

## NEGOTIATING TRUTH THROUGH OATHS TAKING IN SIERRA LEONE: A CRITICAL DISCOURSE ANALYSIS

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### ABSTRACT

Oath taking is a truth telling mechanism and also serves as an accountability tool for the Justice system of the Formal and Informal legal frameworks in Sierra Leone. This debate as to whether oaths can be taken to be effective or relevant in this secular world is what this article investigates. Comparing the discourse not only among formal court officials, from the informal justice systems, and with people from more cultural backgrounds. Using Fairclough's three-dimensional model of Critical Discourse Analysis (CDA), which are the textual analysis, social practice, and discursive approach, supported by Symbolic Interactionism Theory (SIT) and Critical Legal Theory-(CLT), the study explores how sacred language, ritual symbolism, and social hierarchies converge to shape justice discourses. Comparative analysis, text analysis, and narrative analysis also come in to make for a more nuanced understanding of oaths in the plural justice system in Sierra Leone. Drawing from 210 survey responses, 22 expert interviews, 12 focus group discussions, and six witness narratives, findings reveal that both systems are dependent on fear as a moral regulator but differ in terms of accessibility, gender inclusivity, and legitimacy. The formal judiciary privileges textual legality, while customary systems privilege embodied spirituality. The article calls for hybrid procedural reforms that integrate cultural authenticity with human rights. It also concludes that the decolonization of justice in Sierra Leone requires transforming compliance based on fear into culturally resonant accountability as the findings show culture more than religion or punishment are the most compelling factors when it comes to truth in oath taking across both systems.

**Keywords:** Oaths, Critical Discourse Analysis, Cultural Legitimacy, Human rights, Decolonization, Legal Pluralism

### 1.0 INTRODUCTION

Oath-taking discourse in Sierra Leone has been dominated by the formal justice system, through its expert officials, elite or literate witness oath-takers, and through the processes which largely exclude and undermine traditions, customs, and practices of the informal justice system practiced by the ethnic population in Sierra Leone. Oath-taking in Sierra Leone operates at the intersection of law, religion, and culture and reflects the country's long-standing coexistence of formal and informal justice systems. The article investigates the most compelling factors that influence oath-taking, ranging from religion, culture, and punishment. In both the formal and informal justice contexts, the oath represents truth, moral integrity, and submission to a higher power. The formal court relies on the Bible, Quran, or affirmation, which is more Eurocentric and borrowed through colonialism, while the informal system invokes ancestral spirits through swie, leaves, kolanuts, thunder or bomb swear, kasila water, or libation rituals,

which have resonated profoundly with ethnic rural persons whose ancestors have carried on such oaths for centuries. Both serve the same purpose: making sure there is truth-telling because of divine or spiritual accountability and the fear of punishment for perjury in the case of the formal justice system.

Despite this common purpose, the discourse is framed differently within the formal justice system and the informal justice system. In the former more emphasis is placed on procedure and the spiritual aspect of the Bible and Quran oaths is merely a token or decoration. More reliance is placed on the punishment of perjury but even now that is almost nonexistent. In the case of the latter the emphasis is on the ritual, ancestry and the sacred divine which binds the community and has instantaneous consequences when violated. Going beyond institutional tensions to discursive ones, inscribed within the language, metaphors, and rituals by which justice is performed brings out the relevance and effectiveness of oaths across both systems. Oath is a very important procedure in the formal justice system but the discourse is less sacred and more of a formality whereas in the informal justice system it is sacred and evokes respect for tradition and authority; the fear for the supernatural. According to Fairclough (1995), discourse reflects and constructs social structure. Thus, analysis of oath-taking as discourse demonstrates the linguistic and ritual ways in which power and legitimacy are produced.

This research is, thus, designed to span the gap between cultural authenticity and legal modernity. It analyses oath-taking as a discursive act which embodies Sierra Leone's hybrid justice system. More specific questions guiding this research include: How do the formal and informal oaths construct truth, regulate behaviour, and reproduce power? The findings have implications for decolonizing justice and strengthening procedural fairness, with a view to safeguarding human rights within culturally grounded legal frameworks.

## 2.0 LITERATURE REVIEW

### 2.1 Oath-Taking, Law, and Truth-Telling

One of the oldest forms of moral assurance that has linked speech and deeds to divine surveillance is an oath (Sorensen, 1956). In Sierra Leone, this practice predates the colonial administration. Alie (1990) and Fanthorpe (2005) document how traditional systems of governance embedded oaths in conflict resolution and the settlement of disputes as the cornerstone of communal justice. Colonial codification of Christian and Islamic oaths instituted a new legal hierarchy that relegated traditional rituals to the "customary" domain.

According to Bangura (2023), this binary—formal versus informal—continues to shape Sierra Leone's justice systems. Both systems rely on fear and belief, but they differ in their symbolic expression: the courtroom emphasizes sacred texts, while the barray—the chief's court—emphasizes sacred performance. This logic parallels Evans-Pritchard's (1937) ethnographic analysis of the Azande, where truth is derived not from empirical evidence but from belief in supernatural enforcement.

### 2.2 Gender, Power, and Symbolic Performance

Language and ritual serve as tools of domination, according to Bourdieu (1991). In the context of Sierra Leone's justice systems, gender and hierarchy determine who takes an oath, who

administers it, and whose voice is considered credible. Brems, Janssens, and Van der Biesen (2015) argue that patriarchal norms embedded in plural legal systems reinforce male dominance and female vulnerability. In informal settings, women are asked to “remove the head tie” as a sign of purity before ancestral spirits—a symbolic act of exposure while in the formal justice system women are made to tie their heads before gaining access to the courts. Although formal courts are gender-neutral on paper, they often replicate elitist hierarchies through rigid procedures and exclusionary language. Mamdani (1996) describes this as “decentralized despotism,” where colonial legacies continue under the guise of local authority.

## 2.3 Legal Pluralism and Hybrid Justice

Griffiths (1986) defines legal pluralism as the coexistence of multiple normative orders within a single social field. Sierra Leone’s justice system embodies this hybridity through the Local Courts Act (2011), which integrates customary adjudication within a statutory framework. Gluckman (1955) observed that this dual system can either stabilize or generate conflict, depending on levels of social trust. Richards (2005) and Bangura (2023) identify hybrid justice as both necessary and contested—chiefs hold moral legitimacy, while magistrates hold procedural authority. Without effective mediation, this dualism risks becoming adversarial rather than complementary.

## 2.4 Fear, Faith, and the Sociology of Conscience

Fairclough (1995) emphasizes that discourse shapes social order by making belief appear natural. Becker (1963) and Lemert (1951) expand on this by explaining that labels like “truth-teller” or “liar” function as moral classifications. In Sierra Leone, fear of divine punishment acts as an “invisible policeman” (Hart, 2018), compelling people to obey where state enforcement is weak. The language of oath-taking—phrases like “burning fire,” “swelling stomach,” and “the spirit will strike”—illustrates how moral authority is symbolically and emotionally embodied to regulate behavior.

## 3.0 METHODOLOGY: CRITICAL DISCOURSE ANALYSIS (CDA)

This study is a mixed methods study which is based on Fairclough’s (1995) three-dimensional model of Critical Discourse Analysis (CDA), and was further supported by Symbolic Interactionism (Blumer, 1969) and Critical Legal Theory (Delgado & Stefancic, 2017). Data collection involved a mix of qualitative and quantitative methods, including 210 questionnaires, 12 focus group discussions, 22 expert and key informant interviews, and six narrative case studies.

The study was conducted in Freetown at Formal Courts and Tribal Court Barrys which was the informal constituent. It was conducted in Bo at Tikinko and Kakua Chiefdoms and Gerehun. For Makeni at the Makarie, Shebora Bombali and Binkolo Chiefdoms targeting witnesses, court officials of Local Courts and other Traditional authorities as well as members of the community. For survey the simple random sampling was used, for expert interviews purposive and convenience sampling was used, and for the key informants snow ball sampling was used.

At the textual level, the study analyzed language and metaphorical expressions, identifying sacred terms such as God, ancestors, spirit, fear, and oath. Metaphors like “swallowing the eyes

of ancestors” and “the oath burns inside the liar” were also examined, alongside performative verbs such as swear, testify, and kneel.

At the discursive practice level, the focus was on who gets to speak, who administers oaths, and how authority is exercised within different justice settings.

At the social practice level, the analysis extended to broader sociocultural structures—including colonial legacies, gender dynamics, and belief systems—that influence the production of meaning.

To ensure validity, the study used triangulation, linking insights from interviews and focus groups with survey data. For example, 72% of respondents believed that traditional oaths were “more effective” than formal ones. CDA helped illuminate how both linguistic rituals and physical performances contribute to moral legitimacy within Sierra Leone’s plural legal systems.

## 4.0 FINDINGS AND THEMATIC ANALYSIS

### Theme 1: The Discursive Construction of Truth in Oath-Taking

#### Point:

In both the formal and informal justice systems of Sierra Leone, “truth” is constructed through the use of sacred language and ritual acts. These practices transform spoken words into moral commitments, binding the individual to divine or ancestral accountability.

#### Evidence:

An imam interviewed in Bo remarked, “When a man says ‘Wallahi’ before the Quran, he has chained himself to Allah’s punishment.”

A traditional chief in Makarie stated, “When one drinks the kasila water, he is swallowing the eyes of his ancestors; if he lies, they will not close in peace.”

A Judge in the Freetown Law Court noted, “The Bible or Quran is not just what compels a witness to say the truth—it is the aura of the Court the robe of the Judge and Lawyers, the witness box adds to the solemnity added to the process of oath taking.”

#### Explanation:

These quotes illustrate that oath-taking goes beyond procedure—it is a symbolic act. From the perspective of Fairclough’s (1995) Critical Discourse Analysis, an oath is a form of language that exercises power and constructs moral order. For example, the metaphor “swallowing the eyes” turns the idea of spiritual oversight into a deeply personal and physical experience. This interpretation resonates with Symbolic Interactionism (Blumer, 1969), where shared cultural meanings—such as those of truth and fear—are reinforced through ritual and language.

#### Evaluation:

Although both systems use sacred elements to validate truth, they differ in how that truth is expressed and perceived. The formal system draws authority from written texts, whereas the traditional system relies on embodied performance. Yet both systems uphold belief as the foundation of legal authority, underscoring Bourdieu's (1991) view that law functions as a moral language in Sierra Leone.

Link:

Therefore, Critical Discourse Analysis confirms that oath-taking generates truth through ritualized language that fuses sacred tradition with legal procedure. This union of word and faith forms the moral core of justice in both systems.

Theme 2: Gender, Power, and Credibility in Oath Administration

Point:

Gendered power dynamics influence who is permitted to take oaths, the manner in which they take them, and how their testimony is judged. These dynamics reinforce structural inequalities in both formal and informal legal systems.

Evidence:

A female witness from Tikonko recalled, "The chief said I must remove my head tie so the spirits could see my heart. The men laughed."

In contrast, a male elder from Binkolo shared, "When I took the oath, everybody was silent; they know I am a man of truth."

An experienced magistrate observed, "Most women are reluctant to take oaths; they fear the gossip and stigma and how it will affect their family."

Explanation:

Critical Discourse Analysis reveals that metaphors like "seeing the heart" and being "a man of truth" are gendered ways of constructing credibility. While women's truth is often visualized and exposed—sometimes humiliatingly—men's truth is vocalized and respected. This dynamic reflects Bourdieu's (1991) concept of symbolic domination, where language and ritual reinforce male authority and female vulnerability. Even in formal legal settings, the supposedly neutral language of English oath-taking masks patriarchal hierarchies embedded in courtroom interactions. Women face stigma and their children are victimized when they testify against a party in court and this indirectly causes exclusion for them.

Evaluation:

These insights support the observation by Brems and Jan Smits (2012) that plural legal systems frequently perpetuate gender bias under the guise of cultural norms. The oath, therefore, becomes both an instrument of empowerment and a means of subjugation—it gives women a voice but also subjects them to scrutiny. From the lens of Critical Legal Theory (Delgado &

Stefancic, 2017), the idea of legal neutrality serves to obscure these imbalances, allowing patriarchy to persist in both religious and secular institutions.

Link:

Thus, while oath-taking offers a shared moral foundation, it also reproduces gender inequality through symbolic rituals. Meaningful justice reform must tackle these discursive imbalances by incorporating gender-sensitive approaches to oath administration.

Theme 3: Fear, Faith, and the Embodied Metaphor of Justice

Point:

Fear is at the emotional heart of oath-taking. It is expressed through vivid metaphors of heat, heaviness, and physical illness, which serve to embody the witness's moral conscience and the threat of divine punishment.

Evidence:

Participants in all focus group discussions described clear signs of fear during oath rituals:

A respondent from Makeni shared, "Those who swear falsely carry fire inside them."

Another noted, "once someone brought soil to a Local Court for the witnesses to swear. A fly sat on the soil and fell down dead; the court went into an uproar and the witnesses testified truthfully who was in the wrong"

A court clerk observed, "Even in court, the liar's mouth becomes heavy; he cannot speak freely."

Explanation:

From the lens of Critical Discourse Analysis (Fairclough, 1995), these metaphors illustrate how ideology becomes physically embodied. The image of "fire inside" or a "swollen stomach" or the story of the fly dying on the soil which was brought to the Local Court for oath taking translates moral fear into tangible bodily sensations—essentially, fear becomes the grammar that expresses truth. According to Symbolic Interactionism, such emotions help people assign meaning to their actions; visibly expressing fear becomes a way to signal honesty. Shaking, silence, or difficulty speaking thus act as moral indicators of sincerity.

Evaluation:

Although fear is a powerful tool for ensuring compliance, it also raises ethical questions about consent and coercion. Hart (2018) refers to this as the "invisible policeman"—a form of social control maintained through internalized dread rather than external enforcement. Critical Legal Theory warns that relying on fear can undermine individual autonomy and human rights, especially when people feel compelled to act out of psychological pressure rather than free

will. On the other hand, from a cultural standpoint, fear also serves as a shared moral compass—aligning with Durkheim’s view that sacred beliefs help bind society together.

Link:

Fear, then, operates as both a regulator and a validator of justice. It is effective but ethically complex. A justice system rooted in human rights must aim to transform fear from a force of psychological pressure into a form of moral responsibility.

Theme 4: Hybrid Legalities and Interdiscursivity

Point:

Oath-taking in Sierra Leone serves as a powerful example of interdiscursivity—a fusion of bureaucratic and ritual languages that reflects the country's plural legal system.

Evidence:

A magistrate remarked, “When I put on the robe, I feel like a priest; judgment is sacred.”

A chief from Makari shared, “Our barray is our court; the ancestors sit with us.”

In some communities, people take oaths using both the Bible and the swie. As one participant explained, “I swore both ways so no one would doubt my truth.”

Explanation:

These comments show that both formal and informal justice systems in Sierra Leone draw on shared symbolic vocabularies of sanctity and authority. Fairclough’s Critical Discourse Analysis views this phenomenon as interdiscursivity—the blending of secular legality with sacred legitimacy. When a magistrate compares his robe to priestly garb and a chief invokes the presence of ancestors during court proceedings, it becomes clear that both systems frame justice as a sacred ritual.

Evaluation:

Griffiths (1986) cautions that such hybridity can lead to a weakened form of pluralism if the state overshadows customary practices without recognizing them as equally valid. However, Bangura (2023) and Fanthorpe (2005) argue that Sierra Leone’s evolving hybrid practices are examples of pragmatic pluralism—a strategy where citizens navigate both systems to gain legitimacy. In essence, hybrid oath-taking rituals bring together the trust of the community and the structure of formal institutions.

Link:

Rather than being suppressed, the interdiscursive nature of oath-taking should be recognized and formalized. Seeing hybridity as an asset—not a liability—can help bridge the legitimacy divide between the state and customary justice systems.

## Theme 5: Stigma, Ostracism, and the Paradox of Truth

### Point:

Although oath-taking is intended to protect the innocent and uphold justice, individuals who speak the truth often find themselves socially excluded. This reveals a troubling paradox between achieving legal justice and maintaining communal harmony.

### Evidence:

A female witness from Bo shared, “After I swore and the court ruled in my favor, my neighbors stopped talking to me.”

Another commented, “In court, they clapped for me; in the village, my neighbour’s brother who i testified against threatened to fire me with which gun.”

A male participant concluded, “The truth is like medicine—bitter, but you still get sick from drinking it.”

### Explanation:

These experiences highlight how telling the truth, while legally commendable, can lead to social punishment. Through the lens of Critical Discourse Analysis, this reflects a clash between two discourses: one that values legal evidence, and another rooted in communal cohesion. The metaphor of “bitter medicine” vividly captures this contradiction—truth may heal the legal system but can damage social relationships. Lemert’s (1951) concept of secondary deviance helps explain this phenomenon: people who conform to state law may still be stigmatized for disrupting cultural norms.

### Evaluation:

This theme underscores a fundamental divide between moral justice and procedural justice in societies with multiple legal systems. It also supports Mamdani’s (1996) argument about “decentralized despotism,” where customary norms exert more influence than state law in everyday life. Without systems in place to help reintegrate oath-takers, those who tell the truth risk being morally exiled, even after legal vindication.

### Link:

The findings point to an urgent need for psychosocial support and community sensitization to bridge the gap between legal truth and social acceptance. Justice should not end with a court verdict—it must also address the emotional and social aftermath through post-oath healing.

## Theme 6: Aspirations for Reform and Hybrid Legitimacy

### Point:

Across all data sources, respondents voiced a strong desire for legal reform that combines sacred tradition with human rights. The underlying message was clear: justice must resonate with cultural values while also standing on a solid legal foundation.

Evidence:

A focus group participant expressed, “We don’t want to choose between Bible and swie—use both, but don’t force us.”

A magistrate emphasized, “Cultural evidence should not be dismissed as superstition; it has context.”

A women’s leader added, “Oaths should empower, not shame us. Reform should respect our dignity.”

A Judge said ‘ i would not know what to do with a SASA in my court but i guess with more sensitization it would be interesting to see the influence of culture on oath taking’.

Explanation:

These perspectives reflect a collective call for a new form of hybrid legitimacy that moves beyond rigid binaries. According to Fairclough’s Critical Discourse Analysis, this constitutes a counter-discourse—one that pushes back against dominant narratives and seeks to reconcile cultural authenticity with procedural fairness. The plea to “use both” highlights a desire for inclusion, not division.

Evaluation:

This reform-oriented discourse fits within broader global efforts advocating for legal pluralism and culturally grounded human rights. Bangura (2023) argues that postcolonial justice systems should reflect the lived experiences of communities rather than enforcing top-down legal templates. When hybridity is embraced as a strength, reforms can open up justice systems to be more accessible, representative, and inclusive.

Link:

Therefore, this study concludes that oath-taking can become a powerful space for transformative justice—but only if the ritual dimensions are aligned with legal protections. This integration is essential for creating a justice system that is not just effective, but also fair and meaningful to local communities.

## 5.0 THEMATIC DISCUSSION OF FINDINGS UNDER OBJECTIVES OF STUDY

Theme 1: Social Profile and Cultural Embeddedness

Point:

Both literature and field data converge on the view that oath-taking in Sierra Leone is a deeply social practice influenced by gender, age, and religious affiliation.

## Evidence:

Field respondents across formal and informal settings noted that “both men and women, educated or not, can take oaths; there’s no restriction except for children below twelve” (Court Registrar, Bo Local Court). Chiefs in the informal sector emphasized communal inclusivity: “It is a must for everybody that is part of society, irrespective of your status” (Traditional Chief, Bondo Society).

## Explanation:

This aligns with Blumer’s (1969) Symbolic Interactionism, which holds that collective symbols—such as sacred texts or ancestral relics—gain meaning through shared experience. In both systems, oath-taking embodies community identity and belonging.

## Evaluation:

However, while the literature (Brems et al., 2015; Oluyitan, 2015) frames inclusivity as normative, field findings expose subtle exclusions. For instance, illiterate or non-religious participants often lack comprehension of the oath language, leading to procedural alienation. This divergence underscores Fairclough’s (1995) CDA insight that language can reproduce structural inequalities even in seemingly neutral rituals.

## Link:

Thus, although both the literature and data recognize oath-taking as culturally embedded, the findings extend the discourse by revealing how linguistic and religious standardization marginalizes minority voices in the justice process.

## Theme 2: Types and Symbolism of Oaths

### Point:

Convergence exists in recognizing the dual nature of oath-taking between formal (Bible/Quran) and informal (leaves, stones, water, thunder, soil, kolanut, cow head, swie) systems.

### Evidence:

Focus group participants stated, “People are no longer afraid of the Bible or Quran; they fear traditional oaths—those ones can make you die or go mad”. Literature similarly notes that informal oaths carry “spiritual enforceability” that sustains local trust (Kariuki, 2018; Omosor, 2021).

### Explanation:

The convergence lies in recognizing that traditional oaths wield spiritual sanction as their coercive power, whereas formal oaths rely on institutional enforcement. The divergence, however, is that the field data demonstrate the decline in moral authority of formal oaths,

contrary to the literature's assumption of persistent reverence for religious texts (Sorensen, 1956; Hart, 2018).

Evaluation:

This erosion of belief may reflect secularization and public disillusionment with state institutions—a process Mamdani (1996) attributes to colonial legacies of bifurcated governance. CDA reveals how the courtroom script (“So help me God”) becomes performative rather than transformative, losing moral resonance among citizens.

Link:

Hence, while scholarship affirms the symbolic duality of oaths, the findings emphasize a shift in moral authority from divine texts to ancestral cosmologies, reflecting the adaptive resilience of cultural law.

Theme 3: Factors Influencing Oath-Taking

Point:

Convergence emerges around belief systems, fear of spiritual sanction, and trust in communal legitimacy as drivers of truthful testimony.

Evidence:

An expert witness observed that “it is the fear of perjury and divine punishment that compels witnesses to tell the truth” (A Barrister). However, a Court Registrar asserted that “a perjury case has not been tried in court for a long time”. ‘If a Cow Head and red cloth was brought for oath taking any witness or party to the matter being tried will say the truth instantly’ (Soso Chief, Freetown).

Explanation:

This duality mirrors Griffiths' (1986) Legal Pluralism, which posits that multiple normative orders coexist and compete for legitimacy. Fear—whether of legal or supernatural punishment—acts as a regulating discourse.

Evaluation:

Yet divergence surfaces in coercion and consent. Field data show participants sometimes compelled into oath rituals without genuine agreement—an issue the literature largely ignores. As one witness recounted, “I was asked to swear, but I didn't want to; the chief insisted” (Narration, Makari Chiefdom). CLT (Delgado & Stefancic, 2017) frames this as structural coercion masquerading as cultural order, exposing asymmetrical power relations in customary contexts.

Link:

Thus, while literature underscores belief as voluntary faith, the findings reveal it as socially enforced discipline—a discursive inversion that questions the liberal ideal of free will in traditional justice.

## Theme 4: Social Organization and Power Dynamics

### Point:

The literature and findings converge on recognizing the hierarchical organization of oath-taking institutions, yet diverge on their social effects.

### Evidence:

In formal courts, Registrars and Magistrates or Judges preside; in Local Courts, Chairmen, Clerks, Chiefs and elders dominate proceedings. CDA identifies metaphors such as “the oath is sacred ground” or “to touch the swie is to touch truth,” framing oaths as moral boundaries that separate purity from deceit.

### Explanation:

Fairclough (1995) and Bourdieu (1991) both note that institutional discourse constructs authority through ritualized language. The repetition of solemn formulas (“truth, the whole truth, nothing but the truth”) performs legitimacy.

### Evaluation:

However, while literature portrays these roles as stabilizing, the findings expose their capacity for manipulation. Chiefs’ discretionary power may silence dissenters or punish rivals under cultural pretext—what Mamdani (1996) terms “decentralized despotism.” The metaphor of the oath as “the chief’s mirror” recurred in testimonies, symbolizing how truth is filtered through authority’s gaze.

### Link:

The divergence reveals that while institutional hierarchy is necessary for order, its unchecked ritual authority risks reproducing injustice within the guise of moral tradition.

## Theme 5: Challenges and Emerging Hybridities

### Point:

A key convergence is the recognition that both systems face legitimacy crises—formal courts due to procedural alienation, informal ones due to potential abuse.

### Evidence:

Respondents lamented that “oaths in English mean nothing to those who don’t understand,” while others cited ordeal practices like “salt-water tests” or “stuck pots” as humiliating (Field

Narratives, Bo and Tikonko). Literature (Brems et al., 2015) equally warns that plural legal orders often neglect linguistic and human rights safeguards.

Explanation:

The divergence arises from the field's revelation of a growing preference for hybrid justice systems. Participants desired procedures "that respect culture but uphold rights". This aspiration reframes pluralism from opposition to a safeguarded atmosphere where culture which resonates with ethnic rural people is incorporated.

Evaluation:

CDA interprets this as an emergent discourse of legal hybridity, where citizens are re-authoring justice narratives that integrate ancestral reverence with modern safeguards. Policy-wise, this aligns with Sawyer (2008) and Fanthorpe (2005), who advocate linguistic culturally grounded decentralization that ensures accountability.

Link:

Hence, the convergence is in diagnosing fragmentation; the divergence—and opportunity—lies in citizens' agency to construct inclusive hybrid models of justice.

Discussion: Convergent and Divergent Discourses

Convergent Patterns

Both justice systems rely on fear as the emotional and moral regulator. As one respondent put it, "Not every man tremble when he holds the Bible." Another added, "If you drink the kasila water, you swallow the eyes of your ancestors." These metaphors transform moral fear into corporeal discipline—aligning with Fairclough's notion that ideology becomes embodied through discourse.

Convergence also appears in moral expectations: both oaths equate falsehood with sacrilege. The formal system invokes divine punishment ("so help me God"), while the informal system invokes ancestral retribution. Both establish a moral economy where truth is not only legal duty but spiritual survival.

Divergent Structures

Divergence arises in accessibility and legitimacy. Formal courts, operating in English or Krio, alienate rural participants. Informal courts, while linguistically inclusive, risk coercion—especially for women. A female witness recounted, "They said the spirits cannot see me with my head covered." Such gendered exposure reproduces patriarchal control, echoing Brems et al. (2015).

Further divergence lies in post-oath consequences: formal courts celebrate truth-tellers; communities may ostracize them. One woman lamented, "I won the case but lost my

neighbors.” CDA reveals this contradiction: legal truth and social peace diverge, creating what Lemert (1951) termed secondary deviance—stigma for conformity to state norms.

It is interesting to note that there is a variance in the perception of effectiveness of oaths between quantitative 68.4 and qualitative findings in the formal justice system where formal court officials describe oaths as merely procedural. Whereas in the informal justice system the effectiveness of the oaths according to the qualitative findings is resoundingly high and in quantitative findings is 60.3. This variance points to the need for a hybrid where cultural oaths and interpreters are introduced in formal court and safeguards and codification is introduced for informal justice system.

## Convergent Aspirations for Hybrid Reform

Despite divergences, all stakeholders expressed a desire for hybrid justice. Chiefs advocated state recognition of traditional oaths, and judges favored culturally informed testimony protocols. This mutual recognition reflects what Griffiths (1986) termed strong pluralism—where systems coexist without subordination. Bangura (2023) argues that this hybrid legitimacy is essential for postcolonial state-building.

## Policy Implications

- Institutionalizing Hybrid Oaths: Integrate indigenous rituals under human-rights oversight to ensure voluntary participation and non-coercive administration (Bangura, 2023).
- Language Accessibility: Translate oath scripts into major local languages and train interpreters in courtroom discourse (Fairclough, 1995).
- Gender Safeguards: Ensure women’s equal right to swear and testify without humiliation (Brems et al., 2015).
- Psychosocial Support: Provide counseling for stigmatized witnesses to reduce post-trial ostracism.
- Legal Reform: Update Perjury Act of 1911 as well as the Oaths and Affirmations Act (CAP 42) to reflect cultural understandings of moral accountability (Hart, 2018).

## 6.0 THEORETICAL IMPLICATIONS

Theoretically, this study demonstrates that law is not only a system of norms but a discourse of power (Bourdieu, 1991). CDA uncovers how sacred language legitimizes authority, Symbolic Interactionism explains how meaning becomes identity, and CLT exposes how these discourses reproduce inequality. Sierra Leone’s hybrid oath-taking exemplifies how colonial, religious, and traditional vocabularies merge to construct truth as moral spectacle.

The findings advance legal pluralism by evidencing that justice in postcolonial societies is performative, not merely procedural—what Fanthorpe (2005) called the “politics of ritual legitimacy.”

This study uses CDA in a multi-disciplinary approach to bring out a nuanced insight on oath taking almost as a synecdoche using a part of the justice system which is oath taking to examine

the whole. The process which this study utilizes using a part to describe the whole can best be termed micro - macro analytics.

## 6.1 Recommendations

1. Codify Customary Oaths: Develop state-endorsed ethical guidelines for indigenous oaths, balancing cultural respect with rights protection.
2. Judicial Training: Introduce courses on CDA and sociolinguistics in judicial education to enhance interpretive justice. Also, curriculum to include customary law and informal justice systems.
3. Empower Women: Permit female chiefs and many Queens to administer oaths, breaking the monopoly of male spiritual authority.
4. Community Dialogue: Foster public education on voluntary oath-taking and respect for diverse belief systems.
5. Monitoring Frameworks: Establish mixed committees of chiefs, clerks, and civil society to supervise oath administration.

## 6.2 Conclusion

In Sierra Leone, oath-taking is far more than a formal courtroom requirement—it is a discursive act that weaves together language, belief, and power. Through the lens of Critical Discourse Analysis, this study has demonstrated how oaths, in both formal and informal settings, construct truth, guide behaviour, and reproduce power structures. Sacred metaphors convert fear into a form of moral oversight, while gendered language influences who is seen as credible. Rituals used in these processes serve to legitimize authority, even as they expose underlying tensions between legal norms and cultural values.

This research makes it clear that in legally plural societies, justice cannot be limited to written statutes alone. It must also address the symbolic language, embodied rituals, and cultural performances that give shape to moral order. Therefore, genuine reform must go beyond changes in legal codes—it requires a shift in how justice is discursively constructed. This article calls for balance as cultural imports come in to the formal justice system so that there is no dominance. Informal justice systems must be empowered whilst including codification and human rights safeguards into their frameworks and not made to be subsumed under formal justice system. Both systems must continue to exist as they both serve their purpose serving the diverse population of Sierra Leone.

Only by blending cultural authenticity with procedural fairness can oath-taking serve as a tool for transformative justice, rather than merely upholding ritualistic compliance.

As Sierra Leone continues to define its postcolonial legal identity, embracing the interdiscursive power of oaths may provide a path toward a justice system that is more inclusive, culturally rooted, and aligned with human rights principles.

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