

Religion, Ritual, and Fear: The Moral Architectures of Oath-Taking in Sierra Leone

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ABSTRACT

This article examines the moral architectures of oath-taking in Sierra Leone's plural legal system, where formal courts and customary justice systems employ divergent religious and cultural logics to enforce truth-telling. Drawing on eleven expert interviews, twelve focus group discussions, and eleven key informant interviews, the study analyzes how sacred texts, ritual spaces, and fear shape the perceived efficacy of oaths. Formal systems rely on standardized rituals using the Bible and Quran, often perceived as symbolic yet ineffective due to weak enforcement and cultural dissonance. In contrast, customary systems embed oaths within local cosmologies, invoking immediate fear of ancestral retribution that sustains moral accountability. However, the study also reveals fear's double-edged nature as both a guarantor of truth and a potential tool of coercion. By treating oath-taking as a diagnostic ritual, the article contributes to debates on state legitimacy, legal pluralism, and ritual power in postcolonial African societies.

KEYWORDS: Oath-taking; Ritual efficacy; Fear and accountability; Legal pluralism; Sierra Leone justice systems; State legitimacy

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1. INTRODUCTION

Oath-taking is one of the most longstanding practices through which societies seek to secure truth, enforce accountability, and sustain moral order. Across cultures and historical periods, the ritual of swearing - whether before deities, ancestors, or legal authorities - has carried a weight that far exceeds its procedural function. It is, at its core, a symbolic act that dramatizes relationships of power, belief, and responsibility. In Sierra Leone, as in many African societies, oath-taking occupies a particularly charged space within the justice system. Here, plural legal orders converge: the formal state apparatus, which administers standardized rituals in courtrooms, and the customary systems, where oaths are embedded in local cosmologies and ancestral traditions. This convergence renders oath-taking as a legal formality as well as a site of negotiation between competing moral architectures.

The sociological and anthropological literature has long recognized the significance of ritual in the constitution of social order. Durkheim (1912) argued that rituals such as oath-taking serve to reaffirm collective moral boundaries, binding individuals to the sacred ideals of their community. Similarly, Douglas (1966) observed how fear - of pollution, taboo, or spiritual retribution - is a critical element in sustaining the efficacy of such rituals. Yet, in modern legal systems, the rationalization and codification of these practices, as Weber (1922) noted, often transforms them into bureaucratic routines. This rationalization risks hollowing out their emotional and spiritual force, and in the process leave them detached from the moral ecologies that once imbued them with gravity.

Contemporary theorists have critiqued this flattening of ritual power. Bourdieu (1991) conceptualizes oaths as performative acts of symbolic power, which demand submission to institutional order only when they resonate within credible cultural settings. Bell (1992) reframes rituals as strategic practices that embed and reproduce hierarchies through embodied routines. Asad (1993) shows how secular states reconfigure religious practices into formalized legal rituals, often stripping them of their affective potency. These perspectives highlight a critical paradox: rituals, though designed to compel belief, may fail when they lose their grounding in shared moral and spiritual frameworks.

This paradox is particularly salient in African societies where plural legal systems coexist. Studies such as Nana (2020) and

Uwaezuoke & Udominyang (2023) document how indigenous oath-taking practices continue to command fear and respect through ancestral surveillance and spiritual consequence. In contrast, formal legal oaths - administered on Abrahamic texts like the Bible and Quran - often struggle to achieve similar moral traction. Adediran (2022) and Oladipupo (2021) argue that the erosion of traditional oath systems under colonial and postcolonial legal reforms has weakened communal mechanisms of accountability, leaving formal systems symbolically thin. However, these studies tend to treat formal and customary systems as discrete spheres rather than examining how they overlap and interact in lived practice.

This article addresses this gap by examining how religion and fear operate within Sierra Leone's plural legal system to shape the moral force of oath-taking. It asks: How do formal and customary justice systems use religious rituals to enforce truth? In what ways does fear - whether of divine punishment, ancestral retribution, or legal sanction - function differently across these systems? And what does this reveal about the broader dynamics of authority, legitimacy, and moral accountability in Sierra Leone?

The study's objectives are threefold. First, it seeks to analyze the religious and cultural foundations of oath-taking in Sierra Leone's formal and informal legal systems. Second, it explores how fear acts as a driver of truth-telling through an examination of its varied forms - spiritual, social, and legal - and their respective impacts. Third, it assesses the comparative efficacy of formal and customary oaths as mechanisms of moral accountability and institutional legitimacy.

The central argument advanced is that oath-taking in Sierra Leone exposes a profound divergence in moral architectures between formal and customary systems. Formal courts rely on standardized religious texts and legal codes to sacralize their processes. Yet these rituals, often performed in sterile, bureaucratic spaces, frequently fail to resonate with the spiritual sensibilities of citizens. In contrast, customary systems embed oath-taking within ancestral landscapes and communal relationships, activating visceral fear and belief that reinforce their moral seriousness. Whilst this divergence reveals the symbolic fragility of the formal state, it also shows how plural legal systems negotiate authority through ritualized performances of sacredness.

This article seeks significance in both scholarship and practice. Conceptually, it enriches studies of ritual and symbolic power (Bourdieu, 1991; Bell, 1992; Mbembe, 2019) by pointing up oath-taking as a diagnostic site where the state's moral authority is tested and contested. Empirically, it contributes to African legal anthropology by providing a granular, ethnographically grounded account of how Sierra Leoneans navigate overlapping systems of justice. Practically, it offers insights into legal reform and governance in postcolonial settings where state authority often depends on borrowed sacredness yet struggles to secure belief.

By treating oath-taking as both a ritual performance and a moral battleground, this study advances understanding of how religion and fear continue to shape truth-making and institutional credibility in plural African societies. In doing so, it reframes oaths not as minor legal formalities but as symbolic thresholds where the state and the community negotiate the fragile trust that underpins justice.

2. LITERATURE REVIEW

Religion, Oath, and Fear in Legal and Social Systems

The intersection of religion, fear, and oath-taking is central to understanding how societies regulate truth and enforce moral accountability. In many social environments, particularly African ones, oaths are not mere formalities but dense symbolic acts where authority, belief, and fear converge to dramatize institutional and communal legitimacy.

Religion, Ritual, and the Moral Force of Oaths

Sociological classics have long emphasized the role of religion in organizing moral order. Émile Durkheim (1912) saw rituals, including oaths, as foundational to collective life, for they produce sacred boundaries that bind individuals to shared ethical codes. For Durkheim, the power of ritual resides in its capacity to transform personal conscience into collective responsibility. Mary Douglas (1966), in *Purity and Danger*, similarly emphasizes the management of fear within ritual practice, and frames it as a critical mechanism for sustaining social cohesion. Fear of pollution and taboo reinforces conformity by reminding participants of the dangers of transgressing moral and spiritual boundaries.

Max Weber (1922) offers a complementary perspective, positioning the legal oath within the rationalization of modern bureaucracies. For Weber, oath-taking exemplifies the state's move from charismatic to procedural authority, where symbolic rituals are standardized into legal protocols. Yet Weber's rationalist framing has been critiqued for overlooking how such procedures can lose their affective and moral depth when detached from cultural and spiritual worlds.

Later theorists expand on this critique. Pierre Bourdieu (1991) conceptualizes oaths as performative acts of symbolic power, where institutional legitimacy hinges on the context's credibility. Catherine Bell (1992) reframes ritual as strategic practice, embedding hierarchies through bodily routines that discipline subjects. Talal Asad (1993) focuses on how secular states reconfigure religious practices into bureaucratic rituals, often flattening their spiritual resonance. Asad observes that modern legal oaths lack the embodied fear and communal surveillance of premodern forms, reducing them to routinized gestures.

This concern resonates in David Kertzer's (1988) work, which characterizes political rituals as fragile performances that often fail to compel allegiance. Achille Mbembe (2019) pushes this argument further. He describes postcolonial state rituals as theatres of sovereignty where symbolic failure is often compensated by literal violence. These insights point up a critical theme: rituals

matter not simply for their existence, but for their capacity to activate belief and fear.

African Epistemologies of Oath and Fear

In African societies, oath-taking is deeply enmeshed in spiritual cosmologies where moral accountability is tied to divine and ancestral surveillance. John Mbiti (1969), in *African Religions and Philosophy*, emphasizes how traditional oaths function as moral contracts that bind individuals not only to truth but to the living memory of kin and community.

Contemporary African scholarship revisits these insights within the dynamics of legal pluralism and state formation. Nana (2020) highlights how traditional oaths in Nigeria's Niger Delta deter wrongdoing through fear of illness, death, or ancestral curses, especially where state enforcement is weak. Uwaezuoke and Udominyang (2023) describe Anaang oaths as moral covenants rooted in ancestral presence, framing them as communal tools for peace and social order. Ani and Oyon (2024) focus on the Izzi people, documenting how oath rituals function in conflict resolution by invoking spiritual punishment for falsehood.

Adediran (2022) links the erosion of such oaths to elite impunity in Nigeria, arguing that revitalizing traditional oath practices could strengthen moral accountability in governance. Similarly, Oladipupo (2021) critiques the mismatch between imported legal forms and indigenous moral logics, and suggests that Yoruba oaths to gods like Ogun or Sango still evoke visceral fear, unlike modern oaths diluted by the possibility of divine forgiveness. However, Muazu (2022) cautions against romanticizing these practices, showing how traffickers exploit fear-laden rituals to silence victims of human trafficking. These studies collectively emphasize that the efficacy of oaths lies in their symbolic traction - rooted in belief systems, cultural memory, and the fear of immediate spiritual consequences.

Oath-Taking and State Performance: Ritualized Struggles for Legitimacy

In Sierra Leone and similar African societies, oath-taking rituals illuminate the symbolic struggles between the formal state and customary authorities. The formal state, drawing on Abrahamic sacred texts like the Bible and Quran, attempts to sacralize legal processes and bolster its institutional credibility. Yet as observed in Sierra Leonean courtrooms, these rituals often fail to generate moral seriousness. This symbolic thinness contrasts sharply with customary settings, where oaths are embedded in spiritually saturated spaces - family compounds, shrines, and ancestral sites. In these settings, fear is not an abstract moral deterrent but a lived and embodied reality. Witnesses speak under the gaze of elders and kin, invoking ancestral forces believed to exact swift and devastating punishment for perjury. The difference lies not only in the objects used, but in the affective fields within which rituals unfold.

The layered hybridity of Sierra Leone's legal system often surfaces the entanglement of formal state and a traditional state centered around paramount chieftaincies in the country. These entanglements often result in a phenomenon Bourdieu (1991) might describe as symbolic violence - the imposition of one moral order over others.

Mbembe's (2019) critique of state sovereignty as ritualized violence also resonates here. In situations where formal rituals fail to command belief, the state's reliance on punitive enforcement reveals its symbolic fragility. Meanwhile, customary systems, though not immune to abuse, retain affective and moral traction precisely because they are believed and feared.

Ritual Efficacy and the Politics of Fear

What emerges from both classical and contemporary African scholarship is a crucial insight: rituals achieve legitimacy not through procedural repetition but through symbolic or sacral resonance. In Sierra Leone, as in other African societies, the failure of formal oaths to compel honesty is not a procedural flaw but a crisis of belief. As Bell (1992) and Fischer-Lichte (2008) argue, rituals are performances evaluated by participants for their authenticity and moral seriousness. When legal rituals fail to embed themselves in the moral and cosmological frameworks of communities, they risk being perceived as hollow performances.

This contrast is reinforced by comparative studies across Africa. Nana (2020), Uwaezuoke and Udominyang (2023), and Ani and Oyon (2024) document how traditional oaths remain powerful precisely because they mobilize fear - fear of ancestral wrath, communal dishonor, and spiritual consequence. The stakes are not abstract or deferred; they are immediate and embodied, and in the process sustain a moral seriousness that the formal state struggles to replicate.

Gaps in the Literature and Contributions of This Study

Although the existing literature provides valuable insights into the symbolic, affective, and procedural dimensions of oath-taking, several critical gaps remain in understanding its operation within plural legal systems, especially in African contexts. Classical theorists such as Durkheim (1912) and Douglas (1966) have illuminated how rituals bind communities through sacredness and fear, yet their analyses were largely confined to homogenous societies where legal and spiritual systems are tightly aligned. Contemporary scholars including Bourdieu (1991) and Bell (1992) extend these insights by framing rituals as strategic performances of power, but their work offers limited engagement with contexts where formal state systems and customary moral orders coexist and compete.

African-focused studies have begun to address these complexities but often approach formal and customary legal systems as separate domains. For example, Nana (2020) and Uwaezuoke and Udominyang (2023) highlight the enduring moral seriousness of indigenous oath practices and their ability to enforce accountability through fear of ancestral punishment. Similarly, Adediran

(2022) and Oladipupo (2021) argue for the revitalization of traditional oaths as tools for curbing elite impunity and corruption. While these contributions are significant, they tend to present formal legal systems as inert or ineffective by contrast, offering little analysis of how their rituals are experienced or how citizens navigate and evaluate both systems in lived practice. This binary framing obscures the hybrid legal realities in countries like Sierra Leone, where citizens often move between courtrooms and customary spaces and where the moral weight of oaths is negotiated across overlapping sacred and bureaucratic orders.

Furthermore, studies such as Mbembe's (2019) critique of postcolonial state rituals have focused on highly visible spectacles of sovereignty - parades, trials, and public performances of state power. Less attention has been paid to the everyday rituals of governance, such as oath-taking, that occur in courtrooms and village barracks. These seemingly mundane practices are nonetheless critical sites where institutional legitimacy and moral authority are constructed, tested, and sometimes undermined.

This study contributes to filling these gaps by pointing up oath-taking as a diagnostic ritual of moral architectures in Sierra Leone's plural legal system. It moves beyond dichotomous accounts of "tradition" versus "modernity" to illuminate how formal and customary systems mobilize sacredness and fear differently, with distinct implications for their perceived efficacy and legitimacy. The ethnographic approach adopted allows for a fine-grained analysis of participants' experiences, capturing how religion and fear operate as affective forces that shape the moral seriousness of truth-telling across legal contexts.

3. METHODOLOGY

This study employed a qualitative, interpretive methodology situated within legal anthropology and sociological research traditions. Recognizing oath-taking as both a procedural and symbolic act, the study explored how religion and fear shape perceptions of truth and moral accountability in Sierra Leone's plural legal system. The research treated oaths as both legal formalities and ritual performances through which institutional authority and communal values are negotiated.

Research Design and Rationale

A qualitative approach was adopted for its capacity to capture the depth and complexity of participants' experiences, perceptions, and emotions (Creswell, 2017; Flick, 2018). This design was particularly suited to exploring the affective and symbolic dimensions of oath-taking, which often elude quantification. Situated within an interpretive paradigm, the study assumed that meanings around oaths are socially constructed, context-dependent, and mediated through interactions between legal and cultural systems.

Legal anthropology provided a conceptual framework for understanding oath rituals as "total social facts" (Mauss, 1967), reflecting economic, spiritual, and political dimensions. This perspective highlights the symbolic weight of oaths in formal courtrooms and customary settings, a process that enables an analysis of their performative power and social resonance.

Study Sites and Sampling

Fieldwork was conducted in four purposively selected districts: Freetown, Western Area Rural, Bombali, and Bo. These sites were chosen for their socio-cultural diversity and the coexistence of formal and customary legal authorities.

- Freetown, as the capital, offered insights into highly standardized formal justice rituals.
- Western Area Rural provided peri-urban perspectives where both systems overlap significantly.
- Bombali and Bo, largely rural districts, revealed the persistence of ancestral and customary oaths in community-based dispute resolution.

Participants were selected using purposive and snowball sampling techniques (Ritchie & Lewis, 2003), ensuring representation from key stakeholder groups. Three categories of participants formed the core of data collection:

1. Judicial Experts: Eleven semi-structured interviews were conducted with judges, barristers, and court officials.
2. Key Informants: Eleven interviews were held with priests, imams, chiefs, and elders who administer or witness oath rituals in their communities.
3. Community Members: Twelve focus group discussions (FGDs) involved ordinary citizens reflecting on their experiences and perceptions of oath-taking in both systems.

This triangulation of perspectives allowed the study to capture institutional, spiritual, and communal dimensions of oath-taking.

DATA COLLECTION METHODS

Semi-Structured Expert Interviews

Interviews with judicial officials explored procedural details of formal oath administration, including the selection of sacred texts, provision for affirmations, and institutional approaches to perjury. Open-ended questions allowed respondents to reflect on challenges posed by religious diversity and their perceptions of the moral seriousness of formal oaths.

Key Informant Interviews

Interviews with religious and customary authorities provided insights into the spiritual logics underpinning oath practices. Chiefs and elders described the rituals they administer, the sacred objects employed, and their beliefs about ancestral enforcement of

truth. Religious leaders discussed theological perspectives on oaths and their place in contemporary justice systems.

Focus Group Discussions (FGDs)

Twelve FGDs, comprising 6–10 participants each, were conducted across the four districts. Discussions explored communal attitudes towards oath-taking, perceptions of fear, and comparative assessments of formal and customary systems. FGDs also illuminated how gender, age, and locality influence experiences of oath rituals.

Ethnographic Observation

Complementing interviews and FGDs, the researchers attended courtroom proceedings and community oath ceremonies. Observations focused on ritual choreography, the spatial organization of actors, and the affective atmospheres of fear, solemnity, or skepticism. Detailed fieldnotes captured the interplay of speech, gesture, and material culture in constructing the authority of oaths.

Data Analysis

Thematic analysis was employed to make sense of the qualitative data (Braun & Clarke, 2006). Three analytical categories structured the process:

1. Ritual Objects: Sacred texts, ancestral relics, and their perceived efficacy.
2. Ritual Spaces: The influence of physical and symbolic settings on ritual authority.
3. Ritual Choreography: The performance of truth-telling as a moral and institutional act.

Reflexivity and Positionality

The research team's composition brought complementary perspectives that enriched the study's insights. The first researcher, a sociologist with over two decades of ethnographic experience, offered deep familiarity with Sierra Leonean cultural practices and sensitivity to local cosmologies.

The second researcher, a lawyer, provided insider knowledge of courtroom procedures and legal frameworks, facilitating access to formal judicial spaces.

These positionalities shaped field interactions in complex ways. The lawyer's proximity to formal systems sometimes provoked cautious responses from judicial participants, while the sociologist's long-standing relationships in rural communities enabled greater openness in discussions of customary practices. Reflexive journals were maintained to document these dynamics, acknowledging how researcher identities influenced both access and interpretation. This practice aligns with Hammersley and Atkinson's (2019) call for continuous reflexivity in qualitative research.

Ethical Considerations

Informed consent was secured from all participants. Pseudonyms are used throughout to protect confidentiality. Special sensitivity was exercised when discussing spiritually charged practices. Community entry was negotiated with local leaders, and the researchers adhered strictly to cultural protocols.

Limitations and Mitigation

Two limitations warrant mention. First, the sensitive nature of oath-taking meant some participants were reluctant to discuss certain rituals fully. This was mitigated through prolonged engagement and reliance on key informants trusted within their communities. Second, linguistic diversity occasionally required interpreters, raising concerns about nuance loss. To address this, bilingual researchers cross-checked translated transcripts for accuracy.

4. FINDINGS

4.1. Religious Foundations of Oath-Taking

Religion stands as the cornerstone of oath-taking in Sierra Leone's justice systems, serving as the moral axis around which both truth-telling and institutional legitimacy revolve. Yet, the religious anchors of formal and informal systems diverge in form and meaning - one grounded in legal standardization, the other in cultural flexibility and spiritual immediacy.

4.1.1 Sacred Texts and Legal Uniformity in Formal Justice

In formal courts, oath-taking is highly standardized, centering on the Bible and Quran as the sacred texts that confer moral and legal authority. Witnesses are first asked to declare their religious affiliation, after which they are handed the appropriate holy book and instructed to swear while raising their right hand. A registrar at Waterloo Magistrate Court described this process:

"When you stand in the dock, the registrar gives you the Bible or Quran. You place your left hand on it and raise your right hand. You repeat: 'I swear to tell the truth, the whole truth, and nothing but the truth.' It is done in Krio if the witness doesn't understand English" (Expert Interviews, EI-005).

This ritual carries both legal weight and a performative invocation of divine authority. A judge elaborated on the sacred atmosphere created in courtrooms:

"The presence of the book, the robes, the elevated bench - all these things remind witnesses that this is sacred. They are speaking

under God's watch"

(Expert Interviews, EI-002).

However, cracks in this standardized ritual emerge around inclusivity. Affirmations, legally permitted for individuals who reject religious oaths, are seldom requested or understood. A court official in Freetown admitted:

"We are told to allow affirmations, but hardly anyone asks for it. Some of us are unsure about how to do it properly. Most people just take the Bible or Quran even if they don't believe" (Expert Interviews, EI-007).

This reliance on Abrahamic texts marginalizes individuals from indigenous spiritual traditions, as well as atheists or agnostics. A focus group participant in Cline Town expressed frustration:

"Some people are not Christians or Muslims, but the court forces them to swear on the Bible or Quran. They take the oath, but it means nothing to them"

(FGDs, FGD-002, P6).

4.1.2 Sacred Objects and Spiritual Resonance in Customary Justice

In Sierra Leone's customary justice systems, oath-taking is notably more adaptive and spiritually grounded. Chiefs and elders regularly modify rituals to reflect the diverse beliefs of their communities, allowing participants to engage meaningfully with the act. A Temne chief from Mountain Court explained:

"Not everyone here is Christian or Muslim. If they reject the holy books, we ask what they believe in. They might bring a sacred stone, water from the river, or even a cow head wrapped in red cloth. These objects carry the power of the ancestors"

(Key Informant Interviews, KI-003).

This flexibility ensures participation and amplifies the perceived gravity of the oath. A Soso chief recounted:

"People fear traditional oaths more because if they lie, sickness or death can follow quickly. The Bible and Quran are respected, but our oaths are feared"

(Key Informant Interviews, KI-004).

Focus group participants echoed this sentiment across multiple locations. In Aberdeen, one man observed:

"In the traditional courts, even if someone is not religious, they will fear swearing on a stone or drinking water mixed with kola nut. That fear makes people tell the truth"(FGDs, FGD-005, P7).

And from York Village, a woman added:

"We prefer the local courts because they let people swear on what they believe. Some people respect the Bible and Quran; others fear the pot or the red cloth more"

(FGDs, FGD-006, P3).

These practices position customary oath-taking not as a mere procedural step but as a spiritual covenant, deeply embedded in ancestral and communal frameworks. By accommodating diverse belief systems, customary courts reinforce the moral weight of testimony and sustain their relevance in Sierra Leone's plural legal landscape.

4.1.3 Divergent Moral Architectures: Formal vs Informal Systems

The contrast between Sierra Leone's formal and informal justice systems reflects divergent moral architectures. Formal courts derive authority from codified laws and institutional rituals, embedding truth-telling within state-sanctioned procedures. In contrast, customary systems root authority in communal values and spiritual beliefs, which makes their oaths feel more immediate and culturally binding.

A Mende chief succinctly captured this difference:

"In court, they say you lie, you face the law. Here, we say you lie, the ancestors will deal with you"

(Key Informant Interviews, KI-005).

This distinction is reinforced in community perspectives. A focus group participant in Waterloo observed:

"The court is about papers and judges. In the local system, people fear because the ancestors see everything. You can hide from man but not from the spirits" (FGDs, FGD-007, P2).

Legal officials also acknowledged this difference, with one judge noting:

"The formal system relies on procedures, evidence, and punishment through the law. But in the informal system, people believe in immediate consequences from spiritual forces" (Expert Interviews, EI-004).

These narratives highlight how religion in the two systems operates not merely as a tool for affirming truth but as a marker of where ultimate authority resides - within the state's institutional apparatus or the community's moral and spiritual universe.

4.2 Fear as a Driver of Truth-Telling (Fully Enriched)

Fear is perhaps the most potent thread running through Sierra Leone's oath-taking practices. While religion supplies the sacred texts and symbols, it is fear - of divine punishment, ancestral retribution, or legal sanction - that transforms oath-taking from a ritual into a powerful mechanism of truth enforcement. Yet, the form and immediacy of fear differ sharply between formal and informal justice systems, reflecting distinct moral universes.

4.2.1 Fear in Formal Justice: Distant Yet Symbolic

In the formal courts, fear is layered in religious belief and legal authority, but its force is often deferred rather than immediate. Witnesses swear on the Bible or Quran, and this act is presumed to bind their conscience to God's judgment. A registrar at a High Court explained this reliance on divine surveillance:

"When people take the Bible or Quran, it is believed they know God is now the judge. Even if they escape the court, God will punish them in life or after death"

(Expert Interviews, EI-006).

Judges emphasized the moral weight of the ritual but acknowledged its limitations. One stated:

"The robes, the court's solemnity, and the holy book all create an aura. But we are not naïve; some people take the oath and still lie because they fear neither God nor man" (Expert Interviews, EI-001).

Legal deterrents, such as perjury charges, exist on paper but are rarely enforced. A magistrate noted:

"We have laws against perjury, but how many cases do you see prosecuted? Witnesses know the system moves slowly, so fear of legal punishment is weak"

(Expert Interviews, EI-009).

This perception was echoed in focus groups. A participant in Cline Town observed:

"In the formal courts, people swear on the Bible or Quran, then leave and boast they were not caught. They know the law is slow, and the police won't follow up"

(FGDs, FGD-004, P5).

Such accounts suggest that fear in the formal system functions more symbolically than as an immediate deterrent.

4.2.2 Fear in Customary Justice: Immediate and Embodied

In contrast, customary courts wield fear as a visceral and culturally embedded tool. Chiefs and elders administer oaths using objects believed to hold ancestral power - stones, pots, water, kola nuts, or red cloths. Violating these oaths is thought to invite swift and devastating consequences. A Soso chief shared a chilling example:

"We had a man swear on a sacred stone. Two days later, he fell sick and started bleeding from his nose. He died within the week. Now, people in the community say, 'If you lie on that stone, it will kill you'" (Key Informant Interviews, KI-004).

FGD participants also highlighted the immediacy of such punishments. A woman in York Village remarked:

"You don't wait for a lawyer or judge. The spirits act fast. A liar might lose their child or go mad. That fear is enough to make people tell the truth"

(FGDs, FGD-007, P3).

Even symbolic gestures carry deep weight. A chief described a ritual where a witness was made to step over a pot:

"If the pot breaks after you step over it, you are guilty. If not, you are free. People fear this more than any police or court" (Key Informant Interviews, KI-002).

4.2.3 Fear as Social Pressure and a Double-Edged Sword

Yet, fear in customary justice is not always benign. Chiefs acknowledged that it can be weaponized, leading to coercion or manipulation. One explained:

"Sometimes witnesses are forced to swear on things they don't understand. They agree out of fear, even if they are innocent" (Key Informant Interviews, KI-006).

Focus group participants shared similar concerns. In Aberdeen, a man recounted:

"A chief used the fear of a pot oath to make a witness confess. Later, the community found out the chief favored the other side. Fear works, but it can also destroy innocent people" (FGDs, FGD-005, P4).

These narratives highlight the double-edged nature of fear - it enforces honesty but can also compromise agency and fairness when wielded by powerful actors within local systems.

4.3 Comparative Efficacy of Formal and Informal Oaths

The findings reveal a striking contrast between formal and informal justice systems in Sierra Leone regarding the perceived strength and effectiveness of oath-taking. While both systems deploy ritual and authority to compel truth-telling, their efficacy is judged differently by communities, reflecting divergent moral and institutional architectures.

4.3.1 Formal System: Authority by Law, Fragility in Practice

In the formal justice system, the efficacy of oaths is tied to institutional authority, legal codes, and the symbolic weight of sacred texts. Witnesses are expected to internalize the gravity of swearing on the Bible or Quran and to fear the legal consequences of perjury. A registrar in Freetown explained:

"The system assumes people will fear the law and God. When they take the Bible or Quran, it is a sacred act that should stop them from lying" (Expert Interviews, EI-002).

Judges emphasized that the court's physical setting - robes, police presence, elevated benches - adds to the seriousness of the oath.

A magistrate observed:

“These symbols make witnesses realize they are in a sacred space where their words matter” (Expert Interviews, EI-004).

Yet, this authority often fails to translate into practice. The slow pace of legal processes, rarity of perjury prosecutions, and perceptions of corruption erode public trust. A focus group participant in Cline Town noted:

“People swear on the Bible and Quran in the high court, then walk out and laugh. They know nothing will happen unless someone pushes for it”

(FGDs, FGD-002, P5).

4.3.2 Informal System: Authority by Culture, Fear, and Immediate Consequences

By contrast, customary courts derive their strength from cultural legitimacy and fear of swift spiritual retribution. Oaths administered on sacred objects - stones, pots, water, kola nuts - are seen as binding in ways that transcend human enforcement. A Temne chief explained:

“Our oaths are not about the law. They are about the ancestors and spirits who see everything. If you lie, you may not see the next harvest”

(Key Informant Interviews, KI-004).

FGD participants echoed this belief in immediacy and inevitability. A woman in York Village stated:

“You lie under a traditional oath, and within days your child may fall sick, or you yourself may die. That’s why people fear this more” (FGDs, FGD-006, P3).

These perceptions give customary oaths a level of effectiveness that formal systems struggle to match. A Soso chief shared an anecdote:

“A young man lied under oath in my court. The next week, he lost his voice and could not speak again until he confessed and begged the ancestors”

(Key Informant Interviews, KI-005).

4.3.3 Hybrid Practices: Points of Convergence

Interestingly, some courts are experimenting with hybrid practices, blending formal and customary elements. A Makeni court clerk described situations where formal courts have permitted traditional oaths when witnesses or complainants insisted:

“There are cases where the judge allows a native oath in addition to the Bible or Quran, especially when both parties agree” (Expert Interviews, EI-007).

This pragmatic convergence acknowledges the perceived moral seriousness of traditional oaths, though it raises questions about consistency and fairness within the formal legal system.

4.3.4 Community Perceptions: Formality vs. Fear

The contrasting efficacy of these systems is summarized succinctly by a focus group participant in Aberdeen:

“Formal oaths are respected because of the law, but feared less. Traditional oaths are feared more because you see the punishment with your own eyes” (FGDs, FGD-005, P4).

This dichotomy reflects how formal systems project institutional authority, while customary systems draw on culturally grounded moral forces that are seen as more effective at enforcing truth-telling.

5. DISCUSSION AND CONCLUSION

5.1. Summary of Findings

This study examined the moral architectures of oath-taking within Sierra Leone’s plural legal system, revealing three interrelated findings. First, religion remains a critical anchor in both formal and customary justice systems, yet these systems mobilize sacred resources in fundamentally different ways. Formal courts standardize rituals around Abrahamic texts - the Bible and Quran - seeking to sacralize legal testimony within universalized religious forms. In contrast, customary courts adapt oath rituals to diverse local cosmologies, they employ ancestral relics, sacred stones, and other spiritually charged objects that resonate deeply with participants’ worldviews.

Second, fear emerged as a powerful mechanism of truth enforcement, though its nature varies across systems. In formal courts, fear operates symbolically and is deferred, tied to divine judgment or the possibility of legal sanction. Customary systems evoke immediate, embodied fear of ancestral punishment, illness, or social disgrace, embedding moral accountability within the fabric of everyday life.

Third, the perceived efficacy of oaths reflects these differences: formal oaths are often regarded as bureaucratic gestures that lack moral seriousness, while customary oaths are widely feared and respected as spiritually potent deterrents. Together, these findings reveal oath-taking as a diagnostic ritual that exposes the divergent moral architectures of plural legal systems and the contested terrain of institutional legitimacy in Sierra Leone.

5.2. Ritual Efficacy in Plural Systems

The efficacy of oath rituals in Sierra Leone reflects the broader tension between universalizing legal systems and culturally embedded moral practices. Formal courts' reliance on sacred texts mirrors Weber's (1922) analysis of legal rationalization, where rituals are standardized to ensure procedural uniformity and institutional credibility. This approach assumes that invoking God's authority through the Bible or Quran will bind the conscience of witnesses. Yet, as Asad (1993) observes, such secularization of religious rituals often strips them of affective depth, and transforms the sacred performances into mere procedural steps.

Fieldwork revealed that witnesses frequently comply with formal oaths out of obligation rather than conviction. Court officials noted that people take the oath because the court requires it, but many don't believe the words carry any weight outside the courtroom. This sentiment exemplifies Bourdieu's (1991) notion of symbolic violence: the imposition of a moral order that lacks cultural legitimacy, rendering rituals performative but not transformative.

By contrast, customary systems exhibit a high degree of ritual adaptability. Chiefs and elders negotiate sacred forms with participants, drawing on local cosmologies to ensure that oaths resonate spiritually. This flexibility echoes Douglas's (1966) insight that rituals gain their power from their capacity to engage deeply held beliefs about pollution, danger, and sacredness.

Uwaezuoke and Udominyang (2023) describe a similar phenomenon in Anaang communities, where oath-taking functions as a moral covenant reinforced by ancestral presence. Nana (2020) similarly highlights how Niger Delta communities continue to rely on traditional oaths to manage resource disputes, and how they view them as more binding than state law. This study extends these insights by situating Sierra Leone's practices within a plural legal landscape where ritual efficacy depends not only on tradition but also on how well rituals align with participants' lived cosmologies.

5.3. Fear and Moral Accountability

Fear was found to be the linchpin of oath-taking's moral force. Yet its manifestation diverges sharply between systems. In formal courts, fear is largely symbolic, tied to notions of divine surveillance and the distant possibility of perjury prosecution. However, participants expressed skepticism about the efficacy of such deterrents. Court officials admitted that they rarely prosecute perjury, and that people know they can lie and walk free. This reflects Adediran's (2022) critique of the erosion of moral accountability in formal legal systems, where weak enforcement undermines the authority of ritual.

Customary systems, on the other hand, wield fear as an immediate, embodied experience. Participants recounted numerous stories of individuals who fell ill, suffered misfortune, or even died after violating traditional oaths. These narratives align with Ani and Oyon's (2024) findings among the Izzi people, where traditional oaths enforce truth by invoking swift spiritual punishment.

However, the study also highlights the ambivalence of fear as a regulatory mechanism. While fear compels honesty, it can also function as a tool of coercion. Chiefs acknowledged using fear strategically to pressure confessions, sometimes leading to wrongful admissions of guilt. This finding parallels Muazu's (2022) warning about fear-based oaths being exploited by traffickers in West Africa to silence victims. Thus, while fear ensures compliance, it also raises critical ethical questions about agency and justice in customary systems.

Oladipupo (2021) argues for revitalizing traditional oaths to address corruption in Nigeria, emphasizing their effectiveness. This study complicates such arguments by showing how fear's efficacy can coexist with its potential for abuse. Fear, as revealed here, is a double-edged sword: a guarantor of truth and a possible vector of injustice.

5.4. Symbolic Fragility of the State

The symbolic fragility of Sierra Leone's formal justice system emerges starkly from this study. Despite the solemnity of courtroom rituals - the robes, elevated benches, sacred texts - formal oaths are often perceived as performative rather than transformative. This perception reflects a broader crisis of institutional legitimacy in postcolonial governance, where rituals fail to anchor moral seriousness. Mbembe's (2019) depiction of postcolonial states as theatres of sovereignty resonates here. When symbolic performances lose credibility, the state's reliance on coercive enforcement is revelatory of its fragile moral authority.

Customary systems, by contrast, retain their symbolic capital through spiritual embeddedness and community surveillance. Fear of ancestral retribution reinforces the authenticity of oath rituals and sustains moral accountability. Bell's (1992) framing of ritual as a strategic practice is instructive: customary systems' success lies in their ability to align ritual performance with participants' moral universes, a process that embeds authority within credible cultural frames.

This divergence challenges binary conceptions of "modern" and "traditional" justice systems. Instead, it reveals a hybridized legal landscape where overlapping moral orders negotiate legitimacy. Oath-taking, as this study demonstrates, becomes a key site for observing how these negotiations play out in everyday practice.

CONCLUSION

This study has shown that oath-taking in Sierra Leone's plural legal system operates as a critical site where religion, fear, and law intersect to enforce truth and negotiate authority. By juxtaposing the formal legal system's standardized, Abrahamic rituals with the customary system's culturally adaptive practices, it illuminates how divergent moral architectures shape ritual efficacy and institutional credibility.

Three key insights emerge. First, rituals succeed or fail not by virtue of their formal structure but through their capacity to embed

within participants' moral and spiritual lifeworlds. Second, fear functions as both a powerful guarantor of truth and a potential mechanism of coercion, requiring careful ethical scrutiny. Third, the symbolic fragility of formal legal rituals underscores broader challenges of legitimacy in postcolonial governance.

Conceptually, the study extends theories of ritual and symbolic power (Bourdieu, 1991; Bell, 1992; Mbembe, 2019) by showing how plural legal systems negotiate authority through competing sacred and bureaucratic forms. Empirically, it contributes to African legal anthropology by offering an ethnographically grounded analysis of how Sierra Leoneans experience and evaluate these rituals. Practically, it highlights the need for legal reforms that engage cultural diversity while safeguarding against the coercive potential of fear-based practices.

Future research should explore how gender and class shape experiences of oath-taking, particularly given women's unique vulnerabilities in both systems. Comparative studies across African legal pluralisms could also deepen understanding of shared patterns and local specificities in the ritual politics of truth and accountability.

Ultimately, this study reframes oath-taking not as a minor procedural act but as a symbolic battleground where the state and the kin-community vie for moral supremacy in the quest for justice.

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