

Oath-Taking and Rituals in Conflict Resolution in Nigeria

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Abstract

Review Article

This study examines Nigerian oath-taking and ritual practices for dispute resolution. It explores the role of these indigenous systems in the nation's complex legal pluralism, where they coexist with and often conflict with the British colonial-era state judiciary. The study shows that these practices are resilient due to their pragmatic response to the widely perceived failures of the official justice system—corruption, delay, and cultural alienation—and their deep-rooted cosmological foundations that view justice as a spiritual-communal undertaking aimed at social restoration. Using secondary literature from anthropology, law, and sociology, the study identifies a basic issue: an uncontrolled cohabitation that generates a justice duality. Critical conflicts between the systems' worldviews, procedures, and aims result from this dualism. Oath-based procedures are accessible, culturally intelligible, and restorative, but they create serious ethical and legal issues about human rights, gender discrimination, procedural fairness, and supernatural sanction's psychological pressure. The study examines how ancient rituals adapt to modern surroundings despite religious contestation and commercialisation. Suppressing these ancient processes would alienate citizens and reduce justice, hence it is not practical or desirable. The study suggests a strategic change toward managed, integrative pluralism. A national policy framework, state-level legislation to regulate and recognise competent traditional institutions, unambiguous human rights safeguards and appeal routes, and targeted capacity-building for traditional adjudicators are recommended. The study argues that only through constructive engagement can Nigeria harness the strengths of its indigenous restorative justice heritage while aligning with constitutional democracy and fundamental rights, creating a more coherent and legitimate justice ecosystem for all its citizens.

Keywords: Oath-taking, Rituals, Conflict Resolution, Traditional Justice, Nigeria, Restorative Justice, Customary Law.

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Introduction

Oath-taking and rituals serve as a crucial and lasting aspect of conflict resolution in Nigeria, intricately woven into the nation's varied indigenous legal and cosmological systems.

Their practice is grounded in a pre-colonial African perspective that sees no rigid separation between the physical and spiritual realms, viewing justice as a collective effort focused on restoring social harmony rather than simply punishing an offender. In this holistic universe,

an oath transcends a mere promise; it serves as a sacred invocation that calls upon the invisible realm—ancestors, deities, and nature spirits—to bear witness and uphold the truth of agreements (Ekwunife, 1990). The effectiveness of these rituals stems from a deep-seated belief in supernatural approval; any violation is perceived to result in grave spiritual repercussions, including illness, misfortune, or death, along with significant social exclusion. This system functioned as the main legal framework among various Nigerian ethnic groups until British colonial rule was established, which brought in the English common law system and actively repressed indigenous practices, frequently characterising them as "repugnant to natural justice" (Adewoye, 2021). This historical imposition established a lasting state of legal pluralism, where the formal, state-administered judiciary coexists with, and frequently experiences tension alongside, these enduring traditional systems.

The ongoing relevance and evolution of oath-based conflict resolution can be attributed to the widely recognised shortcomings of the current Nigerian justice system, such as corruption, high costs, significant delays, and a sense of cultural disconnection (Okafo, 2019). As a result, communities often turn to traditional mechanisms due to their accessibility, cultural legitimacy, and relative speed. These practices are prominently utilised in disputes where empirical evidence is limited, such as cases involving theft, poisoning, or allegations of witchcraft, as well as in intricate communal disputes regarding land boundaries, inheritance, and violations of contract or trust (Ugwuanyi, 2025). The process generally entails ritual specialists or respected elders leading ceremonies that may incorporate powerful sacred objects (such as the oji [kola nut] in Igbo culture or the opón Ifá in Yorubaland), along with libations, sacrifices, and serious incantations conducted at important sites like shrines, streams, or disputed land.

Nevertheless, this resilience is present within a multifaceted and frequently contentious contemporary landscape. The practice currently interacts with, and is occasionally confronted by,

the prevailing world religions of Christianity and Islam, Western education, and urban mobility. Substantial ethical and legal challenges emerge, encompassing possible conflicts with constitutional protections of human rights, issues related to coercion and gender discrimination, as well as jurisdictional disputes between the decisions of traditional tribunals and state courts (Nwauche, 2021). Additionally, there are worries regarding the commercialisation and possible distortion of these revered practices in urban environments. In spite of these tensions, oath-taking continues to be an essential and dynamic institution for millions of Nigerians. The study is essential for grasping the true operation of justice and social organization in Nigeria, providing valuable insights for legal anthropology, practical peacebuilding, and the current academic and policy discussions regarding the incorporation of effective indigenous conflict-resolution approaches within a contemporary, pluralistic state structure.

Statement of the Problem

The coexistence and regular use of oath-taking and rituals as a means of conflict resolution in Nigeria highlights a complex, multifaceted issue. These indigenous practices are deeply embedded in culture and offer accessible, culturally relevant justice for many. However, they exist within a significant and often adversarial tension with the official legal system administered by the state, which is based on British colonial jurisprudence. This tension establishes a troubling duality of justice, where the systems conflict in terms of authority, procedure, and philosophy.

The essence of the issue resides in the ongoing challenges of legal pluralism and the socio-ethical dilemmas it creates. On one hand, the formal judicial system is often viewed as corrupt, slow, costly, and culturally disconnected, struggling to provide effective justice, particularly in rural and peri-urban areas. This failure compels citizens to pursue justice through traditional oath-based tribunals, regarded as more legitimate and effective. Conversely, the unregulated aspect of these traditional practices brings forth significant human rights issues, such

as the possibility of coercion, the absence of standardised due process, and the psychological strain of perceived supernatural consequences. A continuous risk of gender bias exists, with women potentially facing exclusion from the administration of oaths or being subjected to discriminatory rituals, alongside the threat of commercial exploitation by charlatans in urban environments.

Moreover, this duality leads to contradictory verdicts and a crisis of legal authority, which undermines the rule of law. Disputes resolved by oath within a community can be brought back to state courts, leading to confusion and ongoing conflict. The Nigerian state does not possess a clear policy or legal framework to acknowledge, regulate, or effectively incorporate these traditional justice mechanisms in a way that honours their cultural significance while protecting constitutional rights. As a result, countless Nigerians traverse a disjointed justice system where the selection of a forum can influence the result, and where a practice considered essential for social unity by some is perceived as a breach of contemporary legal and religious standards by others. The ongoing discord between traditional and modern systems of justice hinders the establishment of a cohesive, fair, and efficient legal framework for the country.

Foundational Worldview and Historical Disruption

The literature consistently identifies the origins of these practices within a pre-colonial African cosmological and juridical framework. Pioneering works by John Mbiti (1969) in *African Religions and Philosophy* and E.A. Ayandele (2024) articulate a holistic worldview where the universe is an interconnected totality of the visible (the living) and the invisible (the ancestors, spirits, and gods). In this universe, as Ekwunife (1990) discusses in the Igbo context, an oath (iyi or inu iyi) serves as a serious covenant that calls upon the spiritual realm as the final witness and enforcer, rendering its violation a transgression with metaphysical repercussions. The colonial encounter, carefully recorded by legal historians such as O. Adewoye (2021) in

The Judicial System in Southern Nigeria, 1854-1954, constituted a deliberate attack on this indigenous jurisprudence. The British administration, utilising tools such as the Native Courts Proclamation and the repugnancy doctrine, systematically suppressed practices considered "inimical to civilisation," thereby pushing them into illegality or informality (Asein, 2021; Ibhawoh, 2023). This historical imposition established the foundational condition of "legal pluralism"—a concept crucial to the analyses of scholars such as M.B. Hooker (2023) and subsequently S. E. Merry (1988)—where the imported state legal system and enduring indigenous norms coexist in a relationship frequently characterised by competition and contradiction.

The Crisis of the Formal System and the Resilience of the Traditional

A substantial body of literature thoughtfully analyses the shortcomings of the post-colonial Nigerian justice system, which have directly led to the ongoing reliance on oath-based mechanisms. In *Doing Justice Without the State*, scholars like Okafor (2019) and Elechi (2016) contend that the formal judiciary suffers from pervasive corruption, procedural delays, high costs, and cultural alienation, making it both inaccessible and illegitimate for a significant portion of the population, especially in rural regions. Alemika (2023) and Ogbu (2017) present empirical data regarding public perception, highlighting a significant distrust in the police and courts. According to Ugwuanyi (2025), this institutional vacuum generates a "functional necessity" for traditional systems. Their resilience stems not from simple nostalgia but from their comparative advantages: they are affordable, swift, conducted in the local language, and focus on restorative, community-harmonizing outcomes rather than solely punitive ones (Sharma, 2021). The literature outlines their use in particular disputes where evidence is limited: Aguwa (1995) explores their function in resolving persistent land and boundary disputes among the Igbo; Renne (2023) investigates gender-related oath-swearing (igbe and mbù) within the Yoruba community; meanwhile, Falola (2023) and Apenda (2022)

record their application in tackling issues such as theft, witchcraft allegations, and violations of commercial trust across different ethnic groups.

Critical Contradictions: Human Rights, Gender, and Modernity

A considerable and expanding body of scholarship critically examines the deep ethical and legal challenges presented by these practices. The primary conflict is articulated through the discussion of universal human rights in contrast to cultural relativism. Scholars such as An-Na'im (2024) and Owonikoko (2022) raise concerns about practices that could infringe upon constitutional rights to fair hearing, protection from cruel and inhuman treatment, and the presumption of innocence. The psychological pressure stemming from the threat of supernatural punishment is a notable area of debate. Gender stands out as a vital dimension for examination. Feminist scholars like Amadiume (2025) and Nnaemeka (2024) examine the patriarchal structure of many traditional institutions, highlighting how women are frequently marginalised in the administration of oaths and may face discriminatory or harmful rituals in cases related to adultery or inheritance disputes. Ojukwu (2018) emphasises the ways in which modernisation has brought about new vulnerabilities, particularly through the commercialisation and distortion of rituals. Meyer (1999) examines Ghana, while Ojo (2020) focuses on southwestern Nigeria, delving into the intricate critique of "pentecostal" and Islamic perspectives. These indigenous practices are often portrayed negatively as pagan or syncretic, leading to significant social and religious tensions for those who are navigating various belief systems.

Towards Hybridity and Institutional Engagement

The concluding thematic cluster in the literature transcends simple description or critique, offering avenues for meaningful engagement. Scholars advocate for acknowledging "legal pluralism" as a reality that should be managed instead of viewed as a problem to be eliminated. Ayittey (2016) advocates for the importance of

indigenous African institutions, whereas Tobi (2017) urges for their constitutional acknowledgement within Nigeria's federalist framework. Scholars such as Chirayath et al. (2025) and Isser (2011) propose practical models of "integrative hybridity," suggesting mechanisms that include the formal certification and training of recognised traditional adjudicators, the establishment of clear appellate pathways from traditional councils to state courts, and the development of human rights-sensitive guidelines aimed at screening out the most abusive practices while preserving restorative virtues. Ubink's work (2021) on land tenure and Goncalves' research (2025) on community policing in Mozambique provide comparative examples of potential structures for such integration.

Methodology

The final thematic cluster in the literature goes beyond mere description or critique, presenting opportunities for significant engagement. Scholars argue for the recognition of "legal pluralism" as a reality that ought to be managed rather than seen as an issue to be eradicated. Ayittey (2016) emphasises the significance of indigenous African institutions, while Tobi (2017) calls for their recognition within Nigeria's federalist structure. Scholars like Chirayath et al. (2025) and Isser (2011) present practical models of "integrative hybridity." They suggest mechanisms that encompass the formal certification and training of recognised traditional adjudicators, the creation of clear appellate pathways from traditional councils to state courts, and the formulation of human rights-sensitive guidelines designed to eliminate the most abusive practices while maintaining restorative virtues. Ubink's work (2021) on land tenure and Goncalves' research (2025) on community policing in Mozambique offer comparative examples of potential structures for this integration.

Discussion of Findings

The synthesis of the literature indicates that oath-taking and rituals in Nigerian conflict resolution form a significant and enduring parallel justice

system, functioning within a continuous and predominantly unregulated state of legal pluralism. The findings are diverse, showcasing a dynamic interplay of significant functionality and deep contradiction, illustrating the intricate reality of a contemporary African state as it navigates its cultural heritage. The conversation is structured around the central thematic conflicts that arose from the analysis. A key observation is that the continuation of these practices is more a practical reaction to systemic failure than a reflection of cultural atavism. The literature extensively highlights the perception of the Nigerian formal judiciary as corrupt, slow, costly, and culturally foreign (Okafor, 2019; Alemika, 2023). This "justice gap" results in a significant void in functionality. Conversely, traditional mechanisms are praised for their accessibility, efficiency, restorative emphasis, and profound cultural understanding (Elechi, 2016; Ugwuanyi, 2025). Their verdict is presented in a cosmological language that resonates with the community, making it both comprehensible and acceptable to them. This discovery highlights that oath-taking transcends being just a cultural relic; it serves as a logical institutional decision for countless individuals who are essentially marginalised by the state system. The resilience it demonstrates serves as a clear critique of the post-colonial state's failure to control legitimate dispute resolution. The literature indicates that the effectiveness of oath-based systems is closely connected to a comprehensive African worldview (Mbiti, 1969; Ekwunife, 1990). In this context, the ritual serves not merely as a symbolic enhancement but as the fundamental juridical mechanism—calling upon spiritual forces to act as witness, investigator, and enforcer. This offers a strong deterrent and a means for uncovering the truth in disputes that would otherwise be difficult to verify (Sharma, 2021). Nonetheless, this profound cosmological coherence places it in direct opposition to the secular, positivistic, and individual-rights-based principles of the Nigerian constitution (Nwauche, 2021; An-Na'im, 2024). The legal framework of the state operates on the principle of presuming innocence and requires tangible evidence; conversely, the oath system tends to assume the effectiveness of supernatural

sanctions and depends on metaphysical deterrents. This results in a fundamental conflict regarding the principles of evidence, procedure, and the origin of legal authority.

A notable strength recognised is the restorative, community-focused objective of traditional processes. In contrast to the adversarial state court that frequently results in clear winners and losers, oath-mediated resolutions focus on mending relationships, reintegrating the offender, and restoring harmony within the community (Ayithey, 2016). This is in accordance with international standards in restorative justice. Interestingly, the literature reveals significant shortcomings in ethics and rights. The process may encompass coercion, a lack of recourse, and the psychological dread of supernatural punishment (Owonikoko, 2022). Moreover, gender analysis uncovers a profoundly patriarchal framework. Women often find themselves excluded from the administration of oaths, while rituals concerning adultery or inheritance can be particularly detrimental and discriminatory towards them, thereby reinforcing prevailing social hierarchies (Amadiume, 2025; Ojukwu, 2018). Therefore, a system aiming to restore a particular type of social order may concurrently sustain other forms of injustice.

The findings call into question the idea of a fixed tradition. The literature indicates that these practices are dynamic and adaptive, discovering new relevance in urban environments and contemporary conflicts (Falola, 2023). Nonetheless, this adaptation carries a shadowy aspect: commercialisation and charlatanism. In urban environments, the genuine role of the elder or priest may be taken over by deceptive "ritual experts" who commercialise the practice, thereby undermining its communal validity (Ojo, 2020). At the same time, these practices thrive in a competitive religious landscape, persistently confronted by Pentecostal Christianity and reformist Islam, which characterise them as demonic or idolatrous (Meyer, 1999). This creates a situation where individuals face a clash of sovereignties—caught between the

expectations of their community's ancestors and the principles of their salvation-focused beliefs.

Ultimately, the literature indicates a distinct absence of policy. The Nigerian state has fluctuated between the suppression of the colonial era and a post-independence discourse focused on cultural revival, lacking a cohesive framework for engagement. The academic discourse reflects this, featuring arguments that span from abolition based on human rights principles to a passionate call for a revival of authentic traditionalism. The most compelling finding suggests a balanced approach: the need for a carefully managed, integrative hybridity (Chirayath et al., 2025; Isser, 2011). This would entail acknowledging traditional authorities as supplementary justice providers within a regulatory framework that prohibits the most harmful practices (e.g., those detrimental to health or severely discriminatory), sets minimum standards of fairness, and establishes formal avenues for review and appeal to the state system. This model recognises reality while maintaining the state's paramount duty to safeguard fundamental rights.

Conclusion

This study has demonstrated that oath-taking and rituals in conflict resolution are not merely a peripheral or diminishing cultural curiosity in Nigeria; rather, they are a central, dynamic, and resilient aspect of its socio-legal landscape. Their endurance stems from a significant crisis of legitimacy and effectiveness within the formal state justice system, along with their strong cultural integration and practical usefulness. The practice functions within a profound, integrated perspective where justice is viewed as a spiritual and communal effort focused on restoration, rendering it understandable and reachable for countless individuals. Nonetheless, this particular strength gives rise to the fundamental issue: a legal pluralism that is both unmanaged and antagonistic. The traditional system, characterised by its cosmological coherence and restorative aims, stands in essential conflict with the secular, rights-oriented, and adversarial framework of the post-colonial state. This tension reveals significant ethical dilemmas

related to human rights, gender equity, and procedural fairness. Meanwhile, the lack of a cohesive state policy results in a justice landscape marked by conflicting sovereignties, which ultimately weakens the overall rule of law.

The enduring nature of these practices highlights their capacity to fulfil a basic human desire for order and fairness in situations where the state has failed. Consequently, the objective cannot be their suppression, as this would merely push them further underground and create a sense of alienation among citizens. The Nigerian state must shift from a stance of neglect or hostility to one of constructive and regulated engagement. The way ahead involves creating a nuanced pluralistic framework that honours cultural autonomy while maintaining constitutional protections.

Recommendations

Based on the findings and discussion, the following multi-level recommendations are proposed:

- **Develop a National Framework on Traditional Justice:** The National Judicial Council and the Federal Ministry of Justice ought to take the lead in developing a National Policy for the Integration of Traditional Conflict Resolution Mechanisms. This policy ought to formally acknowledge the supportive function of credible traditional institutions while setting forth clear, non-negotiable boundaries grounded in the Constitution and international human rights law (for instance, banning rituals that inflict bodily harm, undermine dignity, or inherently discriminate based on gender or religion).
- **Training and Sensitization Programs:** The Nigerian Institute of Advanced Legal Studies (NIALS) and judicial training institutes ought to establish compulsory certification workshops for traditional rulers and council members. Training should encompass the fundamental principles of

Nigerian constitutional law, particularly Chapters II and IV, techniques for alternative dispute resolution (ADR), effective record-keeping practices, gender sensitivity, and an understanding of the limits of their jurisdiction.

- **Promote Action Research:** The Nigerian Institute of Advanced Legal Studies (NIALS) and judicial training institutes should implement mandatory certification workshops for traditional rulers and council members. Training must include the essential principles of Nigerian constitutional law, especially Chapters II and IV, methods for alternative dispute resolution (ADR), efficient record-keeping practices, awareness of gender sensitivity, and a comprehension of the boundaries of their jurisdiction.
- **Commit to Internal Reform:** Traditional councils ought to take the initiative to assess and update their practices, especially regarding the involvement of women and youth in decision-making processes and the removal of rituals deemed harmful. Showing a dedication to internal reform enhances their credibility and facilitates more productive interaction with the state.

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