The Ibibios' view of *Mbiam* (Traditional Oath Taking) as a Tool for Adjudication in Nigeria: A Policy Pathway

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Abstract
This paper explored the possibilities laden in the traditional justice administrative practices among the Ibibios of Akwa Ibom State and their incorporation into formal judicial structures for the administration of justice in the state. The advocacy was founded on the truism of the weaknesses of formal judicial administrative structures to adequately deliver on expected roles. This lent credence to the adoption of structural functionalism as the theoretical framework of analysis. Though combining both qualitative and quantitative approaches, the paper dwelt on the analysis of 400 responses to questionnaire materials (through a simple random sampling method) from a population estimate of 2,338,538 Ibibio indigenes. After analysis, it was concluded that both civil and criminal conflicts are likely resolved through Mbiam as a judicial instrument among the Ibibios of Akwa Ibom State, Nigeria. The paper recommended, among others, that instead of pretending that it does not exist, government should study the practice of mbiam as a traditional method of conflict resolution and seek ways of refining it to suit modern day realities.

Keywords: Mbiam, Traditional Oath, Dispute, Conflict Resolution

Introduction

The traditional administrative structures and practices natural to former traditional African societies have exhibited somewhat stubborn, often resilient features which have equally endured the proclivities of modernization. These practices have either acted as positive buffers or impugned the conduct of civil administrative processes depending either on the intents of its advocacy/practitioner or the theoretical disposition of the assessor. Whatever the disposition of assessment, one inescapable fact remains that some of these traditional heritages have not only persisted but are also regaining grounds on the administrative sub culture of some of these societies owing largely to the weaknesses or failures of formerly institutionalized systems to deliver on expected roles. After all, traditional justice systems have been found as having scored successes in countries like Rwanda through *Gacaca* and Uganda through *Mato Oput* and where some communities in Kenya like *Pokomo, Orma, Giriama, Digo, Taita and Duruma* have introduced the approach of indigenous methods in conflict resolutions Legesse, (1973) and Hogg (1981).

Specifically, with regard to the Ibibios of the Southern part of Nigeria, justice is a cardinal pillar of its judicial and legal systems. The Ibibios have a very strong sense of justice which is found in

many of the Ibibio cultural ethos and pathos. The proverbs, idioms, folklores, folk songs and other linguistic sources are some important purveyors of this value system. Ibibio justice is practiced in both civil and criminal-like matters with particular relevance in land matters, inheritance issues, socio-communal development strategies, interpersonal relationships and sundry avenues. This paper examines a few of these sources with particular attention on *mbiam* (oath taking) as a conflict resolution mechanism. This is with a view to deciphering the fundamental concepts and principles of traditional Ibibio justice system and to inquire into whether or not the principles and practice of justice in traditional and modern Ibibio societies are still sustainable in the present system of formalism in judicial administrative structures. Therefore, the cardinal hypothesis of this paper is that both civil and criminal conflicts are likely resolved through *Mbiam* as a judicial instrument among the Ibibios of Akwa Ibom State, Nigeria.

Theoretical Framework

Structural Functionalism

According to Crossman (2019), Structural Functionalism, also called functionalist perspective, or simply functionalism, is one of the major theoretical perspectives in sociology. It has its origin in the works of Emile Durkheim, who was especially interested in how social order is possible or how society remains relatively stable. As such, it is a theory that focuses on the macro-level of social structure, rather than the micro-level of everyday life. Notable theorists include Herbert Spencer, Talcott Parsons, and Robert K. Merton.

Functionalism addresses society as a whole in terms of the functions of its constituent elements; namely norms, customs, traditions and institutions. A common analogy, popularized by Herbert Spencer, presents these parts of society as "organs" that work toward the proper functioning of the "body" as a whole (Urry, 2000). In the most basic terms, it simply emphasizes "the effort to impute, as rigorously as possible, to each feature, custom, or practice, its effect on the functioning of a supposedly stable, cohesive systems. For Parsons, (1975) functionalism came to describe a particular stage in the methodological development of social science, rather than a specific school of thought.

The functionalist approach was implicit in the thought of the original sociological positivist, Auguste Comte, who stressed the need for cohesion after the social malaise of the French Revolution. It was later presented in the work of Émile Durkheim who developed a full theory of organic solidarity, again informed by positivism or the quest for "social facts". Functionalism also shares a history and theoretical affinity with the empirical method. Whilst one may regard functionalism as a logical extension of the organic analogies for society presented by political philosophers like Rousseau, sociology draws firmer attention to those institutions unique to industrialized capitalist societies (or *modernity*). Functionalism also has an anthropological basis in the work of theorists such as Marcel Mauss, Bronisław Malinowski and Radcliffe-Brown. It is in Radcliffe-Brown's specific usage that the prefix 'structural' emerged. Classical functionalist theories are defined by a tendency towards biological analogy and notions of social evolutionism: Functionalist thought, from Comte onwards, has looked particularly towards biology as the science providing the closest and most compatible model for social science. Biology has been taken to provide a guide to conceptualizing the structure and the function of social systems and to analyzing processes of evolution via mechanisms of adaptation. Functionalism strongly emphasizes the pre-eminence of the social world over its individual parts (i.e. its constituent actors, human subjects) Giddens, 1984).

When applied to this study, functionalism views mbiam as a traditional adjudicative instrument (sub system), operating within the larger society, and working to keep the society stable and free from unnecessary disputes/conflicts.

Conceptual Clarifications

Disputes/Conflicts

Disputes are variants of manifestations of the results of human disagreements in life, this happening because human beings are inevitably different in physique, belief, mental and psychological depositions of living, even in their peculiar needs. Thus, Moffitt & Bordone (2005) consider disputes as part of the reality of modern life, emphasizing that since every human being has our own perspectives, his own interests, his own resources, his own aspirations, and his own fears, it is no wonder, then, that as they run into each other, they sometimes find themselves in disagreement about what has happened or about what ought to happen. Simply put, everyone of humanity has times when they feel others have hurt them, and everyone has times when he/she is is moved to act against real or perceived injustices.

In an attempt at conceptualizing conflict, Scott (2007) sees it as arising out of everyday differences of opinion, disagreements, and the interplay of different ideas, needs, drives, wishes, lifestyles, values, beliefs, interests, and personalities. However, he calls attention to the fact that conflicts are more than just debates or negotiations. They represent an escalation of everyday competition and discussion into an arena of hostile or emotion-provoking encounters that strain personal or interpersonal tranquility, or both.

The question arises as to whether there is a difference between the two concepts. While others may glean some differences between the two, some view it only as derivatives of disciplinary differences, as social scientists are more likely to study "conflicts," while those with legal training may focus on "disputes." Without doubt, it need be mentioned that often, scholars use the terms interchangeably (Moffitt & Bordone, 2005).

Often, disputes/conflicts arise when people have underlying needs or strong wants that are not met, such as security, independence or belonging. They also grow out of fears that something valuable may be lost, (e.g., a friendship, property, or peace and quiet). Such needs and fears easily fit into Abraham Maslow's well-known pyramid of needs. Thus, an unsatisfied need can be the source of a conflict (Scott, 2007). They are 'controversies involving two (or more) parties, each making a special kind of claim: a normative claim of entitlement (Lempert, 1978). Kritzer (1981) sees dispute as a social relationship created when someone (an individual, a group, or an organization) has a grievance, makes a claim and has that claim rejected. Disputes arise because one party does not act as the other wants or expects him to do and since norms express role-expectations, disputes necessarily take the form of a claimed breach of the norm. Once it has been established that a person's or group's rights have been infringed upon and responsibility for the deed has been determined - through whatever procedure for inquiry and adjudication - the final step in the judicial process is to redress the breach.

The need for the resolution of dispute/conflicts rests on the assumption that they represent some form of zero-sum exchanges. For instance, Moffitt (2005) notes that in describing a single-issue dispute, many economists' models suggest that each party has a reservation price—a price point at which he or she is indifferent between settling and walking away to his or her Best Alternative. In a two-party dispute, according to this framework, each side will have a reservation price, whether or not every disputant has consciously fixed one or labeled it as such. These two points may combine to produce a Zone of Possible Agreement (ZOPA) or they may not. If the claimant's reservation price is low (he/she will take anything above a low number), and if the defendant's reservation price is high (he/she will pay up to a large sum to settle the case), a large ZOPA exists. All these point to the inevitability of devising means for the resolution of conflicts if the health and sanctity of men and society is to be preserved.

As with all of the other elements of law, modes of redress, of righting a wrong, vary from society to society as well as within a single society. The problem with seeing dispute processing as central

to the work of courts is two-fold: First, there are good grounds for saying that the adjudicative process of courts is extremely poorly fitted for dispute resolution. Secondly, there seems to be considerable evidence that a great deal - probably the major part in terms of total number of cases - of courts' work is concerned with matters other than disputes in these senses.

Shapiro (1981), in his analysis of the 'social logic' of the trial, suggests important reasons for denying that courts are well fitted for resolving disputes. For in so far as the work of courts is held to centre on adjudication and the role of the judge is seen as being to decide the 'rights and wrongs' as between two parties in dispute and to provide a dichotomous solution to their conflict in which one party is held to be right and the other wrong, courts and judges stand at the opposite end of the continuum of dispute settlement from mediation or negotiation through a go-between. They stand at that end of the continuum where consent of both parties to a solution put forward by the third party (judge) is least likely. Consequently, the processing of the dispute by the court is unlikely to result in a genuine resolution of it; that is, a solution acceptable to both parties. A wrong judicial solution is likely to appear as an imposed two-against-one solution which may make continuing relations between the disputants difficult or impossible.

A court hearing may escalate a dispute by making it public and focusing attention on it in a way that can often be avoided by using the private and sometime less complex and protracted proceedings of arbitration. Further, judicial proceedings 'do not lend themselves well to the consideration of multifaceted disputes. The adversary proceeding oversimplifies many conflicts, and consequently, many disputes are brought to court only as one stage in their ultimate resolution' (Jacob, 1978).

Traditional Justice System

Traditional justice is often used as a term to describe those practices of the justice system that are distinguished from those associated with modern or state justice. It refers to all those mechanisms that African peoples or communities have applied in managing disputes/conflicts from ancient times and which have been passed on from one generation to the other (Kariuki, 2018). It may also be conceptualized as all those people-based and local approaches that communities innovate and utilize in resolving local disputes, to get the benefits of safety and access to justice to all. Traditional justice thus depicts a situation where traditional, local actors and procedures are applied in bringing fairness, justice to bear on the affairs of the society or resolving disagreements between two people, groups and communities.

By nature, traditional justice systems (TJS) tend to be culturally specific, hence its lack of a universal or crosscutting definition. For that reason, concepts like community justice system (CJS), traditional, non-formal, informal, customary, indigenous and non-state justice systems are used interchangeably in different contexts to refer to localized approaches by communities to attain justice (Kegoro, 2012).

The relevance of the traditional justice system is to the extent it is perceived by those who practice it to be fair and accessible, available and affordable. Apart from being perceived as a source of ethnic and cultural identity, traditional justice system is also assumed to handle matters in a more amicable manner than the modern justice system as it is more capable of restoring cohesion to the community than the other.

Nigerian Legal System vs. Traditional Justice System

Since the Nigerian legal system is predominantly styled after the legal basis of its colonial heritage, the relationship between it and the extant traditional justice administrative practices cannot be extricated from the contradictions of master – servant relationship wherein the Nigerian legal system places the propriety of customary laws at an inferior disposition. As noted by

Oraegbunam (n.d), the Nigerian legal system picks and chooses which aspects of the customary court processes to abolish, suppress or enforce depending on whether or not those aspects are supportive of its interests. He laments that much of the Nigerian laws and judicial methods remain largely western and styled in such a way that they either promote the objectives of the colonial overloads or injure the psycho-social sensibilities of the masters. For instance, it is interesting to observe that although the domain of customary law extended to both civil and criminal cases prior to the coming of the colonialists, it is not the case today as the Nigerian customary laws apply solely to civil matters (see Oba, 2006 cited in Ekhator, 2011). To this extent, Section 36, Sub 12 of the 1999 Constitution specifies that "Subject as otherwise provided by this Constitution, 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, and in this subsection, a written law refers to an Act of the National Assembly or a law of a State any subsidiary legislation or instrument under the provisions of a law."

One of the implications of the above is that all unwritten crimes and all crimes not stipulated alongside their penalties by any of the aforementioned legislative authorities or belonging to any of the aforementioned groups of laws do not qualify to be part of Nigerian body of criminal laws. Thus, all forms of criminal trials by ordeal, by arbitration, and by oath-taking are thereby abolished (Oraegbunam, n.d).

However, the Nigerian constitution, by way of recognition granted to the customary law system, provides grounds upon which the customary laws could be accepted to be valid to include, if it is not: repugnant to natural justice, equity and good conscience; incompatible either directly or by implication with any law for the time being in force; contrary to public policy; and if it is not unconstitutional. Some judicial pronouncements have given fillip to this point where, for instance, in Eke v Okwaranyia, the Nigerian Supreme Court, while enunciating the ingredients essential for validity of customary arbitration, prescribed that five ingredients must be pleaded and proved, namely:

(a) That there had been a voluntary submission of the matter in dispute to an arbitration of one or more persons;
(b) That it was agreed by the parties either expressly or by implication;
(c) that the decision of the arbitrator(s) would be accepted as final and binding;
(d) That the said arbitration was in accordance with the custom of the parties or of their trade or business;
(e) That the arbitrator(s) reached a decision and published their award; and
(f) That the decision or award was accepted at the time it was made (see Ekhator, 2011).

One of Oraegbunam's (n.d) deductions from above ruling is that it accords legitimacy to traditional methods of civil dispute resolution like oath-taking. Specifically, he points to a number of decided cases which tended to attract judicial blessings on the traditional practice especially in matters of arbitration and private dispute settlements. For example, in *Charles Ume v. Godfrey Okoronkwo & Anor*, a case emanating from a native arbitration in respect of title to the land in dispute, Oguegbu J.S.C. while delivering the lead judgment stated, inter alia, that "oath-taking was one of the methods of establishing the truth of a matter and was known to customary law and accepted by both parties". Again, in *Ofomata & ors v. Anoka* in which the legal validity of oath-taking was in issue, Agbakoba J. held that Oath-taking is a recognized and accepted form of proof existing in certain customary judicature. Oath may be sworn extra-judicial but as a mode of judicial proof, its esoteric and reverential feature, the solemnity of the choice of an oath by the disputants and imminent evil visitation to the oath breaker if he swore falsely, are the deterrent sanctions of this form of customary judicial process which commends it alike to rural and urban indigenous courts. It is therefore my view that the decision to swear an oath is not illegal although it may be obnoxious to Christian ethics.

Similarly, in the land case of *Okere v. Nwoke*, the respondent admitted the custom of settling dispute by oath-taking. Thus, the appellants having been led to take oath on the "*Aka Obibi Juju*" provided by the 3rd defendant at great risk to their lives in the belief that the customary oath would settle the dispute, the respondents are stopped by conduct from denying that appellants were thereby adjudged owners of the land, the latter having sworn to the oath for over a year. Recently, the validity of oath-taking in the process of customary law arbitration was reiterated by the Supreme Court in the land dispute case of *John Onyenge & Ors v Loveday Ebere & Ors*. The Supreme Court upheld the verdict of a lower court, which was based on the oath taken on the "*Ogwugwu Akpu*" of Okija in Anambra State. In this case, Niki Tobi J.S.C. delivering the lead judgment (unanimously concurred to by other Justices) reaffirmed the court's recognition of oath-taking as "a valid process under customary law arbitration".

Curiously however, some holdings of the courts in some cases show that the courts, after all, have not spoken with one voice in respect of oath-taking in customary arbitration. In a long line of decided cases still, the courts denied validity to oath-taking as a means of settlement of dispute. For instance, in *Iwuchukwu v. Anyanwu,* Ndoma – Egba J. C. A stated: "the belief of the learned trial judge that disputes are decided by swearing "Juju" may be true as a matter of the past. In this century, that will be a retreat to trial by ordeal which is unthinkable any more than swearing 'Juju' as a method of proof. We cannot now reel back to superstitious fear and foreswear our religious faith" (Oraegbunam, n.d).

Furthermore, some scholars have expressed their disapproval against oath-taking as a means of traditional justice administration. These opinions are well represented by Nwakoby, 2004 cited in Oraegbunam, n.d). He argues that since an important feature of arbitration award is finality, any arbitral award based on oath-taking is not good as the award is conditional and contingent and becomes effective only after the prescribed time in relation to the oath-taking. He also holds that there is no test of efficacy of the oath as the medical condition and state of health of the oath-taker is neither ascertained nor possibility of accident considered, and which might result to the death of the swearer even within the time. Again, for him, the entire exercise of oath-taking crumbles at the application of an antidote (*ndagbu iyi*) which possibility is well known to certain people. Finally, Nwakoby (2004) states that the practice of oath-taking is not only fetish, barbaric, uncivilized, outdated, anachronistic, criminal, illegal but also contrary to Nigerian jurisprudence as it is superstitious, mysterious, and spiritualistic (Nwakoby, 2004) in a society that is supposed to be dynamic and not static.

Certainly, much of Nwakoby's observations are quite salient and harbour some merits. Yet it cannot be denied that up until today, in spite of western education and Christianity, many Nigerians/Africans still resort to oath-taking as a means of dispute settlement, as recognized by the courts. As such, the practice cannot be completely dismissed as outdated or anachronistic. Besides, it would not be fair to the traditional society for its practices to be judged using the parameters of western standards. The traditional people need not embrace the western culture in *toto* in order to be considered as being truly civilized. Regarding oath-taking as criminal and illegal may not be so correct when taking cognizance of the fact that the practice is saved and accommodated within Nigerian legal system as a form of statutory oath by virtue of the Oath Acts and laws. Even though the courts do not sometimes attach serious importance to oath-taking in judicial proceedings, (Revised Laws of Anambra State, 1991) yet the fact that a person may take an oath in such a manner that he considers binding on him is a confirmation of statutory preservation of traditional oath-taking (Oraegbunam, n.d).

In Kwara State for instance, the Oaths and Affirmation Law provides that an oath may be offered to the other party challenging him to support his allegation by swearing to a traditional form of oath. Therefore, in spite of the ambivalent attitudes of the courts, both civil arbitration and justice

system based on oath-taking are known and recognized by Nigerian jurisprudence.
Yet as earlier noted, the traditional justice system appears boxed into a slave-like corner when compared to the overriding legal imperatives of Nigeria's modern day legal framework. This is made manifest in many legal provision, for instance, the traditional customary laws are relegated to the level of facts to be proved before the English-style courts. In other words, even though traditional customary laws constitute a "mirror of accepted usage", *Owonyin v. Omotosho* (1961) cited in Oraegbunam (n.d) decry the fact that they are not regarded as laws which attitude is statutorily enshrined in the Nigerian evidence law and practice.

Therefore, the customary system is allowed to operate provided it does not conflict with the interest and operation of the received English method that is regarded as all-too superior. Nevertheless many Nigerians believe in the supernatural and the efficacy of traditional oaths than the conventional oaths. As noted by Oba ,2008; Edu 2004; and Elias, 1954, all cited in Ekhator, 2011), oath taking is a very important part of any customary arbitration process Nigeria, especially as a method of ascertaining veracity of evidence in traditional African dispute settlement proceedings; it is also a common feature of resolving dispute as its use was very frequent in crime detection. It was undertaken in respect of very serious crimes. However, Women and children are not allowed to take the more destructive forms of oath; oath-taking was also used as a last resort in settling other disputes such as land, adultery and defamation; and under customary arbitration in criminal matters, where an offender is unknown, some methods are used in the detection of such criminals. These methods include trials by ordeals, oath taking and divination.

Mbiam as a Judicial Instrument in Ibibioland

History has it that before the advent of Christianity, *mbiam* was the foremost Ibibio judicial instrument adopted among the Ibibios for the resolution of disputes and conflicts. It is a traditional oath (an institution) on which people swear to if an individual is accused of a particular offence or in cases of doubt, where the individual needs to justify or prove his/her innocence of a crime he or she is accused of. *Mbiam* is believed to be more or less a magic instrument which causes anyone who swore falsely by it to fall sick, swell up and die. Thus individuals would normally swear on "*Mbiam*" that he/she had not committed an offence or would refrain from certain offences on the penalty of sickness and death that is expectedly caused by the oath (Antia, 2005). The potency of *mbiam* was never in doubt as it is believed to keep trouble makers in check.

Mbiam is believed to be in different forms: (i) *Mbiam* itself may consist of swearing by the name of some dangerous deity believed to be capable of punishing those who swears falsely by it; (ii) it sometimes comes in the form of powder or a concocted liquid in strange looking containers or small earthen pots called *Itok Ekpo*. This concoction is usually prepared by a traditional medicine man (*abia ibok*), into which the names of one or more dangerous deities are invoked; (iii) the corpse of a person is sometime used as an object of *mbiam*. This usually happens if the cause of death is suspected to be somewhat unnatural as may be caused by an individual, hence the attempt to establish the truth about the cause of death; (iv) the road (usung) is equally a form of *mbiam*. Here, the accused or suspect is made to swear that if he/she is guilty, he/she should die on account of a road accident; (v) *mbiam* could also come in the form of *eyei* (*palm front leave*), used as a traditional injunction placed on any item or property where no one is expected to tread or make use of until whatever dispute surrounding it is resolved. And anyone who dares to act otherwise is believed to challenge the gods and would face dire consequences (see Uchechukwu, 2018).

Whatever form mbiam adorns, it often has some physical representation and its outcomes are believed to be spiritually manifested as mbiam, though capable of discriminating between the innocent and the offender, can also be used by wicked people to bring harm to others. While some people use *mbiam* on almost everything they own, *mbiam* is dreaded by many Ibibio people, as a minor mistake in the process of its administration may cost the life of the administrator himself (see Ekong, 2001), Apart from being used by traditionalists, it is also said to be used by politicians

to secure and preserve the loyalty of supporters (Anietie, 2014; https://en.wikipedia.org/wiki/Mbiam). An example is the controversy surrounding the emergence of the Governor of Abia State, Theodore Orji who, five months before taking oath of office as the state chief executive, allegedly 'sold his soul to the devil' at the instigation of the former Abia state governor, Orji Uzo Kalu who sort to preserve the loyalty of the former as a godson (Sahara Reporters, 2017).

Mbiam has the propensity to kill not only the accused person, but also members of his/her family and sometimes the extended family and even his posterity. In this wise, Udo (1983) observes that miscarriage of justice was very rare because, besides the accused, members of his family (*Ekpuk)* were expected, in cases of doubt, to swear in such a way that the penalty inflicted by *mbiam* might extend to them if they are accomplices or seek to cover-up for the accused.

Mbiam therefore remains a potent and dreaded force which serves a number of functions. People who testify before village and clan courts swear to *mbiam* to tell the truth in the same way modern courts demand witnesses to swear with the Bible (as Christians) or Qu'ran (as Muslims). The difference is that people dread *mbiam* far more than either the Bible or the Qu'ran because of inescapable consequences. If, however, at the expiration of that period, no harm comes to the person, then the person stands cleared of all wrong-doings. This implies that if the individual later falls sick and dies after the expiration of the specified period, then *mbiam* is not responsible.

From the above, it is clear that *mbiam remains* one of the most important Ibibio judicial instruments of conflict resolution especially during the pre-colonial period and even up to the present time.

Methodology

The paper adopts the quantitative method (survey research) with the administration of questionnaire as the major instrument. Centered on the Ibibios of Akwa Ibom State, the sample size was determined using Taro Yamane formula at 0.05% confidence level, from the 2006 National Population figures which is given as 2,338,538 (Ibom Yellow Pages, 2016). The total population for sampling was therefore 400.

Data were analyzed descriptively and presented in a table form with the use of simple percentage, while the hypotheses was tested using Chi-square statistical method.

Data Presentation

In testing the hypothesis: both civil and criminal conflicts among the Ibibios are likely resolved through mbiam/oath taking, the researcher relied on the question: is it possible that both civil and criminal conflicts among the Ibibios are resolved through the mbiam/oath taking?

Table 1 Respondents' view on whether both civil and criminal conflicts in Ibibio can be resolved through mbiam/oath taking.

Response Category	Yes	No	Total
Male	100	85	185
Female	110	45	155
Total	210	130	340

Source: Field work by authors

As indicated in Table 1, majority of the respondents, 210 believe that both civil and criminal conflicts among the Ibibios are resolved through mbiam/oath taking mechanism. When the above was subjected to a chi square test, the following results were obtained:

$$\frac{\text{Row total X column total}}{\text{Grant total (N)}}$$

$$\text{Cell A} = \frac{185 \times 210}{340} = 114.3$$

$$\text{Cell B} = \frac{185 \times 130}{340} = 70.3$$

$$\text{Cell C} = \frac{155 \times 210}{340} = 95.7$$

$$\text{Cell D} = \frac{155 \times 130}{340} = 59$$

Table 2Chi Square χ2 value table

Cell	**Fo**	**Fe**	**fo-fe**	**$(fo-fe)^2$**	**$\frac{(fo-fe)^2}{Fe}$**
A	100	114.3	14.3	20.49	1.79
B	85	70.7	14.3	20.49	2.89
C	110	95.7	14.3	20.49	2.14
D	45	59.3	14.3	30.49	3.34
					fi χ2=10.27

Source: Field work by authors

The degree of freedom (df)
df = (c-1) (r - 1)
(2 – 1) (2 - 1)
= 1 x 1 = 1
df = 1

The level of significance = 0.05
Going by the results of the test in Table 2, the calculated χ2 = 10.27 while the critical table value is equal to 4.48.

Decision: Since the calculated table value of 10.27 is greater than the table value of 3.48 at 0.05 levels of significance and 1 degree of freedom, the null hypothesis is upheld while the alternate hypothesis is rejected. This implies that both civil and criminal conflicts among the Ibibios are resolved through the traditional mbiam/oath taking mechanism.

Discussion

The subsisting hypothesis which was upheld to the extent that both civil and criminal conflicts among the Ibibios are resolved through the traditional mbiam/oath taking mechanism agrees with the position of Olusanya (1989) that there is no distinction between civil and criminal law as there is in complex societies. Also, Fadipe (1970) had observed that the classes of cases which came up for court decision (at the traditional level, were not only divided into these categories (civil and criminal) but their descriptions were also substantially similar to those of the Western countries.

Recently, an Ifa Priest, Chief Fashola Faniyi even advocated the swearing in of public officers through the traditional oath in the mold of *mbiam*. He insisted that as long as governments at all levels refuse to recognize traditional religion alongside Christianity and islam, true change would be difficult to achieve in the country and that since politicians know the implications of searing with traditional gods (because it will result in instant punishment when they renege on their promises) they are bound to keep to spirit and letters of such promises and pledges, a situation that could begin to set our society on the part of real development (Agency Report, 2018).

These assertions are not far from the realities and practices of modern day society where *Mbiam* has been known to be effectively utilized in the resolving complex cases of criminal content like murder which normally take many years as well as attract enormous cost in investigations and prosecution. It is on record that some of such cases are usually handed over to the police and other formal institutions of justice, after suspects may have been confirmed as culprits by *mbiam* and confessional statements obtained from them (in the cause of *mbiam* judicial process) before being handed over to security agencies as suspects.

Conclusion

Based on the findings of this study, it was concluded that Mbiam as an instrument of traditional adjudication is very much with us, seriously patronized by the Ibibio people of Akwa Ibom State, for the settlement of both civil conflicts and criminal offences and that one of the reasons for the wide acceptance of mbiam as a method of conflict resolution is due to the believe that the juju/magic contents of Mbiam makes it more effective as a means of conflict resolution, not just because of the fear of dire consequences, but also because it is a cheaper and faster means of conflict resolution.

Recommendations

Following the conclusions reached at the end of this research, the following recommendations are made:

1. Instead of pretending that it does not exist, government should study the practice of mbiam as a traditional method of conflict resolution and seek ways of refining it to suit modern day realities.

2. Since one of the reasons people patronize mbiam as a method of dispute resolution is because it is faster and cheaper to obtain justice from it, government should reform the formal judicial processes for the sake of fast administration of justice. By so doing, people would have more faith in the formal system of adjudication instead of the practice of magic.

3. Some aspects of mbiam should be incorporated into the guiding laws and administrative procedures like its adoption for the swearing-in of public officers. This could help curb the menace of corruption, mismanagement and bad governance.

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