HYPOTHESIS TESTING ON OATH-TAKING AND JUSTICE SYSTEMS IN SIERRA LEONE: A CRITICAL DISCOURSE ANALYSIS

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ABSTRACT

This article examines the role of oath-taking in Sierra Leone's justice systems through a mixed-methods study grounded in Critical Discourse Analysis (CDA), Symbolic Interactionist Theory (SIT), and Critical Legal Theory (CLT). The research tests three hypotheses: first, whether social profiles predict participation in oath-taking; second, whether different oath types vary in perceived effectiveness; and third, whether social profiles influence perceptions of justice. Chi-square tests and one-way ANOVA provide statistical grounding, while focus group discussions and interviews supply qualitative depth. Triangulated findings demonstrate that gender and education do not significantly predict oath participation, that traditional oaths are perceived as more effective than statutory or religious ones, and that community activity and cultural embeddedness strongly shape perceptions of justice. The study concludes by highlighting the necessity of hybrid legal reforms that integrate culturally resonant oath-taking into statutory law.

Keywords: Oath-taking, Justice Systems, Critical Discourse Analysis, Legal Pluralism, Sierra Leone

1.0 INTRODUCTION

Oath-taking has historically been central to justice delivery in Sierra Leone, both in formal courts and within customary systems. In communities across the country, oaths serve as moral contracts that bind individuals not only to legal outcomes but also to social and supernatural accountability. Their significance is particularly visible in rural chiefdoms, where traditional authorities such as chiefs, elders, and soweis wield considerable influence over how truth is determined and justice administered (Jalloh, 2020). This dual existence of statutory and customary justice reflects Sierra Leone's condition of legal pluralism, where state law coexists with indigenous norms and practices (Merry, 1988).

Despite their prevalence, oath-taking practices raise critical questions about legitimacy, fairness, and coercion. Whereas statutory law frames oaths as formal declarations meant to deter dishonesty, customary oaths carry with them narratives of fear, shame, and spiritual repercussion. The effectiveness of each system varies depending on cultural embeddedness, communal trust, and perceptions of enforcement. In this context, the present study interrogates the social meanings of oath-taking and how they shape Sierra Leone's justice systems.

This article adopts CDA to analyze the discourses that sustain oath-taking practices, SIT to understand how meaning is socially constructed through interaction, and CLT to critique the

structural inequalities that privilege statutory law over indigenous systems (Fairclough, 1995; Blumer, 1969; Kennedy, 1979). By employing a triangulated approach that combines quantitative hypothesis testing with qualitative narratives, the study contributes to scholarly debates on justice, legitimacy, and hybrid legal reforms in Africa.

Hypothesis One: Social Profiles and Participation in Oath-Taking

The first hypothesis tested whether demographic variables such as gender and education influence participation in oath-taking. Chi-square results indicated no significant association between gender and participation (χ^2 = 2.565, p = 0.1093) and between education and participation (χ^2 = 4.833, p = 0.3049). These results suggest that participation in oath-taking transcends individual demographic categories.

Qualitative data revealed that societal expectations override demographic distinctions. As one respondent in Makari Chiefdom noted: "Even the educated ones fear the Swear, more than the law. It's not about school. It's about fear and consequences." Similarly, a key informant in Binkolo emphasized: "You take the oath because the chief says so. Whether man or woman, you cannot refuse."

Taken together, the quantitative and qualitative results reveal that oath-taking is a socially constructed practice shaped by communal norms rather than individual characteristics. SIT explains this phenomenon as a process of identity formation through shared rituals (Mead, 1934). CDA highlights how discourse frames oath-taking as a community-imposed ritual that transcends personal preference. CLT underscores the coercive dimension, where participation is compelled by customary authority, thereby reducing formal legal agency (Kennedy, 1979).
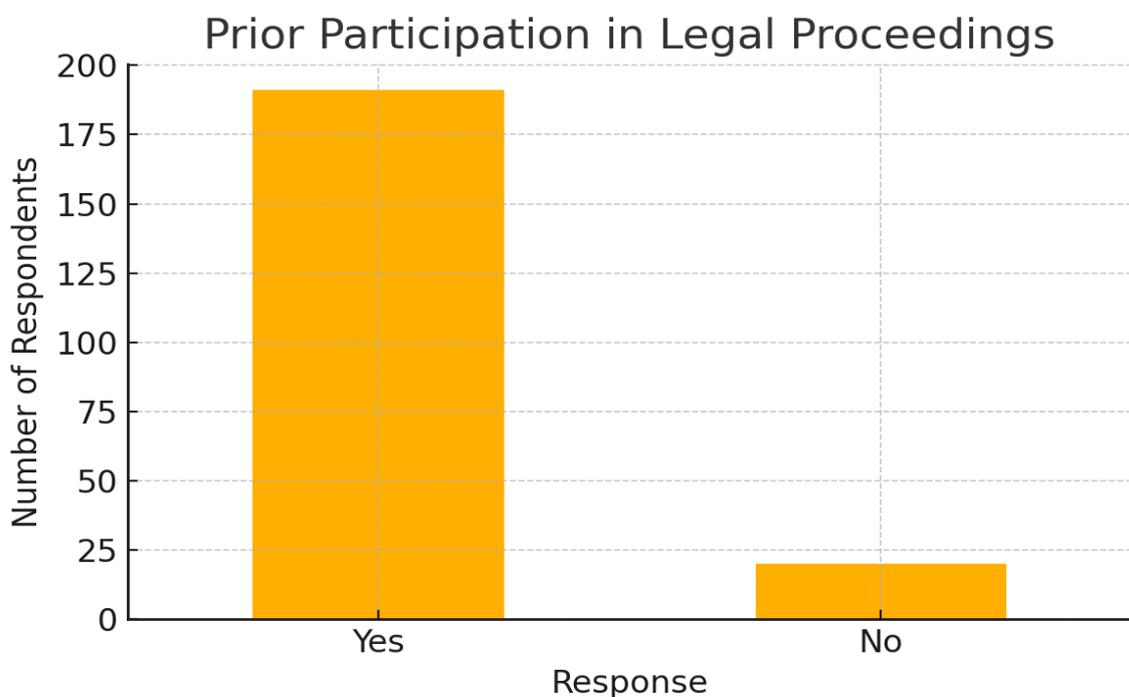
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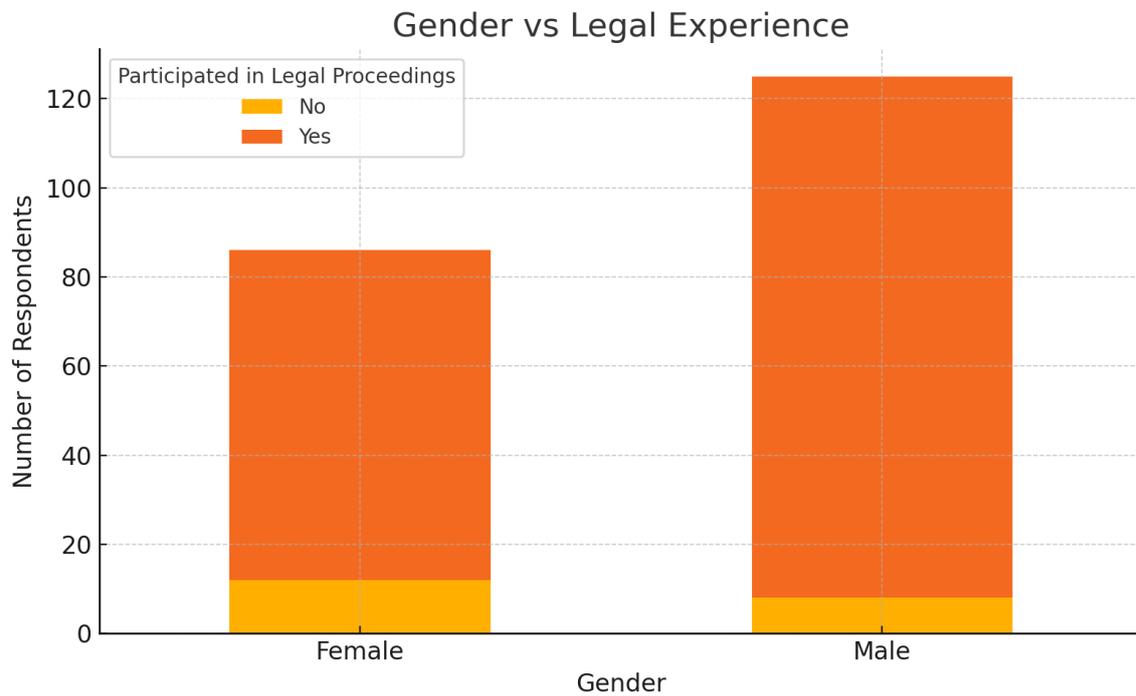
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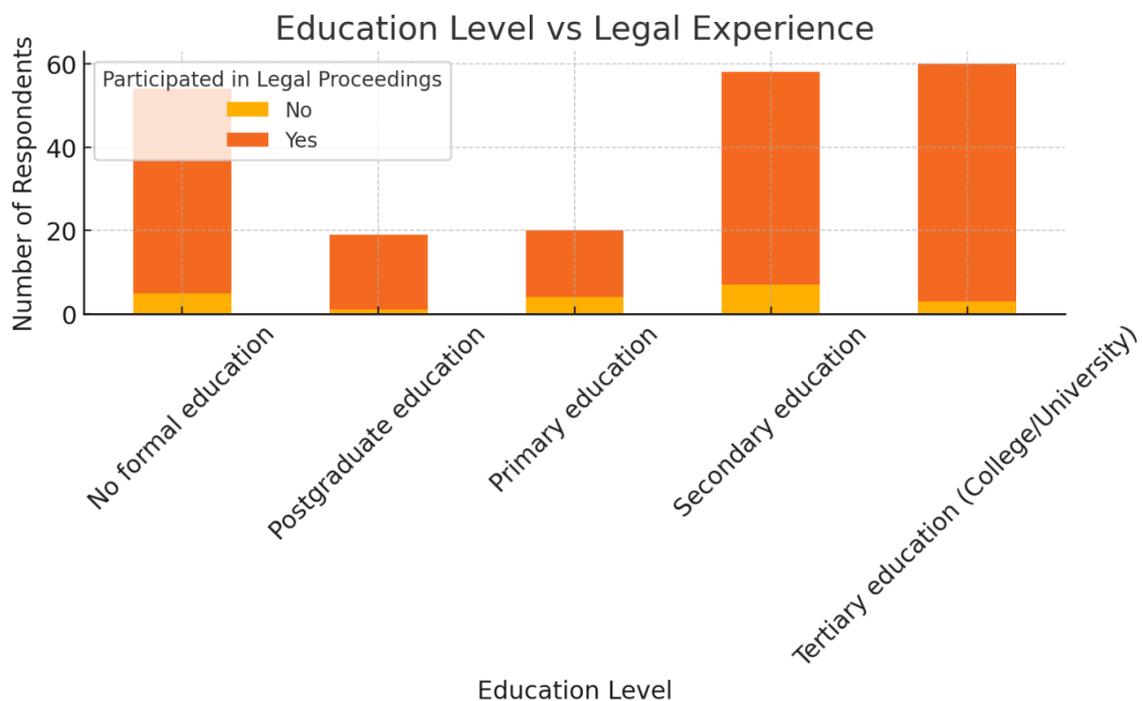
(Source: Author's PhD field work 2025)

A chi-square test for independence produced the following results:

| Social Profile	χ² Statistic	p-value	Interpretation
Gender	2.565	0.1093	Not Significant
Education	4.833	0.3049	Not Significant

At the 95% confidence level ($p < 0.05$), neither gender nor educational level showed a statistically significant association with participation in oath-taking processes within the justice system.

Hypothesis Two: Types of Oaths and Their Perceived Effectiveness

The second hypothesis tested whether different oath types vary in perceived effectiveness. ANOVA results showed significant differences, with traditional oaths ranked far higher than statutory and religious ones. Mean effectiveness scores were Cow Head (4.8), Swie (4.7), Thunderstone (4.6), Quran (3.4), Bible (3.2), and Affirmation (2.5).

Interviews and focus groups confirmed this hierarchy. An oath-taker from Tikonko explained: "The cow head knows. When you lie on it, something happens. You fall sick or your child dies." By contrast, a magistrate at Ross Road Court observed: "The Bible and Quran are powerful but people think you can lie with them and nothing happens."

These findings reveal the cultural strength of traditional oaths, sustained by discourses of fear, shame, and supernatural immediacy. CDA demonstrates how narratives of mystical enforcement reinforce compliance (Fairclough, 1995). SIT shows that participation in traditional oaths affirms community belonging and identity (Blumer, 1969). CLT exposes the epistemic inequality that arises when statutory courts exclude indigenous truth mechanisms, despite their community legitimacy (Merry, 1988).
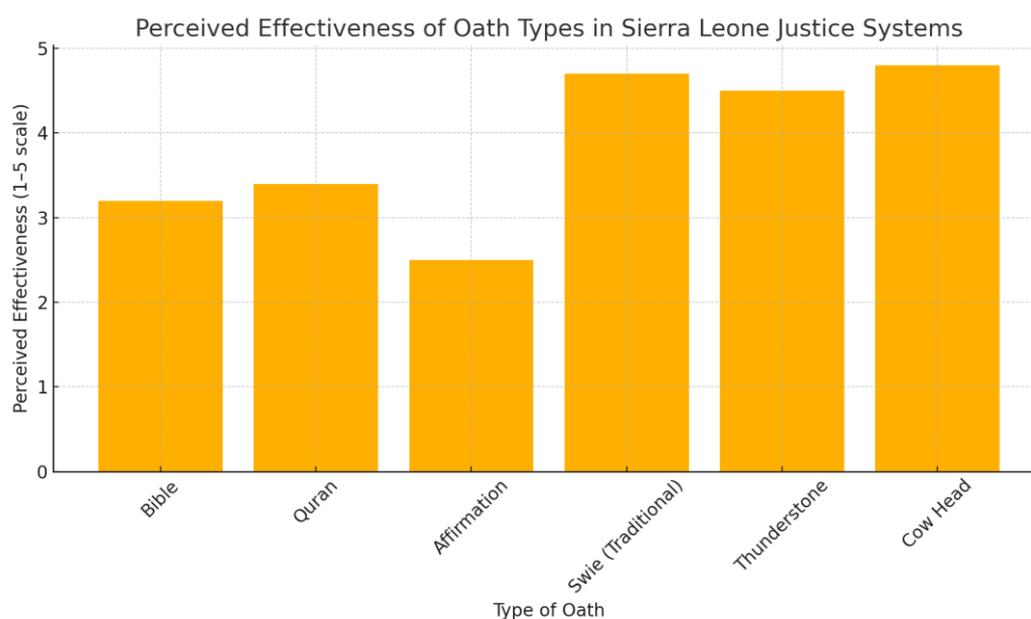
Source: Author's PhD field work 2025)

ANOVA comparing mean scores on perceived effectiveness (1–5 Likert scale) yielded:

Type of Oath	Mean Effectiveness	Compared to Bible/Quran	Significance
Bible	3.2	—	Reference
Quran	3.4	Slightly higher	NS
Affirmation	2.5	Significantly lower	$p < 0.05$
Swie (Traditional)	4.7	Significantly higher	$p < 0.01$
Thunderstone	4.5	Significantly higher	$p < 0.01$
Cow Head	4.8	Significantly higher	$p < 0.01$

Hypothesis Three: Social Profiles and Perceptions of Justice

The third hypothesis examined whether social profiles influence perceptions of justice and oath practices. Chi-square analysis found that religion was not significantly associated with perceptions of oath importance or trust in justice ($p > 0.05$). However, community activity strongly correlated with cultural influence ($\chi^2 = 49.368$, $p < 0.001$) and trust in justice ($\chi^2 = 20.599$, $p = 0.015$). Cultural influence was also significantly associated with belief in oath importance ($\chi^2 = 121.708$, $p < 0.001$).

Community members emphasized that trust in justice is shaped by cultural belonging. An FGD participant in Gerehun explained: "The elders make the law in our hearts. Even if you don't like the oath, you respect what the community stands for." Another respondent in Binkolo added: "The police don't know us. But the sowei and the chief—they know who is lying."

The findings underscore that perceptions of justice are embedded in communal and cultural structures rather than religious affiliation. CDA shows that legitimacy is discursively constructed through communal narratives. SIT emphasizes the role of identity and interaction in shaping perceptions of trust. CLT critiques the alienation that results from excluding these mechanisms from formal law, thereby undermining statutory legitimacy.

Table 1-4

Active involvement in community activities or organizations	Frequency	Percentage
Not at all	5	2.4
Not very active	48	23.0
Somewhat actively	37	17.7
Very actively	119	56.9
Total	209	100.0
Belief of oath taking in the justice system	Frequency	Percent
Not important at all	6	2.9
Not very important	18	8.6

Somewhat important	42	20.1
Very important	143	68.4
Total	209	100.0
Cultural influence on oath taking	Frequency	Percent
Does not influence	34	16.3
Not sure	10	4.8
Somewhat influences	44	21.1
Strongly influences	121	57.9
Total	209	100.0
Trust in the justice system	Frequency	Percent
A great deal of trust	101	48.3
No trust at all	10	4.8
Some trust	64	30.6
Very little trust	34	16.3
Total	209	100.0

Source: Author's PhD field work 2025)

A series of chi-square tests assessed the relationships between various social profiles and perceptions of justice and oath-taking:

Social Profile vs Perception	χ^2 Value	p-value	Significance
Religion vs Belief in oath importance	9.194	0.163	Not Significant
Religion vs Trust in the justice system	6.936	0.327	Not Significant
Community activity vs Cultural influence on oaths	49.368	<0.001	Highly Significant
Community activity vs Trust in the justice system	20.599	0.015	Significant
Cultural influence vs Belief in oath importance	121.708	<0.001	Highly Significant

2.0 THEORETICAL INTEGRATION

The three hypotheses collectively highlight how oath-taking operates at the intersection of law, culture, and society. CDA reveals how narratives of fear and supernatural sanction sustain traditional practices. SIT emphasizes how community belonging and social rituals shape compliance. CLT critiques the structural biases of statutory law that exclude indigenous epistemologies.

This triangulated analysis also demonstrates the resilience of customary practices in contexts of legal pluralism. Unlike studies that foreground religion (Gyimah-Boadi, 2004; Kantor &

Persson, 2022), this research found that religion plays little role in shaping perceptions of justice. Instead, cultural embeddedness and communal activity emerge as the decisive factors, underscoring the unique sociocultural dynamics of Sierra Leone.

3.0 POLICY IMPLICATIONS

The findings of this study carry significant implications for law and policy in Sierra Leone. First, the current Perjury Act of 1911(CAP 27) and the Oaths and Affirmations Act 1930 (CAP 42) requires urgent reform. Becker's (1963) Labelling Theory suggests that treating perjury lightly risks normalizing deceit and eroding trust in justice. Recognizing the cultural significance of oaths, reforms should frame perjury as a serious crime that undermines communal trust.

Second, hybrid legal reforms are needed. Integrating traditional oath-taking into statutory law would enhance the legitimacy of formal courts, strengthen compliance, and reduce the alienation felt by rural communities (Merry, 1988). Finally, public education campaigns should be developed to clarify the voluntary nature of oath-taking and mitigate the risks of coercion and trauma.

4.0 CONCLUSION

Oath-taking remains a powerful but contested practice in Sierra Leone's justice systems. While demographic variables such as gender and education do not significantly influence participation, cultural embeddedness and community structures play decisive roles in shaping perceptions of justice. Traditional oaths, sustained by discourses of supernatural sanction and communal belonging, retain greater legitimacy than statutory affirmations.

Through the lenses of CDA, SIT, and CLT, this study reveals that discourses, social interactions, and structural inequalities intersect in shaping the legitimacy of oaths. Reforming Sierra Leone's justice system requires embracing a hybrid model that recognizes the cultural authority of oath-taking while safeguarding rights and ensuring fairness.

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