of same feather flock together). In the upheavals of this time when everyone did what was right in his own eyes (the period of anarchy- a dominant characteristic of the time of the judges since there was no enforcement of the law and neither was there frequent communication of God to the people due to their continuous residence in disobedience to the law and precept of Yahweh given to them by Moses). It would be increasingly difficult to stop marauding bands of hoodlums who were out to make all they could for themselves from the prevailing insecurity. The history of the Wild West, both real and celluloid, doubtless provides so many examples of the Jephthah gang syndrome. They were "soldiers of fortune," who lived by their wits.

The state of Jephthah's nomenclature as a bastard is seemingly different from the general understanding of bastard

in the contemporary world. His case was being a bastard, not because of failure to identify his paternal affiliation, but because his mother was not married to his father and more significantly, a whore whose origin is possibly not known by the family and more likely to be a Canaanite or neighboring nations of the land. The state of his mother's profession was enough reason for him to have fled from the scorn he must have experienced from his half brothers and as such, his exit was not strange (despite being the eldest son as the passage prescribed).

Block (2001) made a summary of the life of Jephthah in the following words- By itself the expression used to describe Jephthah in the first verse of the Hebrew Bible "*gibbor hayil*" may be interpreted either as "a noble/rich man" or "valiant warrior," but given this man's parentage and the manner in which his brothers treated him, as far as a bastard which should not be identified with, the noble or rich man's definition seems unlikely. On the other hand, the latter of seeing him as a valiant warrior (almost similar to the designation ascribed to Gideon by the angel in Judges 6:12) is most appropriate when one observes the manner in which he conducted himself. The narrative will portray him as a person who, expelled from his own family, distinguished himself as a resourceful warrior, one without any hint of timidity. Expelled from his home, he fled to the land of Tob, where he lived a life of brigandry and banditry. Gathering around himself a group of "worthless men," Jephthah led raiding parties into the towns and villages of Gilead, Moore (1910) opined that, the outlawed man naturally took to the life of a freebooter on the outskirts of the settled land a similar resolution of David when he was compelled to flee from Saul (1 S. 22:1f. 23:1-5 25 27:7ff).

With this characterization the narrator invites the reader to compare Jephthah with Abimelech. But this man's lot was considerably worse. Even if Abimelech's mother was a concubine, at least she was recognized as a legitimate [if secondary] wife of Jerubbaal/Gideon. As the rejected son of a

prostitute Jephthah was a man without a physical or social home, and without a future.

Jephthah's Position against the Children of Ammon

Ammon (the progeny of child of Lot, he had with his daughter and brother of Moab as narrated in Genesis 19:30-38) had ruled eastern Israel for a long period which had lasted about eighteen years already, and obviously, was not ready to leave them from the oppression (10:8). Apparently aware of feelings of restlessness and revolt in Israel, the Ammonites decided to attack. They made the excuse that Israel had taken their territory from them, so now they intended to take it back (12-13). Thus, their attack against the Israelites was an intentional staging of oppression to make the children of Israel continues in their state of oppression and being vassals to them.

Jephthah replied by giving them an account of Israel's progress from Egypt to the region east of Jordan that was now in dispute. Fleming (1994) classified the response of Jephthah into three premises which served as his justification for confronting the people and fighting for the rightful inheritance of his people (though, they had earlier in his life disowned him before going to fetch him when he was mostly needed). The premises of Jephthah was- Firstly, he pointed out, Israel did not take any of this territory from people related to Israel, whether they were Ammonites, Edomites, or Moabites. All Israel's land east of Jordan was taken from the Amorites, who were under the judgment of God (14-22). Secondly, the land had been given to the Israelites by their God Yahweh, and his will had to be obeyed (23-24). Thirdly, the Moabite king of the time made no complaint that Israel had seized his territory. Why, then, after all these years should a dispute arise (25-26)? Jephthah appealed for understanding, but the Ammonites would not listen (27-28). A position which shows an act of readiness for dialogue by a child referred to as

bastard who ought to be violent coupled with the fact that he was a 'rouge' before he was brought back to the people.

Although God gave Jephthah his special help, Jephthah was still only a slightly reformed bandit. He knew little of the character of God, and thought that by making a vow to sacrifice a person as a burnt offering to God, he could buy God's help and so ensure victory (Flemming, 1994). His victory was gotten over the Ammonites but the implication of his vow ahead of time 'shot him in the foot' as he returned home to meet his only daughter as the sacrificial item in appreciation of his victory- another story which have led to various scholarly positions on whether he literally sacrificed the child by slaughtering like animal or the sacrifice was a confiscation of the young lady's service in the place of worship.

Yoruba View of Bastard

The Concept of Name Among Yoruba: Pointer against 'Basterdhood'

Yoruba culture places extremely high value on children. They are so important in all Yoruba families that a union that is blessed with the fruit of womb is appreciated, honoured and valued, while a childless home is seen from a different perspective entirely. It is seen as the highest good that can happen to a family among the Yoruba. That is why they believe that names should not be given arbitrarily; one must consider the tradition and history of a child's relatives when conveyed on a common adage; "Ile laa wo ka to somoloruko" (one pays attention to the family before naming a child). This shows a relational importance of the act of an individual who has a recognized origin. Therefore, the child naming process is a rigorous one whereby peculiar and diverse interests are taken into consideration (Akinola, 2014).

They also believe that name is spiritual inclined. It posses the ability to predict the child's path in life. That is, it possesses

circumstances, situations and events surrounding the life of its bearer. With these, parents usually do a thorough search before giving names to their babies. They sometimes check through the family deity or other spiritual enquiry and to know what role the child would play in the nearest future in the family and even in the society at large.

A name is an edifying emblem given to a child at birth by the parents, or brought from heaven by the child during that child's birth. Because of spirituality aspect of naming, that is why symbolic materials are used for naming ceremony. The materials symbolize hopes, expectations and prayers of the parents for the new baby. These include honey, kola, bitter kola, atare (alligator pepper) water, palm oil, sugar cane, salt and liquor. Each of these has a special meaning in the cosmology of the Yoruba. Their meanings include sweetness and happiness in life, longevity of life, accident free life, successes in all ramifications among others (Akinola, 2014).

A Yoruba child usually has more than one name because extended family member and other well wishers are also given the honour to give their own names to the child. It is strongly believed that those names are so profound, meaningful and power that the names children bear can influence their entire life cycle, from sundry behavior, integrity, professions, success among others. The concept of name among the Yoruba people can clearly be understood through various proverbs that are related to naming. Some of these proverbs are:

1. *Ile laa wo ka to somoloruko* - one pays attention to the family background before naming a child.
2. *Oruko omo niro omo* - a child's name determines what he becomes or does.
3. *Oruko omoniijanu omo* -a child's name serves as a control measure that discourages him from bad deeds

The role of the name a child bears therefore tells so much about the origin of a child and the society most times can decipher where the child is coming from when the name is heard- the religious affiliation, the traditional affiliation among other forms of identification are recognized when the name of a child is stated. The failure of a child to present a traceable name would affect his social relationship with people generally in the community. The name is a pointer to the child's paternity and a child without a paternal affiliation is regarded as a bastard, which implies that, the mother must have gotten the child from another man aside her husband who is normally supposed to be the father of all her children and this can lead to a general taunting of the child by his or her peer groups or even older individuals.

Character as a Claim to Bastardhood in Yorubaland

The Yoruba people are the major occupants of the southwestern part of Nigeria and they are seen to have spread into some parts of the republic of Benin which is formerly known as Dahomey and some parts of Togo (Fadipe, 1970). They are said to be located by the Portuguese explorers in the fifteenth century but some cities in the region are already in existence before the arrival of the Europeans (Oni, 2014). Lloyd was cited by Oni (2004) in estimating that the Yoruba homeland which comprises of- Ife, Igbomina, Kwara, Egba, Ondo, Ilaje, Abeokuta, Ikale, Idanre, Ekiti, Ibadan, Owo, Oyo, Shabe, Ijebu, Ijesha, Ketu, Anago, Egbado, Ifonyi and Awon among others occupies a size roughly equivalent the size of England

The Yoruba's position about a child as a bastard is not limited to the claim surrounding the name of a child only but it goes a long way beyond not having a paternal affiliation through the name instead it also includes the character of the child. A child's character can lead the child to be referred to as a bastard when the child's act is not in conformity with the character of the father and/or mother. This is evident from the

one of the proverbs of the Yoruba people which posits that, *Omo to dara ni ti baba re, eyi ti o dara ni ti iya re* (translated as “a good child belongs to the father while the bad one belongs to his mother). The implication of the proverbs is that a child whose character speaks well of the progeny and represents the family well in wherever he finds himself is a true child of his father but a child that misbehaves around the neighbourhood and bringing a contrary proclamation to his parents’ name is said to be of the mother- she should therefore be probed to know who is the original father of the child because the character betrays his name (father’s name or family name).

As such, even a child whose father is known for notorious activities- stealing, marauding and causing chaos in the community is believed must also have an iota of such behaviours of his father, as failure to have an iota of such characters might cause suspicion from the people on the authenticity of the legitimacy of such child, which may attract investigation on the responsible factor. But, a child who develops the bad character of his father, though not favourable to the society is hailed and recognized as the “true son of his father”.

Comparison of Judges 11 and Yoruba Views of Bastards

Having considered the various perspective of viewing bastard or the different lens by which the Jews (Judges 11) and Yoruba people consider an individual bastard, it is expedient to draw a comparison between both positions since there are similarities and slight differences.

Similarities

Both view a bastard as children given birth to outside wedlock (marriage). It was obvious in the practice of the Jews recognize the key role played by individuals whose root could be asseverated by the entire congregation and they always have issue when the individual has any mixed affiliation of

parenting outside the tribes of Israel. And same thing goes for the Yoruba people of Nigeria, where an individual with parental affiliation is recognized in the society as a proper citizen and easily related within the society.

The two positions view the importance of a family in adopting a child's legitimacy. An individual is not responsible for expunging Jephthah from his family home but rather it was a collective effort of his brothers which was silently supported by the elders of the household which was a responsible factor why they could not negate his claim when he confronted them on coming to meet him while he had been expelled from his rightful inheritance (as far as paternity was concerned).

Inheritance distribution reveals the identity of a bastard in both cases. In the tussle for getting the properties of a father, the case of being an illegitimate child is always emphasized, and act which shows selfishness on the part of the family of the child. In the case of the Judges 11 narrative, Jephthah had been growing up with his brothers with no much hullabaloo between them but when it was time to inherit the properties of their father, they emphasized and saw the need for Jephthah to leave their midst an attitude in line with the Yoruba line of thought that, "*Ile to ba ntoro, omo ale ibe ni o ti dagba*" (a house will remain peaceful until the bastard child matures into an adult).

Difference

The basic difference discovered by this paper in comparing the view of bastard in Judges 11 and among the Yoruba people is that the paternal position of both. The Yoruba view a bastard as an individual with no direct affiliation with the father, and little or no recognition for the identity of the mother (either a tribal fellow or a woman from another tribe). Therefore, when a child is known with his father's identity, he would not be referred to as a bastard.

While the case was different in judges 11, where the father's name was even used to qualify Jephthah but still he was referred to as a bastard. The Ammonites are also seen to have been identified with Ammon whose father was Lot, but the mode of his conception was different as his mother's father was also his father which makes him a child outside wedlock-which fits into the definition of a bastard. Therefore, despite their identification with a father, they were not to be seen as legitimate children.

Reasons for 'Bastardhood' Reference

Before an individual is referred to as bastard there must have been a significant reason which had been discussed earlier. There must have been the human factors that are involved as children are originally meant to be innocent and to be legitimate. The two major factor for the reference of an individual as bastards as discussed in this paper had been infidelity and character imbalance.

A bastard could be seen in the child of a woman who remains in the state of infidelity with her husband and as such gets pregnant for another man. In an archaic tone, Black (2000) described a Bastard as a child born to a married woman whose husband could not be or is otherwise proven not to be the father of such child. Black further added that, adultery and fornication are rampant in marriages of the 21st century and on this basis, many families have been dissolved or legally divorced which eventually led to separation of spouses. Therefore, being a bastard in any place or city could be seen in regards to marital infidelity and this could affect the mental state of a child. This is because, the stigmatization that could erupt as a result of the society knowing the state of the child's being can lead to depression for the child and when the pressure is much, suicide could be an alternative.

Someone could be referred to as a bastard in regard to a contradictory action of his father. This is basically seen in

regard to the behavioral trait of the child which is different from the father's. Although, Jephthah was not seen to have been an individual who behaved like his father or not, since his father was not described in the book but in regard to the character, the Israelites could generally be seen as bastards since their character betrays that of God their father who had directed them on what to do and how to live their lives.

Conclusion

An examination of the event in Judges 11 reveals a battle between bastards of various purposes- a character-based bastards (the Israelites) and the bastard by births (Jephthah and the Ammonites). The most fascinating part of it is that, they were all fighting for the inheritance which originally, an illegitimate child should not be entitled to due to the stigma that has been placed on individuals in such state (bastard).

Having considered the activities of Jephthah in the chapter being examined and how he managed the situation in his own favour, the research perceives that, A biological bastard is a societal phenomenon but it is also a thing of the mind, this is because, a bastard is also a normal human being like legitimate children and his state of being a bastard is not his doings which implies that, a bastard can live a normal life and make the best out of life as any other person will do. Jephthah was tagged a bastard by his own brothers who ought to be his younger brothers but despite finding himself in such shoes, he was not limited in being the best he can be which eventually made the people who had earlier rejected him to seek for him in the location he chose to be and his return was a better return as he came back to be the leader/judge of the people. And the bastard by character could make a redefinition of character to erase the designation placed on him or her as "Bastard".

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