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OATH TAKING IN EDO: USAGES AND MISAPPROPRIATIONS OF THE NATIVE JUSTICE SYSTEM

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Precious Diagboya

Introduction

Oath taking is a predominant mechanism in the native justice system and is believed to be a particularly reliable means to ensuring law and order in Edo 'traditional religion'[1]. The native justice system co-exists with the official justice system (courts, police and prisons), but there is a preference for the former among the Edo people. This paper interrogates the co-existence of the two justice systems (legal pluralism) and traces the historical, socio-religious background of the ritual of oath taking amongst other social practices in Edo state. The paper also furthers understanding on the role of oath taking in the Edo traditional religion; thereby showing the logicality and necessity of its use in sealing human trafficking deals. Before the Oba of Benin pronouncement against human trafficking, existing literature on human trafficking for sexual exploitation from Nigeria to Europe identify oath taking in the native justice system as a part of the recruitment process and a control mechanism used by traffickers.[2] Less work has been done on the functionality and modus operandi of the native justice system obtainable in oath taking temples.

Oath taking temples are a key element in the socio-political structure and organisation of the Edo society. These temples are dedicated to various deities and are presided over by a chief priest, who is a mediator between humans and spirits. Oath taking temples are an essential feature of the Edo traditional religion which offers a native justice system and is regarded as more reliable than the official justice system. The question that arises is: When? Why? And how did the native justice system become preferred over the official justice?[3] Therefore, this paper tries to account for the factors that have induced this preference.

Furthermore, the paper presents the results of a research on the role of the oath taking temples (native justice system) in the human trafficking network. Field work was conducted for six months in various shrines and temples in Edo state and all the elements used here have been collected through observations in temples and interviews with chief priests, clients or other actors of the native justice system.

These actors are all highly secretive and suspicious of the motive of researchers, so one cannot rely entirely on information from the interviews. There was therefore, the need to

[1] 'Traditional Religion' here refers to the indigenous religion (which involves the worship of ancient gods, deities and ancestral spirits) which was practiced by the Edo people before colonization as well as the acceptance of Christianity and Islam. Indigenous religion is polytheistic in nature because it is based on belief in various deities. For instance, the Edo people have over 201 deities which they worship.

[2] Ikeora, M. 2016. The Role of African Traditional Religion and 'Juju' In Human Trafficking: Implications for Anti-Trafficking. *Journal of International Women's Studies*. 17 (1): 1.

[3] Idumwonyi, I and Ikhidero, S. 2013. Resurgence of the Traditional Justice in Post Colonial Benin (Nigeria) Society. African Journal of Legal Studies. 6:123-135. Leiden:Brill

conduct observations in temples to understand the modus operandi of oath taking temples as well as oath taking processes themselves. While express permission was obtained from all temples observed and persons interviewed, temples were selected based on their size, influx of people and receptivity of the priest or other officials. The idea was to observe and note down all that was happening, minute after minute, from the time of arrival and departure, the type of cases brought to the temples, the spatial disposition of objects, the gestures, the items used in rituals, the music, the language and the vocabulary used, etc.

Historical Background

Examining the history and socio-religious underpinnings of oath taking sheds light on its prevalence. Oath taking is a key feature of the native justice system in most indigenous religions in Nigeria, and it predates European contact as well as the adoption of Christianity and Islam. Although there were secular courts in pre-colonial Nigeria, the natives could get justice for both criminal and civil cases by going to the indigenous religious temples which were presided over either by a chief priest, medicine man or those said to possess magical powers.[4] The chief priest was the custodian of the indigenous temple and intermediary between the people and the deities. In pre-colonial times, indigenous religions offered justice and settled criminal cases to the people through the means of divination, oath taking or trial by ordeal.[5] While trial by ordeal is now considered unlawful because it can lead to death or bodily harm, oath taking and divination are still accepted.[6] In other instances, title holders such as chiefs, *Emirs, Oba, Igwe*[7] and other traditional rulers were also capable of adjudicating cases and bringing about justice.[8] The native justice system did not only exist in Edo state but also in other parts of Nigeria. For instance in Akwa-Ibom and Cross Rivers states, the Ibibio and Efik people have the Mbiam oath which leaded to death and destruction anyone who swore falsely. Again, in Abia state, the Long Juju of Aro-chukwu offered justice using oaths.[9] Oath taking is also common among the Yorubas and Igbos of Nigeria.

During colonisation, both the colonial and native justice systems existed side by side as it is obtainable till the present moment in Nigeria. The native justice system was recognised as inferior by the British Empire; indigenous religion was seen as primitive and termed paganism.[10] Under the British indirect rule system, chiefs were allowed to rule as native authorities,[11] notwithstanding, British law was superior to native customary law. Sharia and

[4] Nwankwo, P.O. 2010. Criminal Justice in the Pre-colonial, Colonial and Post Colonial Eras. New York: University Press of America. P. 90
[5] Adewoye, O. 1977. The Judicial System in Southern Nigeria: 1854-1954. New Jersey: Humanities Press Inc
[6] Ekhator, E. 2018. Traditional oath –taking as an Anti-Corruption Strategy in Nigeria. Combating the challenges of corruption in Nigeria: A Multidisciplinary conversation. Nigeria: ICPC
[7] These are titles of respect given to tribal kings in Edo and other western parts of Nigeria (Oba), in eastern Nigeria, among the Igbos (Igwe) and in northern Nigeria (Emir).
[8] Nwankwo, P.O. 2010. Criminal Justice in the Pre-colonial, Colonial and Post Colonial Eras. New York: University Press of America. P. 90
[9] Adewoye, O. 1977. The Judicial System in Southern Nigeria: 1854-1954. New Jersey: Humanities Press Inc
[10] Nwankwo, P.O. 2010. Criminal Justice in the Pre-colonial, Colonial and Post Colonial Eras. New York: University Press of America. P. 86
[11] Nwankwo, P.O. 2010.

other customary laws were accepted in Northern Nigeria, while oath taking in traditional religious temples was used to regulate society thereby guaranteeing peace and order in the South.

After Independence, the successive military regimes more or less crippled the official justice system. During these periods, arbitrary arrest and extra judicial killings were common. Even the police could not be relied upon to investigate properly a simple criminal case without asking for money. The military which were supposed to protect the citizens oppressed them. The brutality of the military eventually made official justice system unreliable in most cases.[12]

The complexity and hierarchy of Deities and Temples

The indigenous worshippers believe that there is a hierarchy of beings in the spirit realm with Osanobua, the supreme God, at the Apex. The supreme God is the creator of the world and has ultimate power over all things. Osanobua is benevolent and sustains all things because he is the Source. Next to the supreme God are the deities (*Erinmwin Nohuanren*), the deified ancestors (*Ehen*)[13] and then the ancestors (*Erinmwin N'owa*). To the deities and ancestors, Osanobua delegated various powers and abilities who adjudicate on his behalf.[14]

The deities (*Erinmwin Nohuanren*) are those who were originally with Osanobua at the creation of the world. *Olokun* (deity of ocean), is regarded as the first son of Osanobua; he is the giver of wealth and children. *Orunmila* and *Oguega* (deities of wisdom) are the Gods of divination. *Obiemwen* (Earth goddess), gives fertility to the soil for rich produce as well as children. *Ogiuwu* (god of death), *Eziza* (god of Whirlwind), *Osun* (god of medicine) *Esu* (deity of confusion) is the messenger who takes the sacrifices made to other deities to the spirit world.

Ehen, the deified ancestors, are the spirits of men and women who lived mystical, extraordinary lives and turned themselves into natural phenomenon like rivers, rocks or trees. There are over 201 deified ancestors and among the most popular ones Edo people worship are: *Ovia, Ikpoba, Okhuaihe* (rivers) *Ebomisi, Igbile, Odighi* and just to mention a few. *Edion*, the ancestors are spirits of the departed fathers and mothers in every lineage. Each family is supposed to have an ancestral shrine where sacrifices are made to these ancestral spirits who, in turn, protect and guide the descendants.

Edo people believe that humans cannot interact directly with Osanobua and the deities; so the chief priests serve as intermediaries between humans and the spirit realm. Temples, shrines and altars dedicated to various deities are regarded as a sacred meeting point between humans

[12] Falola, T. and Heaton, M. 2008. A History of Nigeria. United Kingdom: Cambridge University Press.
[13] god and diety are used as synonyms and they are used to refer to beings which possess supernatural powers
[14] Welton, R.M. 1969. Belief and Ritual in the Edo Traditional Religion. Master of Arts thesis, University of British Colombia .

and deities. In designated Temples and shrines, rituals and scarifies (conducted by the chief priest) are made to the spirits; for human protection, guidance and goodwill.[15]

The various deities are playing different roles; while some could be invoked in oath taking rituals, others cannot. In the course of this research, various oath taking temples dedicated to different deities were visited. Although most temples have a conglomeration of deities for different purposes, there is usually a superseding deity. In as much as allegiance is pledged to other deities, the dominant deity is usually the one the temple started with. Some *Olokun, Ogun* or *Osun* temples may also have some supporting deities who may be called upon according to the need of various clients. In such a case, the superseding deity could be Ogun for instance, but Ifa, Osun, Azigidi, Ayelala act as supporting deities to the operations of the temple. In accordance with this idea, one Olokun chief priest claimed: *"[I] did not have Ayelala but because some wicked people were disturbing me, I had to get Ayelala as a backup for my shrine. I don't use Ayelala anyhow because I know it can kill easily."*[16] Like the others, Ayelala temples have supporting deities as well, but then, Ayelala is the superseding deity.

The superseding deity of a temple is not necessarily more potent than the supporting deities; all deities have their potency and area of expertise and not all are called upon in the oath taking ritual. The deities who are not propitiated are not always weaker than the ones used in oath taking; they might be not chosen simply because they are benevolent in nature. A benevolent deity is symbolized with the colour white and worshippers wear white clothing. On the contrary, the harsh and malevolent deities used in oath taking and are symbolized with red colour; so are, Ogun and Sango for example[17] This differentiation of roles was illustrated by a chief Priest who explained that Olokun deity of the Ocean and water, *"is not used in Oath taking but an appeal for help could be made to Olokun"*[18]. Another chief priest confirmed that "*Olokun is a god that brings flourish and prosperity and Oaths are not taken before the deity; it is only prayers and curses that are said before Olokun*"[19]. Obienwen, mother earth deity, is also a gentle deity and the goddess of fertility; her symbolic colour is white and is never used in oath taking.

Then, do all deities have the same level of potency, despite the variations in individual function? Is there a hierarchy of potency among deities? Generally, interviewees affirmed that each deity possesses special powers for specific use and most were reluctant to admit that there is a hierarchy among them.[20] For the chief priest of an Ayelala Temple: "*to admit that there is a hierarchy presupposes that some deities are more powerful than others; all deities have different powers which could be used as the occasion demands by the chief priest*."[21]

[15] Welton, R.M. 1969. Belief and Ritual in the Edo Traditional Religion. Master of Arts thesis, University of British Colombia .
[16] Interview with High priest I on 14/06/2017 at, Upper Sakponba, Benin City
[17] Interview with Prince O on 25/4/2017 at Orphanage, Benin City
[18] Interview with high priest VI, on 16/06/2017 at Family house, behind Oka market
[19] Interview with High priest OE, on 13/04/2017 at Cultural center.
[20] Interview with chief priest ID On 31/9/2017 at Id Temple,
[21] Interview with Chief priest GP on 12/04/2017 at AyelalaTemple

For several interviewees affirmed, there exist a hierarchy among the deities when it comes to oath taking. According to an Ogun chief priest *"the first on the list is Oguiuwu, who is the deity of death and stands for anything that causes death. That is why death is used in most Oath taking process to swear. A person is made to use his or her death as a surety or guarantee that if one fails to carry out the desired responsibility, one would die. Esu is not the devil, but only a messenger of Oguiuwu. The second is Sango's mystical powers of thunder. Third is Osun's herbal shrine with a huge collection of all healing powers. Fourth is Ogun God of iron, which is Oba Ewuare Ogidigan I. Ogun is the avenger of offenders and brings about swift retribution. Fifth is Ukhuere which is the ancestral deity that also brings about swift justice. Ayelala is a water deity and has become popular in recent times. What promotes Ayelala is that the deity knows the importance of justice and discharges it efficiently."*[22]

However, the perception of this hierarchy might differ from one chief to another. For Prince O, first in the hierarchy of oath taking deities is "*Oguiuwu* – (messenger or deity of death). *It has head with hands and legs protruding out of the body. This is followed by Ogun - god of iron and creator of civilization, then Osun; which is the major or superseding deity of the popular Arohosunoba. The fourth is the Oba of Benin himself; hence, oaths could be taken using the name of the Oba. After which is followed by Oken, Okhaere river, Obinisi, Eziza* (whirlwind) *and Azigidi"*.[23] However, he also explained that the Oba had placed a ban on the use of the deity of *Oguiuwu* – messenger of death - in oath taking, because, the deity is perceived as being too fierce and instant death awaits any offender. Unlike other deities like Ogun and Ayelala who could quickly be appeased to avert the death of an offender who chooses to confess before it is too late.

This shows that there is a difference between the hierarchy of spiritual beings in Benin cosmology and the hierarchy among oath taking deities. While all deities have a place in the hierarchy of the spiritual order, not all deities can be used in oath taking. What then is the hierarchy among oath taking temples in Edo?

Competition and power play between Temples in Benin City

Observation was conducted within a set of temples located in Benin City, the capital of Edo State. Oath taking temples there obey to the following classification:

-The first one is The Oba of Benin temple,

- *Arohosunoba* and *Ekhonorhue*, two other special temples which are closely associated with the Oba of Benin.

- All other shrines and indigenous religious temples[24]

[22] Interview with high priest VI, on 16/06/2017 at Family house, behind Oka market.

[23] Interview with Prince O on 25/4/2017 at Orphanage, Benin City

[24] Shrines and Temples are completely different; while temple refers to the entire edifice or building used for worship and contains various worship items and shrines, a shrine is an elevated altar, upon which propitiations are made to the gods or deities. While shrines can exist without temples, temples have various shrines embedded in them and so cannot exist without shrines and this means that temples necessarily contain shrines. For instance, personal shrines in private homes can exist without temples. Although, individuals with personal shrine may be affiliated to bigger temples as members/ devotees

If the highest oath taking temple is the owned by the Oba of Benin himself, then the Oba is the spiritual head of the Edo people. The Oba is the traditional ruler of the Benin people and he is regarded as the physical representation of God by the Edo people.
This temple is presided over by the Oba of Benin himself; who is the highest chief priest in the land. The Oba of Benin may also be assisted in his temple by other dedicated high priests and priestesses depending on the need and occasion. The temple, which is situated within the Oba's palace, has the supreme power to make and unmake all other oaths taken in any temple or shrine in Benin. Oaths taken in the Oba of Benin temple mean life or death and cannot be bypassed especially when one is guilty. The authority of this temple also lies in the fact that it assembles the most powerful deities worshipped in the Kingdom for centuries, and from the days of the Oba's ancestral fathers.

In the hierarchy of temples, the Oba of Benin Temple is followed by: Arohosunoba and Ekhonorhue; which were instituted by the Oba of Benin. Ekhonorhue was set up by the Oba of Benin specifically for the trials of people accused of witchcraft.[25] The Arohosunoba was also set by the Oba of Benin to settle disputes and bring about reconciliation. This temple is accessible to the general public and it serves the purpose of dispute resolution and reconciliation. The Arohosunoba is believed to have been founded in 1841 by the ancestral fathers of the Oba of Benin. A pantheon of various deities (such as *Ovia, Ikpoba, Okhaure, Ogun, Osun,* and other ancestral deities) functions in the Arohosunoba temple which is what makes it more powerful than the temples of the third category.

All other temples, apart from the three discussed above, fall under a third category in the hierarchy of oath taking temples. There is a great variety among these temples; their purpose, their reputation or even their size can be very different. Some can be communal temples while others are personal ones, sometimes located within the house of an individual; they are then referred to as Shrines, rather than temples. The power of Shrines and temples largely depends on the deity or conglomeration of deities at work. Smaller temples and shrines are affiliated to the bigger ones especially when both are dedicated to the same deities. As such, decisions and oaths taken in smaller shrines and temples could be revoked by the bigger ones.

For instance, in one big Ayelala temple, a lady in her early 40's came to seek the annulment of a curse which she took in anger in her personal shrine at home. The lady was an Ayelala devotee and had laid a curse on her husband using her vagina that "may he die if he ever has extra marital affairs". She later realized that the curse if actualized would be to her detriment and those of her children. She said she regretted the curse and wanted it revoked. The chief priest prescribed some rituals which would be carried out on her behalf to revoke the curse. This simply shows that bigger temples and shrines can revoke curses and oaths taken in smaller ones.[26]

[25] Interview with high priest VI, on 16/06/2017 at Family house, behind Oka market
[26] Observation report at an Ayelala Temple on 31/05/2017

Oath taking rituals, purpose and categories

An oath is taken to ensure that the two parties of an agreement fulfil their assigned roles. In oath taking, deities and gods are called to be the witnesses of the agreement. Calling on a deity to witness someone's promise is not peculiar to the Edo people, such a practice dates back to Antiquity, where a false oath was considered a sin against the Gods which could attract illness and death to the perjurer.[27] It is also practiced in Yoruba and Igbo "traditional" religions.

The Oath is a fearful ritual, during which words connoting calamity and death are used to make a pledge, stating that a person will keep to one's part of the agreement. In such rituals, death and wellbeing are used as a guaranty to secure the agreement. As summarized by Ikeora: "Parties to oath taking directly submit to the supernatural tribune to settle disputes brought before the deity."[28] The wordings of oath taking rituals are coined in such a way that "time is normally given within which the offending party is expected to either be killed by the gods or be sick so as to confirm that he is the offending party."[29] An oath taker's "guilt or innocence is established depending on whether or not the accused dies or falls sick within the time given."[30]

An essential part of temple activities is linked to rituals; which could be done openly or secretly depending on the need and the discretion of the chief priest. Temple rituals done in secret are generally conducted at night by the chief priest with the aid of some temple officials. During observation, only open rituals were attended and the most common ones were oaths of thanksgiving, initiation and oaths of innocence from false accusation or witchcraft.

Open rituals of thanksgiving where a devotee or one who has benefitted from the benevolence of a deity comes to show appreciation. Thanksgiving rituals are done in the open as a way of testimony to other members that the deity is very potent. The thanks giver brings in gifts such as food stuff like tubers of yams, bunches of plantain, biscuits, drinks, Kola nuts and animals (fowls and goat) depending on one's financial capacity. The devotee dances to the front of the temple altar with gifts in hands, accompanied by loved ones and well wishers. After presenting the gifts, the thanks giver is made to state his/her name saying they have come to give thanks to the deity for doing a particular good for them. For example: "I Stella, I have come to thank Ogun for saving me from untimely death in a motor accident" or "I Mr. Monday I have come to thank Ayelala for financial breakthrough by giving me a job". The gifts are accepted by the temple officials on behalf of the chief priest who in turn prays for the thanks giver. After this, the animal is slaughtered and its blood is sprinkled on the altar.

[27] Sandowicz, M. 2011. 'Fear the Oath!' Stepping Back from Oath Taking in the First Millennium B.C Babylonia. Palamedes 6.
[28] Ikeora, M. 2016. P. 11
[29] Nwakoby, G.C. 2004. The law and Practice of commercial Abritration in Nigeria. Enugu: Iyke ventures production. P. 87
[30] Oraegbunam, I. K. 2009. The Principles and Practice of Justice in Traditional Igbo Jurisprudence. New Journal of African Studies. Vol. 6 p. 70-71

The devotee is then made to pledge an oath of allegiance to the deity stating that he/she will remain loyal and always be grateful for what the deity has done.[31]

Another open ritual is that of initiations in temples where new devotees are made to swear an oath of allegiance to the deity. For instance in one Ayelala temple, after paying the initiation fee of 12,000 naira, the person will be required to take a drink and eat from the Kola which the chief priest has blessed. A fowl is slaughtered and its blood sprinkled on the altar to the deity. The new devotee is then given items like facial powder, dry gin, kola nut and water to set up a personal shrine in his/her home.

The rituals of oath of innocence from false accusation of a crime or witchcraft are almost the same; the accused is meant to undress and tie just a piece of cloth around his/her chest while holding the specified items in hand. The animal (goat) used for the ritual is slaughtered and its blood sprinkled on the altar of the deity. After which the accused is made to take either a kneeling or a standing position to express the words declaring innocence of the accused crime. An oath could be taken by saying the following words: *"I (oath taker will mention his/her name), I have come to take an oath before Ogun, I am not a witch and I have never done any harm to my children, my husband, nor his family, nor to anyone in my community. I declare that I am innocent of this charge and if I do, or have done anything against my husband and children, let Ogun kill me."*[32]

A chief priest described the rituals in the following manner: "*For instance if you wan swear in front of Ogun, you go buy cock whe never crow or small dog, ogogoro, Kola nut carry them put in front of ogun, then tell the juju say make im go find who thief your goat. After the person don swear im go bring 2 bottles of ogogoro as gift to Ogun or anything you like."*[33]

Oath taking is described by chief priests as one of the most potent "methods of purifying and sanitizing the community. It is a mystically designed system by the Oba of Benin to ensure sanctity and truthfulness among the people. It is a designed communication system by the traditional institution of the Benin kingdom to communicate between the dead and living thereby creating affinity with the ancestors. One of the strongest places of taking an oath is at the Oba's palace with the Oba's Ogun."[34]

If oath taking rituals can differ in their forms and execution, they generally follow a common path. First, propitiations are made by the chief priests to the Gods using kola nuts and dry gin. Then, prayers are said and oaths are taken either in the standing or kneeling position as

[31] Observation report at an Ayelala Temple on 15/04/2017
[32] Temple observation at Id, On 31/9/2017. Translation from Bini Language (by the author)
[33] Interview with chief priest Id On 31/9/2017. Translation from pidgin to English (by the author): "To swear in front of Ogun, one requires a cock that has never crowed or a small dog, dry gin and kola nut. One puts these items in front of Ogun and pleads that the Ogun deity should help find the person who stole the goat. *After the oath taking process, the person can bring 2 bottles of dry gin or any other thing to show appreciation to the Ogun deity* .
[34] Interview with chief priest VI on 16/06/2017 at Family house, behind Oka market, Upper Sakponba

required by the priest.[35] With kola nuts in one hand, and dry gin in the other, the oath takers make request and pledge while standing or kneeling in the truth box.[36]

Most oath taking rituals are accompanied by the killing of animals like goats and fowls and the presentation of some items to the deities. The words that are spoken during the oath taking, positions assumed, animals killed, offerings and pledges are the different components that make oath taking a complete ritual. The words spoken and actions during oath taking are the things that validate the ritual. One does not just come to meet a deity with closed mouth and empty hands; one must tell the deity what one wants and what he/she will give in return.

In Edo indigenous religion, there are two categories of oaths; - *A v'Ehen,* those taken before a deified ancestor and *A v'Eboh,* those taken before a god/deity.[37] Consequently, there are different ways of taking Oaths. Some oaths can involve body parts. For instance a woman can swear "on her husband's private parts, that he should not be intimate with any other woman".[38] This oath is very dangerous and can lead to the death of the man in question. Oaths could also be taken by mothers using their breasts to make pronouncements against their children. For instance, a mother holding her breast may pronounce before a deity that: "if I have ever planned anything evil for the children that have sucked my breast, let me die".
Oaths could be taken using the sky or the ground (earth). Other oaths could be taken with the use of food items such as pepper, ripe plantain[39] depending on the need and the occasion.
oath taking is used in issues as common as theft, false accusation, adultery or marital disputes, the practice of oath taking is an important part of Edo people's everyday religious and cultural life.[40]

Oaths of loyalty for example, are taken by devotees of a particular deity or new initiates to pledge loyalty and allegiance. The oath of allegiance is believed to attract the goodwill and protection of the deity.[41] However, oaths of loyalty are not restricted to devotees since Chiefs daily swear to be loyal to the Oba.[42]
In cases of theft or other criminal offenses, one is often required to take a criminal oath. The accused is required to defend his/her self either by taking an oath of innocence. By this oath, the accused will swear that he or she didn't do what the accused has been charged with.

[35] As requested by the chief priest, an oath taker can start the ritual in a standing position and end it in the kneeling position or vice versa. In other instances, either the kneeling or standing position is assumed from the beginning to the end of a ritual
[36] The truth box is a rectangular shaped box braw on the floor and painted red and is numbered 'one' and another 'two'. Witnesses as well as accused persons are meant to stand inside the truth box to testify or give a truthful account of whatever incidence that brought them to the shrine. The truth box is positioned in front of the where the chief priest seats and it is directly opposite where the statue of the Ayelala deity is positioned. In front of the truth box is also a table on which the pictures of those recently killed by the Ayelala deity are displayed.

[37] Interview with Prince O on 25/4/2017 at Orphanage, Benin City
[38] Interview with High priest OE, on 13/04/2017 at Cultural center.
[39] Interview with High priest OE, on 13/04/2017 at Cultural center.
[40] Aluko-Daniels, O. 2014. Locating the place of consent in the movement of Nigerian women for prostitution in Italy. Unpublished PhD Thesis. Coventry: Coventry University.
[41]Interview with High priest OE, on 13/04/2017 at Cultural center.
[42] Interview with Prince O on 25/4/2017 at Orphanage. Benin City

Oaths of fidelity/Oath of marriage: This can be an oath taken by a woman to be loyal to her family and extended family. A man can bring in his wife to take such oath after a marriage ceremony before the shrine of the family ancestor, in contrast, a woman cannot summon her husband to take such an oath. A woman can also come alone to take the oath of fidelity. Marriage oaths can be taken by several women married to the same man to ensure that they would not kill each other's children or harm one another, that they will love their husband and not kill him. Omorodion opines that marital oaths of fidelity have been used to address the issue of child mortality, usually seen as a result of witchcraft.[43]

Oaths of widowhood are taken by a woman upon the death of her husband, and made to swear that she did not kill him.

Belonging to secret Cults is also regulated by oath taking. Both new and old cult members are required to take oaths of allegiance. Although, these may not be carried out in shrines.

The role of oath taking rituals is, therefore, not only prevalent in social and private life but also in the social and political structures of the Edo society.

Functionality of oath taking temples

This research also aimed at understanding the functionality of oath taking temples and the existing modus operandi. All temples have chief priests - or high priests - as their heads or custodians of deities. The daily rituals or activities in the temples are supported by a number of temple attendants who ensure that all ritual items are in place. Ritual items such as dry gin (drinks), kola nuts, musical instruments, as well as animals to be slaughtered. Most temple attendants have a good knowledge of the rituals performed as well as the taboos observed in the temple. In oath taking temples, a lot of prohibitions are observed by devotees and strangers in order to show respect and submission to the Gods. The first taboo common to all temples visited during this fieldwork was the prohibition of entrance to women under menstruation. In a particular temple, it was boldly written on a notice board: "out of bounds for women under Menses".[44] It is believed that the menstrual flow desecrates the temple which is supposed to be kept holy for the gods. Flouting this prohibition attracts a fine of 2000 naira or a hen and dry gin.

Other rules include taking off shoes before entering the temple, so the gods are approached on bare foot. The wearing of tight and revealing clothes is also forbidden in most shrines shouting, cursing and expression of anger in the temples has to be avoided; it is believed that in the case of a dispute, the gods can fight for anyone that comes to the temple. Again, it is forbidden for a pregnant woman to take an oath since the unborn child would also get binded to be pledge.[45]

Oath taking temples are also religious meeting places for devotees and their functionality is comparable to that of Churches. These temples can play the role of a church in Christians' lives; it gives devotees a place of worship and a sense of belonging. In most of the big

[43] Omorodion, F.I. 1993. The socio-cultural context of health behaviour among Esan communities, Edo state, Nigeria

[44] Observation report at Ayelala Temple

[45] Interview with Olokun High priest Osenwengie Ebohon, on 13/04/2017 at Ebohon Cultural center.

temples visited during field work religious meeting are held on Sundays and weekdays in the manner of Pentecostal churches. The activities of the temple are organized in such a way that opening and closing prayers are said and the chief priest gives a sermon the same way a pastor would do, using expressions "Praise thy lord", to which the congregation responds by saying "hallelujah". Sometimes, temple officials act as ushers to direct people and events, then choirs and bands are used for praise and worship. Devotees are made to say personal prayers and specific times are set apart for testimonies and thanksgivings. There is also time set aside for offering collections; money is placed by each individual into the offertory basket. The chairs of the temple auditorium are arranged to face the chief priest and the choir and members are seated in the manner of church setting; facing the chief priests while he addresses the congregation. These various activities in the worship service gives one the feeling of being in a real Pentecostal church.[46]

But the difference with other places of worship is that Oath taking temples also act in a judicial capacity. Temples are the courts of a "native justice" system that co-exists with the official justice system. Like in official court houses, accused and complainants are called forth to testify. But before the testimonies, warnings are given either through songs or spoken words by the chief priests and/or temple attendants. Pidgin English and Edo are frequently spoken in shrines or temples and this depends on which language people are comfortable with.

Native Justice as a palliative

Theoretically, democratic governments are supposed to be responsible for the protection of lives and properties of citizens. Through the right functioning of government owned institutions like courts, police and prisons, citizens could be assured of justice when it comes to presiding over criminal and civil cases. Could it be said that the reverse has been the case in the Nigerian justice system during the military regime? Has this pattern stretched on into the Democratic era? As a result, citizens have to seek justice through other ways, which, in the context of Edo State, often means relying on the oath taking system.

If Edo people have a high preference for the native justice, it is simply because this system is perceived as more reliable and efficient. This reliability is also based on the idea that the deities in the temples cannot be compromised or bribed. The seeming failure of the official justice system is a major factor that has reinforced trust in the native justice system until today. The political history of Nigeria has greatly impacted its religious landscape, in which religion has become an alternative resort when state/political powers fail to provide security and justice to common citizens. This is in consonance with the idea of Ruth Marshal; that religion and politics necessarily exerts impact on each other. In her view, the crisis of government led to the rise of the born-again project of redemption among Nigerian

[46] Marshall, R. 2009. Political Spiritualities: the Pentecostal Revolution in Nigeria. Chicago: the University of Chicago Press

Pentecostal churches since the 1990s.[47] Similarly, preference for native justice is on the rise because of the seeming failure of state powers to protect and give justice to ordinary citizens.

Yet, one can ask, if native justice system is preferred and believed to be more reliable, how does the official justice system perceive native justice? Among actors of the official justice system met in the course of the fieldwork, many do not see native justice as a threat. Actually, some representatives of State institutions such as police are going to oath taking temples themselves, to handle disputes and even criminal cases. During an observation conducted in an Ayelala temple, a policeman in uniform accompanied by two other officers came to seek for help. He claimed to be oppressed spiritually by his family and at the office. In another occasion, an immigration officer came to settle a land dispute; since the conflict started, he said, he has been under demonic attack and needed help as soon as possible.[48]

In trying to settle criminal and civil cases, people are open to choosing from three options: State institutions (police, courts), churches or temples. While some people may decide to use the three options simultaneously, others who might have started with the police, the courts or a church eventually resort to the oath taking temples when quick results are not forthcoming.

In an Ayelala temple,[49] a judicial case was brought forth by two young carpenters whose furniture had been stolen from their shops. This was the second time that goods were stolen from them and in the first instance, they took the case to the police. At the police station, they were made to write a statement reporting the theft, drop a certain amount of money, and to go home with the promise that the police will investigate the matter. But there was no result from the police and in less than two weeks another theft occurred; causing them a significant financial loss.

The spokesman to the chief priest asked which church the boys attended and asked them if they had told their pastor, which they did not. One of the carpenters said that he came he wanted to carry the Ayelala bell and banner along with the temple devotees to announce that whoever stole his goods should return them or face the wrath of Ayelala. The young men stated that they heard about the potency of Ayelala; that people are scared of the deity and that were very confident that if such announcement is made, the goods will be returned.
In response, the chief priest told them that Ayelala does not work for non-devotees. Then, he requested that the young men become devotees of Ayelala before they can enjoy her services. The chief priest commented that Christians are kin to come go to the temple to seek solution but will never return to give a testimony. They would rather do a thanksgiving in the church and attribute their success to their God and not to Ayelala. For that reason, anyone that wants Ayelala to work for him/her must become a devotee. Although the temple attended by these 2 carpenters is strict about the Ayelala deity to work on behalf of non-devotees, other temples

[47] Marshall, R. 2009. Political Spiritualities: the Pentecostal Revolution in Nigeria. Chicago: the University of Chicago Press. P 8-10.
[48] Observation report at Ayelala Temple on 28/03/2018
[49] Observation report at Ayelala Temple Oluku on 15/04/2017

may not really mind. The young men who were determined to get justice would then either become devotees or seek justice from another temple or a shrine with less stricter rules.[50]

This case clearly illustrates the layering of institutions that can provide justice and the competition between them. Oath taking temples are not only in competition with the official justice system, but also with the churches. Some priests refuse to handle criminal and civil cases brought by non-devotees (or so-called Christians), others may require that a case is first withdrawn from the police or another traditional temple before they can attend to such a case. A possible area of further research is the crises of faith and religious identity among some Edo people. The crisis of faith and religious identity comes to play when people tend to profess a particular faith in times of peace but seek help elsewhere in troublesome periods. In times of problem or crisis, most people look out for help from anywhere they think a solution can be gotten. Even professed Christians seek help from the native justice and indigenous worshippers move from one deity to another seeking help.

According to the case cited above, the chief priest refused to attend to the case for two reasons: the complaints were not members of the temple and the case was registered with the police. One chief priest commented that the decisions of the courts and police must be respected by the native justice system. Such decisions cannot be overruled and he affirmed that his temple has the endorsement of the state government while displaying the official picture of the governor of Edo state as well as certificate of state recognition.[51]

Oath taking temples function as courts, as well as solution centres to all sorts of lives difficulties ranging from loss of job, career failure, business or marital failures to mental as well as physical illnesses. Chief priests sometimes act as confidants in attending to family, Devotees confidently come to the temples, with relatives and friends expecting to get a solution. As such, temples can be used as therapeutic mediums. Some cases presented had to deal with body pains, fibroids swollenness of body parts, moving objects in the body or mental sicknesses.

Temples are also seen as social centres and meeting places where friendships and business alliances are forged. In times of need or crises, a lot of people fall back on these social connections. The uniform attire worn by devotees during worship and various temple rituals also gives a sense of belonging. In some temples, initiates are required to pay a certain amount for membership, presents some specific gifts to the deity and made to drink or eat something coming from the deity, water or kola nut for example. Through this act of drinking and eating what belongs to the deity, one becomes a true initiate since, symbolically, a part of the deity starts to live within the person's body. The initiation is complete when one openly expresses allegiance to the deity before the shrine.[52]

[50] Temple observation report at Ayelala temple on Saturday 15/04/2017
[51] Temple observation report at Ayelala temple on Saturday 15/04/2017
[52] Temple observation report at Ayelala temple on Saturday 15/04/2017

Many activities carried out in temples are documented. While large temples have secretaries who do a thorough documentation of the daily activities, smaller ones don't; the chief priest may report activities himself. Temple registers contain names of visitors and purposes of visits. There is also a particularly meticulous documentation of the debts the temples helped to recover; the amount, as well as the percentage the temple received is strictly indicated. Among other judicial cases brought to the shrines, the retrieval of debts seems to be one of the most profitable because most shrine get to take 10% of each amount retrieved on behalf of a client. In the retrieval of debts, oath taking shrines become very relevant to the human trafficking networks[53].

How and Until when will Human Trafficking Networks take advantage of Native Justice?

From the early 90's, the human trafficking network from Edo state to Europe has greatly relied on oath taking (native justice) in sealing human trafficking deals. A dread of the wrath of deities invoked in oath taking as well as the widespread reliance on native justice in solving both civil and criminal cases by the Edo people motivated traffickers to take advantage of the system. The basic idea was since the native justice could be used to solve any kind of problem and even seal other normal business deals and agreements, why can't it be used in aiding the human trafficking network. Since human trafficking deals are comparable to normal business deals, some oath taking temples have played a major role in ensuring that debts incurred are paid.

Among the deities mobilized in temples, some like *Ogun, Sango* or *Ayelala* are particularly dreaded for quick arbitration of justice. Edo people believe that one can get justice from these deities as quickly as within seven days; instead of relying on the official justice from the Police and Courts which might take months or years and are generally seen as corrupt[54]. Native justice system uses fear, threats of death and manipulations to ensure the efficiency of the proceedings.

Basically, the human trafficking network took advantage of the native justice system in two stages; first is the oath of secrecy and allegiance sworn before victims of sexual exploitation are trafficked to Europe and second is the summoning of family members of victims who have refused to pay debts. During my field work, I was not opportune to witness any oath taking ceremonies for victims about to be trafficked. This is because most of such oaths are taken in secret or at night. Moreover, most of the chief priests I worked with claimed they had no connections with the trafficking business and so did not swear such oaths.

The second use of native justice by the trafficking network was easy to find in most temples. Family members of trafficked victims were summoned to different temples to be threatened

[53] Arohosunoba Temple Observation Sunday 16/04/2017
[54] http://www.noi-polls.com/root/index.php?pid=363&parentid=14&ptid=1

to pay up debts. The process of summoning of family members to the temples also entails some form of documentation. An official letter of summoning is issued to the accused and delivered at his/her doorstep by some of the temple officials. Delivering the summon letter could be scary for relatives as temple officials are dressed in full temple regalia[55] and holding a sacred staff which symbolises that the shrine or temple has been brought to the offenders' home. For those who profess Christianity, it could be both intimidating and embarrassing. For instance one man who was summoned because of his daughter in Europe who refused to pay her trafficker related that: "I was very embarrassed to see the temple officials at my doorstep because I am a deacon in my church, I wondered what my neighbours will now think of me"[56].

Most summoning letters contain the name, address of the accused, reason for summoning, date, time of appearance at the temple, address of the shrine or temple as well as the name of the plaintiff. It is required that when responding to a summon, one brings along the letter and the sum of 5000 or 2000 naira depending on the Temple. One case between two women; early 40's and late 50's; the younger woman had helped the daughter of the older woman in travelling to Europe but still owed about 15,000 Euros.[57] This was obviously a case of trafficking but it was not stated explicitly. The younger woman reported that the debt case was originally taken to an Ayelala temple where she was able to pay part of the money for about three months; after which she refused to pay any further. The younger woman also recounted that she approached the officials of the Ayelala temple about the debt but they couldn't say anything positive; so she sensed that there was a mischief going on and that the money might not be paid. She quickly dismissed the case at the Ayelala temple and summoned the woman to the Arohosunoba. She seemed confident that the Arohosunoba temple could help recover her money. This creditor seemed aware of the rule; and that was why she had to quickly dismiss the case from one temple and transferred it to another.

To a large extent, the human trafficking network took advantage of the potency and dependability of the native justice. This could also be seen in the kind of relations that exist between the priests and the traffickers, especially the madams. Apart from threatening the trafficked girls to pay up debts, the priests also provide spiritual protection to the Madams. As such, the Madams developed some addiction to the temples and the services rendered by the chief priest. The priests are connected to the girls abroad by phone, they can threaten them even from afar and the Madam is then the in-between person, who ensures the connection.

The role of the native justice in human trafficking is further accentuated in the authority embedded in the personality of the chief priest coupled with the wide spread fear of the wrath of deities. Both factors are taken advantage of by the human trafficking network. The major weapons used against defaulters in shrines and temples are threats, manipulation and fear of

[55] Temple regalia depends on which deity an official is affiliated to; for instance the Ayelala are dressed in red clothes designed with an inverted white cross. While the Arohousnoba are dressed in red clothes.
[56] Arohosunoba Temple Observation Sunday 16/04/2017 originally in bini language translated by the author.
[57] Arohosunoba Temple Observation Sunday 16/04/2017

death. Pictures of victims of the deity (especially in Ayelala Temples) are displayed to remind defaulters that death is the result of defaulting. By words of mouth and threats, families of defaulters are manipulated so as to comply with the oaths and pay up debts on behalf of victims abroad.

A historical turning for human trafficking: the Oba of Benin Declaration

Since 2015, international news,[58] graphics and images[59] have portrayed the European migrant crisis as a global challenge which leaders of various countries affected ought to address. Among other nationalities involved in this crises, African migrants especially Nigerians form a fair percentage and there has been pressure on the Nigerian President Muhammadu Buhari to do something urgent about it. A great number of these migrants travel through the Sahara Desert and Mediterranean Sea route. Despite the risks and uncertainties involved in this journey from Africa to Europe, there has been an increase in the number of arrivals since 2015 until January 2018. Human trafficking as a form of modern-day slavery is an overwhelming phenomenon which stares the Edo people in the face and can no longer be denied.

On March 9th, 2018, the Oba of Benin felt the need to do something drastic about the human trafficking scourge facing the Edo society. On this day, the Oba convoked Chief priests, priestesses, native doctors, herbalists and elders of Edo State. They gathered at the Palace, in front of the Oba who officially placed a curse on the key actors of human trafficking in Edo State. The Oba made the following pronouncements:

> "*All the different oaths that have been taken before being trafficked will do them no harm anymore. All persons that have used people to take oaths, this is the Oba's grace: if they confess, they will be forgiven from this day forward and nothing will harm them.chief priests and native doctors). From this day forward, all native doctors (Oboh), Chief priests (Ohen) and any other person, even pastors who choose to disregard this pronouncement and goes on taking oaths, as long as the person has placed feet on this land, and eats food cooked with palm oil, from this day forward, such a person will run mad and die. I state that men, women, native doctors, Chief priests no matter how powerful, anyone that has been tied should be loosed. All things that have been taken from the bodies of those children (trafficked girls) during oath taking, anywhere they are, as the Oba has untied them, go to your*

[58] https://www.bbc.com/news/amp/world-europe-35158769
[59] These include (but are not limited to) the media coverage of slavery in Libya and the Nigerian women found dead on the Mediterranean sea by Italian authorities. https://www.bbc.com/news/amp/world-africa-42492687 and https://www.bbc.com/news/amp/world-europe-41884354

shrines and untie them too, then discard them, so that this curse will not affect you. If anyone says that this curse is not strong and goes ahead to make fire and reinforce the previous oaths, the Oba's deity will take such a person to the great beyond."[60]

The Oba of Benin made these pronouncements as the most powerful chief priest and custodian of the most powerful temple in the land. To reinforce the impact of the declaration, several representations of very powerful deities (statues and figurines) were brought out and exposed on the ground. Some of these entities have not been taken out of the palace and showed in day light for centuries. The Oba's pronouncements were in two ways; first he set victims of trafficking free by annulling previous oaths. Second, a curse was placed on any person that would be further involved in oath taking for human trafficking after the pronouncement. These pronouncements are not ordinary to the Edo people because they see the Oba as the physical representation of God; as such, his words are law. Another factor that makes the Oba's pronouncements potent is the fear that the Edo people have regarding curses made with different deities. These people are fully aware that the native justice which indigenous religion offers can both kill as well as save.

Symbolically, this was a historical move. The annulment of oaths taken is officially putting an end to oath taking rituals in the frame of human trafficking. This pronouncement has put some fear in the minds of traffickers and pimps in the Edo society; thereby reducing their activities. However, how effective could this be in curbing human trafficking in the Edo state? Could such a lucrative business end so easily? Looking at the human trafficking business, it is difficult to ascertain to what extent the activities of traffickers could be curbed. This is because despite the curses, some traffickers would want to take advantage of the spatial limitations of the Oba's pronouncements. By space I mean the geographical territory of Benin; as such, some priests and traffickers could decide to keep taking oaths outside Edo territory, because they believe that the power of the Oba is restricted to Edo state. This part of the Oba's pronouncement (that anybody who "chooses to disregard this pronouncement and goes on taking oaths, as long as the person has placed feet on this land, and eats food cooked with palm oil, from this day forward, such a person will run mad and die.") could be taken advantage of by traffickers.

Conclusion

The oath taking system is part of the institutions of Edo State; it is recognised and accepted by the Nigerian law.[61] This justice system if often preferred over the official justice, seen as corrupt and failed. This preference is also due to the trust in the potency of deities to avenge wrong doings quickly, and to be more reliable than public servants. The fear inspired by the

[60] Pronouncements against oath taking for human trafficking by Oba of Benin at his Palace 09/02/2018 originally in Bini (translated by the author to English)
[61] http://www.nigeria-law.org/Oaths%20Act%201990.htm

wrath of deities and their supernatural powers is also an efficient mean of pressure. While it is believed that the deities and spirits cannot be corrupted, humans in the official justice system could be compromised. The strong preference for the native justice system is further exemplified in cases where a person believes that he/she cannot get justice from a particular native justice temple/court. In such cases, most people prefer to seek justice from a higher native temple/court rather than taking their case to the official justice system.

This research showed that oath taking is a common feature of the daily lives of the Edo people and it is used to ensure order and harmony. There is no limit to the type of cases that are brought forth to the temples. In addition to the powers of deities, the strong role played by chief priests in various temples adds to the perceived efficiency of such a system. The chief priest fills the social and individual need for counselors, especially in times of crises and decision-making; he projects a father or mother figure; always willing to help in times of need. His authoritative position inspires both fear and respect from devotees. In addition the possibility of wielding diabolical powers against offenders instills fear and reverence.

Until recently the declaration of the Oba, on March 9th 2018,[62] oath taking temples occupied the first role in sealing human trafficking deals. The involvement is both at the recruitment stage which is the initial oath taking before travel to the destination country and when the victims are in Europe but refused to be pay the debts. At the initial stage of recruitment, victims are made to undergone scary rituals to assure the trafficker that the debt incurred will be repaid and they will never report the trafficker to the police. At the second stage, traffickers use the position and authority of the chief priest to intimidate and summon family members of the defaulter to the shrines or temples.

After the Oba's declaration, the role of the temples and the Chief priest has been modified. This change is very recent and it is still difficult to understand the new dynamics at stake. But the Edo society itself plays an important role in the sustenance of human trafficking because going abroad is seen as a great achievement as a result of the money generated and most families are expecting their children to send them money. On the other hand, the trafficking network is very dynamic and can easily adapt to new changes by seeking out loopholes in any system. An area of possible research is the effect of the Oba of Benin's pronouncement on the human trafficking network. Did the pronouncement put an end to human trafficking phenomenon? What are the new strategies that the human trafficking network will employ to avoid the wrath of the deities and avert the Oba's curses?

[62] On this day, the Oba of Benin placed curses on the act of human trafficking, all the actors involved in trafficking especially the traffickers themselves and the oath taking priests. The death penalty was apportioned to any defaulter.

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List of interviews.

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2. Interview with high priest VI, on 16/06/2017 at Family house, behind Oka market
3. Interview with High priest OE, on 13/04/2017 at Cultural centre.
4. Interview with chief priest Id. On 31/9/2017 at Id Temple
5. Interview with Chief priest GP on 12/04/2017 at Ayelala Temple
6. Interview with Prince O on 25/4/2017 at Orphanage, Ewah Road, Benin City