

A History of the Rise of African Women: From Primordial Economic Norms to Relevance in the Judicial Clime

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Abstract

This study attempted to trace the history of feminine roles to the pre-colonial African society—where they were confined to domestic chores and child bearing/rearing, while their male counterparts engaged in more significant economic, political as well as adjudication of matters relating to individual well-being. The old society believed that the young women should learn the basic ideals in preparation for marriage and home keeping. Female gender was exposed to western education years after their male counterparts had risen into prominence and had occupied top positions at various public offices. This study relied on oral interview with a cross section of lady Lawyers and data from personal repositories of legal practitioners. Also, data were obtained from printed materials such as magazines, books, journals and bulletin on judicial matters. Data collected were analysed from historical perspective. This work discovered a refutation of the belief that women were mere elements of perennial domestic hubs by establishing several pre-colonial antecedents of Nigerian women; that Nigerian women rose into prominence and their imprints are read in the book of history till date. It further establishes that, despite the late coming of the female gender on issues relating to sustainable development with much emphasis on propagation of rightful living and adjudication, a good number of Nigerian women have been able to make significant contributions to challenge the dehumanising status of common citizens, especially women and girl-child, by ensuring their rights for sustainable development at all levels. It was however, suggested the enlargement of women participation in all spheres of public engagements in Nigeria.

Keywords: *Clime, economic, history, judicial, norms, primordial, rise of Women.*

Introduction

In pre-colonial times, women were confined to domestic activities, well organised and supervised by the matriarchal ideology (Fafunwa, 1974). Women were generally treated as hub of procreation and pleasure by their male counterparts. In pre-colonial setting, men adjudicated matters as the voices of women were regarded as less significant and in some cases, women were fundamentally restricted to certain professions including food gathering, cooking and home keeping (Aderounmu and Ibeh, 2011). Most girls were socially dehumanised in the process of giving out their hands in marriage to their intending husbands. Hence, there were instances of rape and other sexual harassment melted on them through forceful marriages. This social misdemeanor depicted a kind of imbalance created between female and their male counterparts in the past. A man was marrying as many wives as he wished. More commonly practiced was the habit of forcing the girl child into marrying a strange man, a practice that was often characterized by human right abuse (Bolarin, 2007). It was gathered that most mothers in pre-colonial times gave birth to as many children as possible and most of such births were lost to death and mothers suffered untold hardship in the hands of their male counterparts in the process of procreation (Bolarin, 2007).

Despite the above, historical account of benevolent leadership roles of Queen Amina of Zaria, who emerged and adjudicated matters competitively with her male counterparts, Kotal Kanta of Kebbi, and Muhammed Rimfa of Kano states, in pre-colonial Nigeria could not be deemphasised in this discourse, so also was the Moremi legendry role against the Igbo raids in Ile Ife (Oderinde, 2013). Wave of western education further triggered noticeable imprints of gender imbalance in the western education for the boy child to the abandonment of the girl child. The early nationalists in Nigerian who tasted western education in its raw form were among others, Chief Obafemi Awolowo, Nnamdi Azikwe, Ahmadu Bello, Sir Abubakar Tafawa Balewa and none of them was a female leader (Fajana, 1979; Adeeko, 2002). Thus, within the colonial administrative system, through the orchestration of the apparatus of Native Authority, Native Court, Native Treasury and women folk was not represented but were often involved in times of human rights agitation, such as the successful protest against taxation in Aba in 1929, ably led by the women folk (Chuku, 2019). Hence, the inclusion of women during war times indicated the preponderance in gender pressure for growth and development in Nigeria and beyond (Soremekun, 2002). Tracing the history of girl education in Nigeria reveals that out of the 25 secondary established 1920, only 3 were girls' schools (Fafunwa, 1974). Colonial government embarked on sub-venting organizations involved in training the girl child till early 1950s. In the 1960s, there was a wide gap between the boy and girl child's education, United nations Declaration of Human Rights produced a master-piece to achieve 100% Universal Primary Education in Nigeria by 1980. With this intervention, parents began to put the old tradition behind them by sending their girl children to schools, boys enrolment at all

levels of educational attainment geometrically increased. This *status quo* persisted up till the 21st Century when it translated to having few educated females in some selected progressions and careers (Soremekun, 2002). In the era of commodity trade and capital acquisition in Nigeria, women were relegated to perpetual production of food crops while their male counterparts gained giant economic stature by enriching themselves with dividends from their various local and international transactions (Berry, 1970; Johnson, 1921; Ake, 1978).

Theoretical Framework

Feminist theory inextricably projects the feminine world to translating their basic political social and economic rights to re-conceptualizing their relations to their male counterparts, having the concept of “gender” in focus. The anomie that characterized women professionalism within the framework of “sex roles” was a major concern of feminist theory. The enormous activities of proponents of feminism greatly undermined the unequal social and professional status between the female and their male counterparts. Sociological studies laid the precedence for other professions including Law. This theory postulates that women were not conceptualized in the context of home and family but as an independent people with rights of their own. In relation to the above, Karl Marx postulates that:

their major concern was social class oppression, but they occasionally turned their attention to gender oppression, most famously in “The Origins of the Family, private property and the state”. The major argument of “The Origins” is that woman's subordination results not from her biology, which is presumably immutable, but from social relations that have a clear and traceable history and that presumably can be changed. The relational basis for women's subordination lies in the family, an institution aptly named from the Latin word for “servant” because the family as it exists in complex societies is overwhelmingly a system in which men command women's services (Ritzer, 2011).

In general understanding, feminism could be described as all efforts at entrenching the rights of the female gender, into ensuring equal relevance with their male counterparts. Within the context of woman and judicial relevance, feminism and its various proponents suffice it to posit that female holds the same values and positions from the same standpoint with their male counterparts. Standpoint in this context refers that there is the recognition that women possess common experience transmitting from privilege, age, sex, environmental factor and common interests with their male counterparts (Schaeffer, 2003). Judicial matters are in no way exempted from the above. This school of thought throws its weight behind the old belief that confined women to the bloc of perpetual hewers of wood, fetchers of water and “sacred machines of procreation.” They vehemently pushed the economic relevance of the women folk to the fore through the analysis of materialist feminism which postulates that global capitalism has further induced women's roles and their indispensable labour

contributions to the expanding wealth of capital economy (Ritzer, 2011). To this end, post-colonial judicial system has produced diverse career women whose contributions have spread beyond the family levels. For instance, Folorunso Alakija's contributions to human and national development have paraded her as a “strong equal” in the comity of world's philanthropists. Human rights' actualization remains the center-piece of feminism. The main idea of this school of thought is the emancipation of the feminine gender from the fiddling traditional responsibilities to self-actualization of better personal potentials in the modern times (Ritzer, 2011). Feminism advocates the entrenchment of women's rights into the universal human rights; this was an attempt at expanding western orientations through western education across to women at all social levels. In post-colonial Nigeria and beyond, womenfolk has fundamentally, either consciously or unconsciously transcended the straddling lines of traditional socio-cultural and economic indelibility.

No doubt about the fact that there are copious scholarly works on gender and judiciary across all levels. On this note, this study considers a review of literatures on women leadership within the judiciary unavoidably inevitable. The review of relevant literature objectively validates the quality of empiricism in this study as regards drawing a balance in issues relating to gender discourse and leadership trend. Bolton and Muzio opine that the legal profession has melted off the strong resistance against ladies *ab initio* (Ackroyd and Muzio, 2007). This position aptly justified the practices before 1949, when there were few practising lady-lawyers in Nigeria (Soremekun, 2002). Post 1960 scenario witnessed a great influx of female lawyers in the Bar and in recent times Nigerian Bar Association has recorded thousands of female lawyers who have held sensitive positions alongside the echelons of the profession (Nwauwa, 2002). Bowman, through feminist theory posits that the enhancement of female footing in the judiciary would persistently undermine the growing level of discrimination against female (Bowman, 1998-1999). Bowman buttresses that constant increase in admission of females into the legal profession invariably enhances their capability to challenge organizational structures for substantial female participatory roles within the legal framework. A clear evidence of the acclimatization of the Nigerian lady lawyer to the position held by Bowman, as evident in the ascendancy of lady-lawyers including Chief Justice Mukhtar Alooma, as the pioneering Nigerian Female Chief Justice in 2012, the first female Magistrate in the North-Eastern Government who became the first Registrar of Kano High Court in 1977 (IAWJ, 2002). She broke the matriarchal historical record by serving at the Court of Appeal and Supreme Court till she honorably retired in 2014.

Ladies in the Bench (Chief Justice) and Motherhood.

A more broadening overview was the combination of judicial roles with childbearing and nurturing In light of the changing traditional stereotype ascribed to

women folk, they passionately combined motherhood virtues with legal career and professionalism (Lengermann, 2003). Women continue to manage the home fronts while at the same time aspire to defend human rights as legal luminaries. On this note has Duff, Shiner, Boon and White opine that women could abandon training on any career for the welfare of the children or any dependant, this is an uncommon virtue sparingly traced to their male counterparts (Duff *et al*, 2000). Probably, this factor contributed to the late arrival of ladies in the legal profession and some others. Rackley postulates that rarely could a country realize 30% female representation in the judiciary system (Rackley, 2007). This study has drawn a balance between the society and women leadership role and the common women's traditional roles of home-keeping as the basis for the unequal professional footing with their male counterparts. Problems of gender inequality within the legal profession was a serious concern of Smithson and Slokoe, they buttress the modalities for proper integration of the women folk in the law career for maximum leverage for equal opportunities (Smithson and Stokoe, 2012). The above was a true position of the Nigerian Code of Conduct, which placed both ladies and gentlemen in the judiciary on equal pedestal for fair practical level playing for the attainment of professional or leadership goals.

YEA R	JUDGES			LAWYERS				
	MAL E	FEMAL E	%		Mal e	Femal e	%	
			M	F			M	F
2010	604	208	100. 7	25. 6	842	438	65. 8	34. 2
2011	566	204	73.5	26. 5	797	426	65. 2	34. 8
2012	625	216	74.3	25. 7	806	440	64. 7	35. 3
2013	587	212	73.5	26. 5	840	508	63. 3	37. 7
2014	618	210	74.6	25. 4	839	435	65. 9	34. 1
2015	598	213	73.7	26. 3	823	491	62. 6	37. 4

Source: State's Ministry of Justice

Legal practice in Nigeria is traced to the nineteenth Century when only male layers emerged as practitioners. The practice of law at this time was inundated with British etiquette and principles (Chuku, 2000). Such indigenous leading indigenous male lawyers were Joseph Egerton, Shyngle, Ayodele Williams, Ajasa Kitoyi, Sapara Williams, |Eric Moore, Olawolu among others (Olorode, 1998). There was a wide

seemingly unbridgeable lacuna between the period of emergence of the first male lawyer and the first female lawyer. Thus, Christopher Alexander Sapara Williams was called to bar on November 17, 1879 while Marke Jane Stella was called to bar in 1935. This difference in period typified the claim of Solanke that legal profession was confined to the patriarchal world while professions such as mid-wifery, nursing and teaching were peculiar and restricted to the matriarchal bloc (Solanke, n.d.). The wave of metamorphosis was so intense that it could not immediately after 1935, produce another female lawyer until 1947 when Modupe Alakija emerged subsequently, Adedoyin Adebisi, Mrs. Jackman and Thomas Jane gained entrance into the Bar in 1952 respectively.

In other words, the above representations explicitly relay the age long preponderance of women's late entrance into the legal profession. Time and space (distance) were attributable to the wide gap between the female lawyers and their male counterparts. Nigerian Judicial system could not produce a female lawyer until over fifty-six years (56) of the emergence of the first male lawyer into the Bar. The whole of the twentieth Century was characterized by low turnout of female lawyers in the Nigerian Judicial System. By 1953, several others, such as Akingbein Modupe and Bakare contributed to marking a great watershed in the race to ranking with the male leaders in the judiciary (IAWJ). Between 1935 and 1960, Nigerian Judicial system had produced up to twenty female legal juggernauts whose fame and honour profoundly produced the historical blue-print for adjudicating legal and human rights' related issues within and outside the national purview. For instance, Chief Folake Solanke became the first female Senior Advocate of Nigeria in 1981, she pioneered the wearing of silk-gown among the Lady-lawyers and ranked 42nd in the international service organisation on advancing issues related to women matters (Solanke, n.d.). Thus, between 2010 and 2015, there was an improvement in the entrance of women into the judicial system. More significantly observed was a slight drop in the enrolment of male Judges in 2015 while the female entrance received a slight increase. There was a significant increase among the female lawyers in 2015 as against the low percentage in 2010. Hence, the above summarily accentuates the position maintained by United Nations Declaration of

Human Rights report:

the entrance of women Judges into the judicial spaces was a giant step for the perception of transparent representation and inclusion of the marginalized individuals for improving the decision making process. Over time, women Judges have gained global recognition through their credentials. An improved entrance of women into the judicial system is changing the long-established dominance of men by making the system amenable to potential modernization reform. In this sense, the composition of the court becomes more diversified for proper review of court codes of conduct (Atsenuwa, 1999).

Female Leadership in the Judiciary and National Development

Despite the fact that women became admissible into the legal system of late, they often times contended dispassionately with the circumstantial phantasmagoric saturations. In other words, Nigerian legal system was endowed with brave and intelligent ladies in the Bench, whose influences have ushered remarkable attention into the mainstream of judicial dynamism. In this regards, Hassim opines that the participation of women in judicial matters was developmental and this study among other things has traced the trend in her ladyship, Chief Justice and other Bench women to capturing their pivotal roles within the legal and national praxim (Hassim, 2016). Aisha Jumai Al Hassan emerged as the pioneering female Attorney General, Commissioner of Justice in Taraba State, she also pioneered the appointment of women as the secretary of the judicial council at Federal Capital Territory as well as the Chief Registrar of the Federal High Court Abuja in 2003 (Al Hassan, 2012). A common feature of the “men in skirt” was the creation of legal awareness for development—through the entrenchment and promotion of human rights law. The discourse of Human Rights' law and human development encapsulates socio-political and economic feat for national development. Great Nigerian lady-Jurists have extended their unique accolades beyond traditional confines to places of repute. Both ladies in the Bench and Bar in the twenty-first century have joined their commitment to their male counterparts for national development.

The imprints of female Lawyers and Judges are greatly felt in good governance, and movement towards the eradication of corruption from the Nigerian private and public domains. Her ladyship, Mariam Aloomu Mukhtar, the Chief Justice of Nigeria is a strong advocate of good governance and corruption-free society. In her course of close to fifty years of meritorious services in the judiciary, she condemned political partiality and idiosyncrasies. This was vivid in 2015, when she acted along-side other two Judges against non-compliance with the 2006 electoral Act during the 2007 presidential election—a process against the rule of law that would have nullified Alhaji Yar'Adua's election (Al Hassan, 2019). A stern personality that was guided by what she practiced. Justice Mukhtar enjoys living by example and wished others would follow her footsteps. Nigerian Lady-jurists are apostles of anti-corruption crusade, this was reflective of her credentials when she bluntly expresses that; “corruption is in every system of our society and I cannot pretend that it is not in the Judiciary. I will encourage internal cleansing based on petition and as much as possible ensure that bad eggs are removed, so that the confidence reposed in the judiciary will be restored” (Mukhtar , 2019). Nigerian lady-jurists fearlessly advocate transparency in their private and public relations. Chief Justice Aisha Al Hassan competed with her male counterparts as governorship aspirant of Taraba state; she made significant contributions to good governance and personality credibility in several occasions. The Chief Justice advocates uprightness and loyalty in public dealings. Her altruistic feelings and passion for human development were reflective of how she used her

judicial offices to challenge and moderate Mallam Nasir El-Rufai's religious provocative utterances which could trigger national discontents. Her passion for transparency and loyalty for inter-personal commitment along the political strands also showed in her categorical utterance when she was alleged of endorsing the former Vice-president, Atiku Abubakar for presidency.

Thus,

If *Baba* said he is going to contest in 2019, I swear to Allah, I will go before him and kneel and tell him that *Baba*, I am grateful for the opportunity you gave me to serve your government as a Minister. But *Baba* just like you know, I will support only Atiku because he is my godfather. If Atiku said he is going to contest (Al Hassan, 2019).

The above expression, perhaps, sounds emotional but could be practically considered as an uncommon feeling traced to the matriarchal world, especially at a crucial time of deciding between position of power and inherent personal interest. Moreover, the above was substantiated through oral testimonies from her sibling that the Chief Justice's political stand is reflective of her life style that she often says; "even if the truth will kill you, always say it" (Ibrahim, 2015). The above depicted the fact that the Chief Justice scripted her legal profession and advocacies on truth and straightforwardness, the two virtues are hardly fetched within the legal frame work.

Advancement of economic productivity and reliance were strongly pursued by a good number of Nigerian Lady-Jurists. They utilized their good public offices in sensitizing national economic structures for sustainable development. Such among others are Funke Agbor and Kofo Dosekun. Funke Agbor is a Senior Advocate of Nigeria (SAN), an experienced Maritime Lawyer who engaged in the promotion of shipping and trading services. Being the first maritime female lawyer, she played a participatory role in the formulation of Maritime policies and won cases relating to commercial law at the courts of appeal (Agbor, 2019). She profoundly contributed to the development and facilitation of international trades and transportation of on-shore goods and services across borders. Similarly, Kofo Dosekun is another Jurist in the corporate affairs, she solicited matters at the Supreme Court level and her proficiency in corporate legal dealings earned her the slogan; "a first class banking lawyer" (The Nation, 2019). She promoted foreign investments and derivation and has greatly influenced local and international revenue for national development on different occasions. For instance, she led the team to MTN over \$200b from a syndicate of Nigerian banks and \$600m satellite field oil financing among others. The Judge actively took part in the Merger of Banks and restructuring process. She served as an adviser to series of banks including IBTC, Citi Bank, Standard Chartered Bank among others (The Nation, 2019). Also, Myma Belo Osagie is a senior Commercial lawyer who partnered with Udo-Udoma to challenge economic problems and other national issues. She advocates the promotion of indigenous economic development through the promotion of enabling environment (Kaplan, 2019). Myma reiterates a legal review of the Company and Allied Matters Act purposely to engage the relevant professions and

skills for the success of indigenous businesses (Olawoyin, 2005). In other words, she made reference to 2015, when \$850 m was lost to gas-flaring by Nigeria and that if local investments are not encouraged in this regard, the country is further susceptible to a greater loss. Myma buttresses that proper economic diversification could be a panacea for curbing re-occurrence of loss of huge sum to continuous importation of goods and services (Olawoyin, 2005). Funmi Falana also lends her advocacy to encouraging the rights of citizenry to rightful consumption of goods and services, especially in the Lagos jurisdiction. She acted as the Chairman of Board of Lagos Consumer Protection Agency, where she extended her professional passion to censoring consumables and services to attaining the expected standard. The agency, through the provision of its legal framework bans consumables confirmed of possessing low standard when compared with the international standard.

Mediation in conflicts and Resolution, the leadership styles of the Nigerian lady.

Lawyers were extended to conflict mediation and resolution. There is global awareness of trends in local and international conflicts and roles of various non-governmental organisations in studying and resolving the menace. Personalities in the judicial sector have significantly contributed to conflict resolutions. Funmi Roberts, an astute leader in Arbitration has profoundly mobilised public and corporate reforms in commercial and family disputes. Recently, Funmi Roberts served at the establishment of a Multi-Door Courthouse at the Oyo State Judiciary (Aroyewun, 2010). She facilitated the resources for the enhancement of timely and user friendly access to justice. Her enormous experience in conflict resolution involved her in mediating in an evasive conflict between the Federal Government of Nigeria and the Labour Union recently. She successfully turned several of her published works on conflict arbitration the public domain. Such among other works is *tool for Evolving Commercial Solutions to Commercial Disputes in Nigeria*. Funmi Roberts is an accredited Mediator with the United Kingdom Base Centre for Effective Dispute Resolution (CEDR) (Roberts, 2006). In the same vein, Doyin Rhodes Vivour's practice in the arbitration experience filtered across Maritime and infrastructural development for over three decades. Her mediation in a good number of private and public arbitration cases enhanced her several publications in the arbitration chapter of *Who's Who Legal Nigeria and Guide to the World's Leading Commercial Arbitration Experts*. She overtime earned local and international awards as a member of various professional bodies including International Chamber of Commerce (ICC) Chairperson, Chartered Institute of Arbitrators Nigeria among others (Rhodes-Vivour, 2006). Doyin Rhodes and Bomaa Ozobia has extended frontiers of knowledge in the field of Maritime Arbitration by turning published articles and conference papers into circulation.

Further still, “men in skirts” combat religious fundamentalism by fostering a mother-child relationship. Chief Justice Hauwa Ibrahim, a Human Rights Lawyer and Laureate of the Sakharov prize reached the peak of her legal career as Bauchi state Chief Justice.

She used her good offices to “write some wrongs” in the *Sharia* Law by saving hundreds of women and children who were condemned to death by stoning (IAWJ, 2019). She adjudicates that motherhood and society could fuse to produce virtues to save the society from moral decadence. Justice Hauwa Ibrahim presented a paper titled “freeing women from violence” at a conference in Rome where she states; years ago, after being called by former President of Nigeria, Good-luck Jonathan to join the presidential committee seeking the 219 girls kidnapped by Boko Haram, I took direct contact with the world of terrorist, most of the men who are members of Boko Haram as well as are guys who are only waiting to be appreciated and when they see their hopes frustrated, they give way to the horror of fundamentalism. Meeting them had made me realized that more than drones, armies, torture can do soft power, the power of mothers can (Ibrahim, 2009).

Thus, the strategy of the Chief Justice was experimented on the belief that mothers and not weapons are needed in dealing with the issues of religious fundamentalism such as Boko Haram. She advocated a mother-child meeting with some of the arrested Boko Haram members to re-establish a strong bond with their children in the prison. The nostalgia feelings in the mother and child created a great sense of passion and belongingness by hugging each other, the son held close to his mother like a suckling babe. This process enhanced positive changes in the incarcerated boys and some others who were involved in religious fundamentalism. Hauwa Ibrahim in her legal discovery showed that she is convinced of the peaceful power or nature of the mother rather than violence in bringing profound change into the society by imparting on their children. The Chief Justice has tremendously fostered links with the youth and women against religious fundamentalism for the promotion of peace and reconciliation.

Promotion, expansion of Human Rights, women emancipation and empowerment as well as condemnation of child's labor and trafficking. The matrix of legal professionalism in the comity of Lady-lawyers was the genuine promotion of human rights at all levels. It was a general consensus that women and children are more susceptible to violence than the male adults. The basic school of thought of the “men in skirts” was the entrenchment of laws that accrue freedom and egalitarianism to the folk (Atsenuwa, 1999). On this folk, this paper is dwelled in the contributions of Chief Justices Olabisi Olateru-Olagbegi, Aisha Jumai Hassan and Chikelu Chinelo. Chief Justice Olagbegi pursued women emancipation for empowerment doggedly throughout her lifetime. She established the Women Consortium of Nigeria under the recognition of the United Nations (Olateru-Olagbegi, 2013; Abati, 2017). Aisha Jumai Hassan also challenged the Chibok and Dapchi girls' saga. Justice Olagbegi was a prolific writer on many issues relating to human rights. Among others is “Paths to Women Development: Thoughts Vision and Passion” in 2013. Funmi Falana also advocated for women emancipation, girl-child education, downtrodden and all forms of discrimination. Chikelu Chinelo targeted at advancing the elimination of child labor by focusing on

several African countries including Nigeria, Mali, Malawi, Uganda and Cote'd Ivoire with sharp focus on child-sexual abuse and forced labor (IAWJ, 2019).

Conclusion

In view of the fore going, a great harbinger of hope for self-actualization is western education extended to the girl-child in the 1950's. A development that marked a great watershed in the age-long stereotype condemning the girl-child to second fiddle-role-playing in the traditional African society is strongly challenged by the rise of female elites in the judicial setting. In other words, the late entrance of women into the judiciary has not significantly debarred their contributions to national development. It could be buttressed that the low percentage of the women echelons along the judicial corridor did not significantly affect their performances across socio-political and economic boundaries. The nearest future holds more laudable feat for ladies in Bench and Bar as more and more intending practitioners keep enrolling into the legal mainstream on regular basis. In recent times, Nigerian Universities, Institutes and Affiliates are producing greater number of “men in skirts” than in the past. Most of the female undergraduate law students are below thirty years of age. This was against the old status quo of late coming of lady-lawyers into the profession.

However, the society should begin to realize the significance of womanhood for national development by sensitizing all stake-holders into championing the course of human development for national integration. Women are needed more in decision-making process and their voices are indispensable to nation-building. On this note, one believes that women should be considered for the post of Chief Justice along-side their male counterparts during the 2019 inauguration of three male Chief Justices in Ondo State.

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