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### RESEARCH ARTICLE

## SWEM (OATH OF JUSTICE) AMONG THE TIV OF BENUE STATE

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### Abstract

Every ethnic group in the world has a unique identity that distinguishes it. For Tiv in Benue state, Swem is a powerful force for social cohesion, reinforcing collective identity and shared values. It also serves as a potent deterrent against antisocial behaviour and a mechanism for enforcing communal norms, thereby maintaining social equilibrium and moral order. This paper seeks to position Swem as a unique cultural heritage of the Tiv and document this practice amidst the complexities of preserving historical narratives in a global landscape. This paper employs a qualitative approach, drawing on data from both primary and secondary sources. The paper finds that Swem, as an oath of justice, was a pivotal traditional institution among the Tiv people, rooted in deep historical and cultural traditions, and transcending ritual, functioning as a sophisticated mechanism for social ordering. In conclusion, Swem stands as a testament to the enduring power of tradition in a changing world. The paper, therefore, recommends that, as modern challenges threaten the Tiv nation, it is imperative to reinstate Swem as a pillar of justice to reinforce accountability and communal harmony.

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### Introduction:-

As settled life became effective, African societies devised mechanisms to regulate interpersonal and intercommunal relationships within geographically defined territories. Such mechanisms sustained societal harmony, built integrity, and maintained law and order. Central to a people's identity is their worldview, which makes them homo-religious. The African Traditional Religion (ATR) has a critical element, oath-taking, which demonstrates adherents' relationship with the Supernatural Being, their ancestors, and fellow mortals. Thus, a traditional oath forms the existential foundation of their culture (Ibeka, 2015). The conventional oath is one of the mechanisms for resolving disputes properly. It operates fundamentally as a preventive measure against potential threats to peace and tranquillity, as well as to cultivate good relationships, friendship, and love among people, on the one hand, and between people and the prenatal forces, on the other (Ahuakonam, 2018).

An oath is a solemn, formal declaration or promise, often invoking a divine being, sacred object, or one's own honour as a witness. It therefore gives meaning and cohesion to society, enhancing “the propensity and capacity of people to seek the good of others, not just their own. An oath prevents unfaithfulness and helps build trust, which is a vital capital in human relationships. A covenant made in the form of oath-taking, either before a divinity or religious emblems, encourages people to behave well in society” (Mbiti, 1975). Scholars such as Jegede Obafemi (2017) and Rattray Sutherland (2020), in their separate contributions, have traced how historically, oaths have been central to law, governance, and personal honour across cultures, maintaining symbolic acts of integrity and accountability to this day.

In the Akan language, Nsuae(traditional oaths) constitute an essential aspect of the installation of chiefs (Kofi, 1983). Oath swearing outlines the parameters of the social agreement between traditional leaders and their subjects. Opuni Frimpong (2020) observes that until a new leader takes the conventional oath, they are not considered fully installed. In Kenya, the Ndundu oath is used when persons swear not to engage in witchcraft. It is used publicly when a crime has been committed, and the offender is unknown. It can also be used privately when offended. The process involves using akyungu (earthen pot) containing cooked food. It is smashed into kukunaniambisu (an irreparable form), and the evil words sworn by the person breaking the pot become mbisukyungu (the curse of the pot), which is believed to afflict the offender and the justice administered (Matheka, 2015). In other cases, a native cow provided by the accused was either suffocated to death or slaughtered. Both the accused and the accuser are given portions of the raw beef to eat, swearing. The raw meat afflicts the culprit. Additionally, among the Yala in Cross River State, Nigeria, Yena (a native cow) is slaughtered and shared among families and communities to honour the deceased, demonstrate unity and peace among family members, friends, and community(ies) (Onah et al., 2024).

In Nigeria, amongst the Yoruba ethnic group, it is essential to note that the archon of oath is believed to be the gods and deities such as Sango (god of thunder), Ogun (god of iron), Esu(god of wisdom), Orunmila (god of wisdom), and Ile/Onale (the earth goddess). Newly installed monarchs swear an oath of office to serve their subjects justly, bearing in mind the disastrous consequences of a breach. Hence, vicissitudes in life are suspected to be repercussions of broken oaths (Fayemi, 2009). In Igbo traditional society, various traditional mechanisms are employed to promote peace and social order within the community. Such mechanisms include inu iyi (oath-taking) and igbandu (covenant-making). There is also Ogu, an Igbo metaphysical material capable of vindicating the innocent and punishing the guilty, a viable multi-purpose tool in the restoration of sanity in Igbo culture. (Nwala 2018).

According to Paul Bohannan (1968), this traditional god of justice is believed to settle disputes and dispense justice in Tiv land. According to Zajemna Gundu (2001), the Tiv are generally considered to be speakers of a Bantu-related language. They have a complex set of traditional religious practices, rooted in three fundamental components that are expressed in accordance with their beliefs. The components include the belief in the existence of Aondo (the Supreme Being), Akombo (divinities or deities), and Tsav (witchcraft or wizardry), all of which work together to ensure stability, harmony, and the communal well-being of the people.

Religion served as a unifying force, organising governance, conflict resolution, and ecological practices, such as fertility rites (Ezekiel, 2004). Symbols are fundamental phenomena in the Tiv religion, serving as a means of communication among the people and as aids in achieving the religious objectives of the Tiv people. These symbols mirror the people's beliefs, knowledge, and social reality. They also reveal how phenomena are physically signified, aiding meditation and promoting spiritual development. The Tiv “believe that they all originated from Swem. By this, the Tiv understand that their shared language, experiences, history, institutions, and descent unite them” (Okar, 1979). Swem holds dual significance in Tiv oral traditions. On the one hand, it represents the last point of dispersal at which the Tiv entered the Middle Belt Valley. However, there has been scholarly debate among Akiga Sai (1933), Paul Bohannan (1954), Tesemchi Makar (1994), and John Gbor (2006) regarding the exact location of Swem.

On the other hand, Swem symbolises the great oath of justice, which offers immediate justice, a tradition that provides an ideological foundation for their sense of oneness. This paper focuses on the second usage/significance, seeking to position Swem as a unique cultural heritage of the Tiv and to document this practice amid the complexities of preserving historical narratives in a global landscape. This paper employs a qualitative methodology, drawing data from both primary and secondary sources.

### **Historical Background of Swem**

The origin of Swem/Ikaragbe can be traced to Ikaragbe, a Nongov man, who incurred a debt amongst his relatives. He belonged to a cult that eats igbedin (human flesh) from a line of age group belonging to his father. Consequently, his kinsmen demanded that he pay off his debt by giving up his family members to be eaten. Ikaragbe agreed, but after giving up his family lineage in payment of the debt, his kinsmen insisted on killing him as well. It was at this point that he ran away to Utyusha (Campion, 1983).

His relatives, noticing his absence, sent Kpamberakpa and Anyamagere on a mission to find Ikaragbe and bring him back to Nongov. The two men traced him to Utyusha. Upon arrival, Ikaragbe, sensing trouble, submitted himself to his kinsmen to avert the conflict brewing between his kinsmen from Nongov and the Utyusha people, who refused to release him (Akiga, 2016).

Given the forested nature of the area, on the trip back towards Nongov, Ikaragbe collected some ashes into an earthenware pot and added pieces of gbyaaye wood (*Prosopis Africana*) and ayandegh (*Marantochloa flexuosa*) plants, setting an Ijembeaondo (thunderbolt) (Terngu, 2020). Upon finishing this, he was ready to meet his kinsmen. He demanded that Kpamberakpa and Anyamagere take him to his kinsmen in Nongov. When they approached his village, there was great rejoicing. The villagers welcomed him with a song: "Kpamberakpakange or vanama!" "Hee-e-e! Anyamagerekange or van am a! Hee-e-e! (Kpamberakpa has caught a man for me! Yes e-e! Anyamagere has caught a man for me! Yes-e-e!" (Nomishan, 2020).

This is how Ikaragbe was brought back to his people, and his life was taken in payment of the debt he owed. A few days later, Kpamberakpa and Anyamagere died from swollen legs. Their death was interpreted as the punishment for killing Ikaragbe, and the people concluded that Swem (the pot that Ikaragbe put together in the forest before entering the village) would destroy every man who kills without pity. Since then, it has become customary for the traditional Tiv person to prepare Swem in the same manner as Ikaragbe dressed it in cases of crime or illness to ascertain the truth. This is how Ikaragbe instituted Swem. One important point to note from this story is that Swem was not originally part of the Tiv culture; however, it was incorporated following the events surrounding Ikaragbe's death.

When contextualised within the Tiv cosmology, Swem integrates modern advocacy strategies with traditional Tiv values and practices. Instead of Western legal systems, the Tiv traditionally resolve disputes through the Swem, which emphasises restorative justice and aligns with Tiv values of truth and communal harmony (Atser, 2005). Agema Uzer asserts that Swem is rooted in the cultural beliefs of the Tiv people and endowed with numerous attributes. To understand its effects, it is imperative to be involved from the preparation stage and to observe the outcomes for the guilty persons involved (personal communication, 20/04/2025). For example, Uzer explained further:

if we have a dispute and we disagree, we can decide to prepare Swem. Both of us will hold Swem in our hands and proclaim: ... if it is not true, let the effect of Swem fall on me." ... it is then handed over to the next person to make their own proclamations (Uzer, personal communication 20/04/2025).

Thus, from the above example, the primary attributes/components of Swem include preparation, discussion, and manifestation, and the primary outcome is that truth must be established or prevail. Swem must be understood "as the great oath of faithfulness and truth between the supreme god and the Tiv ancestors" (Bohannon, 1968) when they arrived at the transitional Swem homeland. This is because Tiv people could also get justice for both criminal and civil cases by going to their indigenous religious altars which were presided over either by a zegepriseti (chief priest) the custodian of the indigenous altars and intermediary between the people and the azor (deities), orchi (medicine man) or those said to possess tahavbukwagh-hir (magical powers) (Wang, 2008). Most Tiv people believe that Swem is a very significant Akombo (ritual) by which they swear; they think Swem was practised at the Swem geographical location of the Tiv. Many others know Swem to be the ancestral homeland of the Tiv nation (Akiga, 2016).

### **The Making of Swem**

Swem is a vessel of truth, a bridge between the living and mbakpenev (ancestors), and its sacred preparation has four steps. For its contents, it is symbolised in a pot filled with ashes, Gbaaye wood (*Prosopis Africana*), and Ayandegh plant (*Maantaleuconeura*), commonly known as prayer plants, recognised for their beautiful and unique foliage. In addition, *ikyulanomsu* (*Lophira lanceolata*) and *ikyula-kase* (*Sarcocephalus latifolius*) are added to the pot. At the same time, notches of palm leaves are tied around the pot, and then Ijembeaondo/tsôr (thunderbolt) is

invoked. This is the combination from which the powers for traditional justice are invoked (See Plate 1) (Nomishan, 2022)

The first step in preparing Swem is to choose the gbaaye tree to use, which is done only after prayers to Aondo (God) and Mbakpenev. The wood from the gbaaye tree is the backbone of the ritual, as it symbolises strength and the unbreakable word of the Tiv mbakpenev (ancestors). It also represents the roots that run deep into the ground, just as justice must be rooted in truth. In the second step, the one who is to prepare Swem purifies himself in the smoke coming from a portion of the bark of the gbaaye tree that he has set on fire for this very purpose and uses the ash in the Swem pot. The third step involves carving out a small chunk of gbaayewood from the tree, which becomes the Swem. The fourth step is crushing the ayandegh leaves into a paste. All the above-mentioned items are put in a tsua (pot).

Lastly, the tsôr (thunderbolt), which symbolises divine justice, is placed beside the Swem pot. The preparation of Swem is completed and ready for use. The sacredness and potency of Swem are responsible for why it is conveyed by foot (Agundu, 2006). In describing the oath-taking procedure, KwaseTsekusha (personal communication, 25/05/2025) observed that before the oath is taken, those who are to swear must rub ayandegh leaves on their tongues and chests, a practice believed to open their spirits to the ancestors. They are asked to make their declaration one after another. The tsua is struck with a stone shaped like a thunderbolt, calling the gods to listen. If the oath is broken, tsôr will strike the liar, in this life or the next. There are other instances where, if any of the participants lie before the tsua is struck, the ayandegh leaves will twist their bodies as a warning from the god.

**Plate 1: Picture of the Swem Pot.**



#### **The Functionality of Swem as Oath of Justice**

The concept of justice in Tiv is central to understanding the Tiv Mnenge u tar (worldview/cosmology). The idea of justice is akin to shainja, which represents appropriateness, making it an act and a system (Nomishan, 2022); it is thus appropriate to the entire cosmic reality (Iorshagher, 2005). To be relevant or “act appropriately is to embrace other values, such as communality, accommodation, what is right, what is good, what promotes tranquillity and harmony, altruism, and brotherly needs, among others” (Downes, 1971). Justice in Tiv also means shami(right), shamiga (not right), with correlations such as Kwagh u vough (right thing), shatindi (legal), shamimi (truth), and doo (good). From the above examples, it can be understood that Tiv's understanding of justice assumes many meanings (Rubingh, 1969). According to Nev Debul (personal communication, March 20, 2025), the processes involved in

Swem's use include an elder or priest presiding, often at a shrine. They hold the Swempot, which is a symbol of ancestral authority. The accused breaks kola nuts, pours libations, or swears while touching the Swem pot. Afterwards, everyone waits; if calamity strikes the liar, the oath works; if not, the accuser is ashamed.

Swem, as conceptualised above, is arguably the most profound and revered traditional institution within the Tiv justice system, as it serves not only as a mechanism but also as a form of conflict resolution, social cohesion, and maintenance of moral order, making its use amongst the Tiv interwoven (Campion, 1983). When conflicting claims over farmland or boundaries arise, and evidence is inconclusive or testimony conflicts, Swem is invoked to determine the truthful party. In cases of serious theft (especially of valuable livestock or property) or false accusations (such as witchcraft or adultery) where guilt cannot be proven by conventional means, Swem compels truth-telling. An individual falsely accused of a grievous offence can voluntarily take the Swem to publicly prove their innocence and restore their reputation (1983).

This preemptive confession serves as a key corrective function. It allows for the vindication of the innocent, the shaming of the guilty, and ultimately, the restoration of justice within the community. Swem remains a cornerstone of Tiv traditional jurisprudence. Its primary use as the ultimate mechanism for truth verification in intractable disputes is intrinsically linked to its power as a tool of unity and correction. By invoking shared sacred beliefs and ancestral sanctions, it reinforces Tiv identity, deterring wrongdoing through profound fear of consequences, compels confessions, publicly reaffirms core moral values, and ultimately aims to restore harmony and justice within the community. In many Tiv communities, the Swem symbol served many purposes.

#### **Swem as a Tool of Unity: -**

As a revered and respected symbol, Swem was first and foremost a religious covenant that bound and united the destinies of members of a kindred, village, and community. This was because the idea of Swem was to ensure that communities had some sense of moral probity, social harmony, equality, and fairness among themselves (Downes, 1971). This was how Swem was seen and understood by the Tiv ancestors, and therefore, the main prerequisite for acquiring the Swem symbol is sound moral probity grounded in truthfulness and justice. Consequently, one cannot approach Swem or hold it if they are guilty, as the reverse brings condemnation and calamity to the individual and his environs (Ndera, 2013). Hence, truth, the sacredness of life, and its sanctity and value revolve around the Swem symbol.

#### **For Political Leadership and Accountability: -**

The Tiv political institution revolves around the Swem for legitimacy and accountability. Leaders like Tor Tiv, Clan Heads, or those assuming significant communal responsibilities were subjected to Swem to affirm their commitment to justice, fairness, and the welfare of the people. This shared sacred vocabulary and deep collective belief in its power create a powerful unifying bond that transcends individual clan affiliations, reminding all Tiv people of their common origin and shared values. Administering Swem is not conducted in secret, as elders, representatives, and often the wider community witness the ceremony and understand it. This collective participation reinforces shared norms and fosters a sense of communal responsibility to uphold justice, thereby promoting unity of purpose (Rubingh, 1969). Since Swem checks the excesses of wicked leaders and exposes administrative exploitations, people in authority are expected to shun evil, live lives worthy of emulation, and, in accordance with the exemplary leadership attributes of the ancestors who had held such positions, since they were aware of the consequences of dissipated behaviour, which would attract retribution (Atser, 2005). This is because excellence is rewarded with prolonged existence and the immortalisation of deserving individuals in various forms after death (Akonan, 1985).

Historically, treaties between different Tiv clans or with neighbouring groups were sealed with Swem, making the agreement binding under spiritual sanction and inviolable (YortamTumba personal communication 20/04/2025). Reiterating the power of Swem when used collectively, Michael Adoboh (personal communication, April 21, 2025) cites an example of two villages having a dispute over land boundaries. Elders can decide to invoke Swem to prevent war, and “the parties involved in the conflicts take oaths together with their witnesses. The oath sworn on Swem decides matters quickly because our people believe the spiritual world does not tolerate false oaths; it is not a curse but rather divine justice. Importantly, too, it is not about revenge either. It is about restoring balance, since the accuser faces shame if proven wrong. This can also be used to bind communities during crises (Michael Adoboh, personal communication, April 21, 2025). In this context, therefore, Swem reconciles individuals and communities in cases of differences, with the presence of elders when the appropriate rites are carried out. Hugging, fellowship, and sharing meals are signs of true reconciliation, and with these, traditional leadership strives to live up to expectations, hoping to take the community to greater heights (Downes, 1971).

Interestingly, during Nigeria's Second Republic, there was a case involving the Late Chief J.S. Tarka, a foremost Middle Belt nationalist, former Minister, and Senator, who was dogged in defending the Tiv within the Nigerian State. The formation of the United Middle Belt Congress (UMBC) political party, in defence of the minority interests in the Middle Belt against the Fulani hegemony of northern Nigeria, lends credence to his political activism. However, J. S. Tarka's relationship with the Fulani northern hegemony, which led to the formation of the National Party of Nigeria (NPN) and the mobilisation of political support for Alhaji Shehu Shagari (NPN presidential candidate), was considered intransigent and politically self-serving, and a betrayal of the Tiv cause. On this political romance with the North, Tarka's death was allegedly a consequence of reneging on the SwemKaragbe. This may be suspected as Tarka's abdication of the Tiv course for the Fulani was a disservice to the Tiv and the Middle Belt as a whole. The alleged Tarka-Swem example demonstrates the effectiveness of Swem, highlighting its functionality and the identity of the people (Odey, 2020).

#### **Swem as a Corrective Tool: -**

Swem not only unites but also adjudicates in resolving crimes and disputes. This is because some crimes like murder, adultery, incest, and suicide were considered kwagh-bo (evil), and have calamitous consequences on the offender, his/her community and surroundings (Agundu, 2006). In cases of kwagh-bo and social disturbances, kwagh-dzaniyol, the elders' judicial interventions are based on the gravity of the crimes (Akonan, 1985). Additionally, Swem purged the Tiv societies of injustices resulting from false testimonies or evidence, corruption, incest, adultery, and mbatsav (witches) (Atser, 2005). Yotam Iko Tsumbare iterates that in the case of one accused of witchcraft activities, for example, at the arrival of the messenger who went to receive the Swem pot on behalf of the community, all the adults came out to welcome the messengers. Thereafter, all the accused people were called out to swear on the Swem pot using the following statement:

Swem listen! If I know anything about witches, or if I have donated my child to be killed by witches, let this Swem cause my stomach to swell up so that I shall die. However, if I do not know anything about my child's death, I shall be safe, while all who are involved in the plot shall die (personal communication, 12/04/2025).

Stressing the efficacy of Swem further, Agema Uzer (personal communication, 20/04/2025) observed that: whenever an accused person or persons refused to confess to the crimes they committed, they were made to take the Swem oath. If such persons were guilty of the accusation, the Swem pot caused their legs and abdomen to swell up, leading to their death.

The Swem pot here becomes the tangible manifestation of the intangible cultural heritage of the people (Bohannon, 1968). Shedding light on some of the misconceptions surrounding the use of Swem, Nev Debul attests that: yes! Some think it is juju or witchcraft. No, it is about accountability. It is not evil; it is a plea for fairness. Additionally, it is used for more than just significant issues. Individuals use it in family quarrels, business deals, and anywhere truth is contested. Imagine being falsely accused of a crime; by swearing on Swem, you call on ancestral forces to vindicate you. It restores your reputation and offers spiritual protection. It also detects lies; people fear divine consequences, so they are more likely to confess or avoid false claims (Nev Debul, personal communication, 20/04/2025).

#### **Impact of the Swem Oath in Tiv: -**

Among the Tiv communities, individuals who speak the truth under Swem are ceremonially anointed with herbs as a mark of honour (Atser, 2005). The elders affirm that the earth rewards those who honour it with truth, especially when libations are poured, and the ancestors are invoked. This is because "truth is like rain after drought, it brings life. When one speaks with sincerity before the Swem, the world aligns in their favour. The oath is not a chain but a shield" (Edward, personal Taaji communication, 21/04/2025). These testimonies underscore Swem's pivotal role as a moral and judicial compass. The oath operates not merely as a ritual, but as a social mechanism that validates truth, consolidates trust, and confers communal legitimacy upon the speaker.

Edward Taaji reinforces this interpretation when he maintains that truth, when declared before Swem with a pure heart, aligns with the cosmic and ancestral forces in favour of the speaker. Taaji espoused, thus, ... I recall a woman who openly confessed her son's wrongdoing before Swem. Although the boy was held accountable, her forthrightness earned her clan enduring respect. Today, her family is consulted for counsel, and their family name has become synonymous with integrity.

The rewards for truthfulness transcend symbolic acknowledgement and manifest materially in the form of bountiful harvests, elevated social status, and intergenerational honour.

Furthermore, the institution of Swem is revered as a divine protector of the innocent and a mechanism through which the vulnerable are vindicated. This perspective is echoed in the observation of Nev Debul (personal communication, 20/04/2025), thus: ... suppose an individual is falsely accused, perhaps of livestock theft. If the individual is indeed innocent, he swears by Swem before a priest or elder, formally declaring '... if I am being untruthful, let the ancestors be my judge.' However, if the individual is indeed innocent, the Swem serves as a shield, ensuring protection.

When a person truthfully invokes the Swem in the context of a dispute, the matter is regarded as permanently resolved, as there are no lingering suspicions, gossip, or hostility. As the Tiv proverb articulates, such a person's word cuts through lies like a knife. It embodies a ritualised spiritual force that upholds truth and administers justice. As Daniels Ndera (2014) notes: ... from its theomorphic etymological root, the Swem figure was already seen as an incarnation of the 'two-ness' principle of reality. Its natural and physical aspects were entirely subsumed under the hierophantic cloak of the sacred symbol.

Although physically constructed from wood, the Swem surpasses its materiality in spiritual and social significance. Its symbolic power permeates Tiv communities, transforming them into a sacred force that commands reverence and dispenses justice across temporal and generational boundaries.

Despite its salutary effects when used truthfully within the Tiv cosmology, the negative repercussions are vividly described in the traditional belief system. The act of "bum Swem," which entails swearing falsely upon Swem, is met with severe corporeal punishment, often extending beyond the individual offender to permeate the offender's household, manifesting as collective suffering (Akonan, 1985). Nev Debul (personal communication, 20/04/2025) further reiterates this view with characteristic solemnity: the consequences are like a storm gathering slowly, only to be devastating when it strikes.

It is of utmost importance to note that the ancestors withdraw their protection. When one swears on Swem, the ancestral powers are invoked. Should that oath be violated, and ancestral favour is forfeited. What follows is unrelenting misfortune: incurable illnesses, withered crops, and failing ventures. Abraham (1933) reiterates as follows: I recall a case where a man lied during a boundary oath; his children became ill, and his livestock perished. The wrath of the ancestors is indiscriminate; it afflicts not only the transgressor but also his descendants. Swem thus symbolises *mimi* (truth) and *chia* (justification), serving as a metaphysical instrument of universal justice and ancestral enforcement.

In another instance, a woman concealed her brother's guilt by lying under oath. Consequently, she became barren and was eventually repudiated by her husband's clan, and after which she returned to her natal home (Nev Debul, personal communication, 20/04/2025). These accounts elucidate the extent to which the Swem oath is perceived as a sentient force that exacts penalties not only on the offender's physical body but also on their spiritual essence, social identity, and familial legacy. The punishment is holistic, targeting both the transgressor's temporal existence and intergenerational dignity (Otor, 2019). In Tiv socio-political practice, Swem is employed during oath-taking ceremonies for public offices, and its invocation is believed to bind the officeholder to an uncompromising standard of moral accountability. Any deviation from the communal norms and responsibilities to which one has sworn results in severe spiritual and physical retribution. This is because the cosmological worldview underpinning Swem posits that no geographical distance or concealment can protect the violator from ancestral justice (Akonan, 2007).

### **Challenges in the Practice of Swem:**

Firstly, the emergence of a modern, pluralistic, and heterogeneous society has affected the Tiv's notion of justice in almost all facets of their sociocultural system. This is particularly evident in the introduction of Christianity, which has led most Tiv people to reject traditional Tiv values (Wegh, 2001). They claim that Christianity has led them to believe that Tiv's deities, such as *Abaverjua* and *Iyolkough*, are false and powerless (Kerker, 2002). The oath-taking ceremony today is seen as either fulfilling all righteousness or window dressing, as it lacks the potency to enforce its sanctions as it was practised in the traditional setting (Irom et al., forthcoming). Allegiance to the oath has been so trivialised that one wonders if the phenomenon has any serious value to the people (Wegh, 2001). The use of Swem, on the other hand, is suspected, doubted, and criticised (Temimongo, 2011) while religious preachers continue to call for a total eradication of the culture and tradition (Okafor, 2006).

Hence, Anshi Ieren (2004) notes that “Swem, which hitherto was the symbol of justice, has lost its sacredness and mystical force in ensuring justice, as almost everybody lays claim to Christianity; nevertheless, BumumSwem (swearing at Swem) is now considered ungodly and devilish.” Today, Christian and Islamic forms of oath-taking are preferred over the Swem traditional form. Oral interviews suggest that traditionally, any deviation from societal norms attracts immediate punishment, making it a dreaded act. However, punishment in the oaths of Christianity and Islam is more futuristic (Wegh, 2001). Hence, most of those responsible for administering justice in Tiv land today are engaged in a hyper-perversion of justice. This has explained the impact of Christianity and globalisation in Tiv land (Torhee, 2020).

Secondly, Swem is presently incapacitated by the Constitution of the Federal Republic of Nigeria, which determines which case deserves punishment. For example, Section 30(12) of the 1999 Constitution (as amended) states that “a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law.” In this context, a written law refers to an Act (Kanu, 2013; Amah, 2020). The Constitution also recognises the Bible and the Quran for oath-taking during coronation, while the Swem is no longer validated. A case in point is the present Tor Tiv James Orteselorzua Ayatse, elected December 20, 2016, and crowned March 4, 2017, who did not swear on Swem not because it was wrong, but because the laws that govern his seat recognised the Bible and the Qu’ran as the legal documents of the State (Terkumo 2018, Igbandu Shadrach personal communication 04/05/2025).

Thirdly, political power in Nigeria has no room for the ‘yanaangbian’ (eat and give to your brother) philosophy. This mentality has permeated the Tiv nation, gradually eroding the traditional sense of Tiv communalism and justice and replacing it with individualistic tendencies (Iortimbir, 2022). According to Anshi Ieren (2004), “brotherly love has ceased and has been overthrown by brotherly conspiracy and hatred as collectivity has given way to egoism and uncompromising individualism.” It is thus regrettable that modern society, with its doctrines of consumerism and extreme capitalism, has dramatically affected the Tiv concept of justice. Another example is the Igbo culture of caring for one another, which is rooted in the practice of Ogbenye, based on communalism rather than individualism. However, today, Ogbenye is now synonymous with the term ‘beggar’ due to the transformed patterns of thought, reengineering of ideals of living, and a changed perception of self. (Irom, O. A. et al 2025).

Today, the Tiv people face numerous challenges, both internally and externally. Internally, political struggles have led to divisions, the destruction of property, and the loss of lives. Externally, Fulani headsmen, in collaboration with neighbouring groups and a few compromised Tiv individuals, have continuously ravaged the Tiv land (Normishan, 2025). In the face of all these, the adoption of foreign cultural and religious symbols has not resolved the challenges facing the Tiv people. If the future of the Tiv lies in the hands of its people, then their survival lies in their ability to reclaim and uphold their cultural values. The most outstanding aspect of their cultural heritage is Swem, which they must embrace and reinforce its significance to restore a sense of pride, identity, and resilience. Rather than viewing it as a relic of the past, it must be integrated into contemporary governance and conflict resolution mechanisms as a living institution that continues to offer justice and unity, calling all Tiv people to maintain brevity and strengthen their courage as they strive to secure their land. This will ensure that their cultural heritage remains relevant and effective in addressing modern challenges.

### **Conclusion: -**

This paper has traced the complex path of Swem, which played a central role in Tiv traditional justice. It appears as a carved object, sculpted from wood from its sacred genealogical root stems, reinforcing its stature as both a tangible object and a supernatural authority. It is associated with ritual as an efficacious performative symbol which embodies a sacred essence so potent that its misuse invokes cosmic and ancestral wrath. It serves as both arbiter and executioner, administering justice with a certainty that is both feared and revered in Tiv traditional life. Moreover, its symbolic potency across Tiv society transcends its material form.

The forces driving change have been multifaceted. Christian, the ascendancy of the federal Republic of Nigeria's legal system and the opportunities of the modern Nigerian State. Amid all these challenges, Swem endures as a powerful symbol of Tiv cultural resilience and their unique approach to maintaining social order. More than just a way to settle conflicts, Swem is also a powerful symbol of the Tiv identity. It stands for truth, justice, respect for ancestors, and cultural pride. It represents a system in which justice is not merely adjudicated but spiritually guaranteed, binding the community together through shared reverence and consequences.



Indeed, Swem stands as a testament to the enduring power of tradition in a changing world. It is interesting to note that, although its form, frequency, and contextual relevance have been reshaped by history, modernity, and the state, its fundamental purpose, seeking truth, enforcing justice through sacred sanctions, maintaining social order, and affirming Tiv identity, remains vibrantly alive. Swem is not merely surviving; its future trajectory will undoubtedly involve further negotiations between tradition, religious faith, state laws, and evolving socioeconomic realities. However, its core significance as a unique and resilient institution of the Tiv justice and cultural heritage is assured.

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