

**INTERROGATING THE JURISPRUDENTIAL PLACE OF
KOS PAA DIVINERS IN THE PRE-COLONIAL JUSTICE SYSTEM
OF MWAGHAVUL OF CENTRAL NIGERIA, 1500 - 1890**

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Abstract

This paper examines the Jurisprudential role of the Kos Paa diviners in the Pre-colonial Justice System of the Mwaghavul of Central Nigeria. This paper aims to bring to the limelight the indigenous knowledge system of the Mwaghavul people and thereby, contribute to the existence of the African Traditional Knowledge System (ATKS) among the people of Central Nigeria. To achieve this, the paper examines the activities of the Kos Paa within the context of the Mwaghavul worldview, as an intermediary force between the spirit and the human world. Using secondary sources synthesized by primary sources, the paper discovers that the Kos Paa Diviners have a jurisprudential role over serious and heinous crimes that were beyond the adjudicating powers of the Council of Elders. These crimes include Waat (theft); Sehsot (Witchcraft); Dyel Maar (land dispute); Chin Nga or Del Ndem (Adultery or Fornication) and Turkaah (Murder, Homicide, and Manslaughter). The paper concludes that though colonialism and Christianity brought about considerable changes in the activities of Kos Paa, the practice survived them all.

Keywords: *Kos Paa, Diviners, Pre-colonial, Justice System, Central Nigeria*

Introduction

The discourse on divinity as an integral part of African traditional practices has, in recent times, gained more currency among scholars and practitioners of traditional African culture and religion alike.¹ Divination is a popular phenomenon

¹ C.E Emeka and A.E. Chike, "God, Divinities and Spirit in Africa Traditional Religious Ontology" *American Journal of Social and Management Sciences* <http://www.scihub.org/AJSMS>; J.S. Mbiti, *The Concept of God in Africa* (London: Spack, 1975); J.S Mbiti, *African Religions and Philosophy* (London: Heinemann, 1969); S.A. I, Habibu, H.A Yussif, "I cannot Treat Stupidity: The Function of Divination in Planning and Managing Life Crisis within the *Dagbong* Traditional Society in Northern Ghana" *Open Journal of Social Sciences*, 2022; P. O'Brien, Divination: Sacred Tools for Reading the

that is practiced by many societies across Africa. Its importance is underscored by the fact that it helps people to make proper or better decisions and create better relationships with less stress. Godwin Kwaku Nukunga² identifies certain instances where the services of the diviners are required. These include determining the origin of sicknesses, locating a misplaced item, wishing for success, and gathering any knowledge that may be useful to a customer. Adumbrating further, Amar Annus viewed divination as a system of collecting knowledge to forecast the reason for misery, whether present, past, or future, and strategies to revoke such causes to ameliorate one's future.³ To Birgit Meyer, divination is a belief in supernatural and invisible powers through which a person can achieve health, honor, prosperity, or other pleasures.⁴

Divination is socially oriented and ritualistic, usually in a religious context. Divination is widely used as protective/preventive medicine in some societies and is widely sought by individuals such as barren women, warriors, people with strange diseases, and others who suspect that their ordeals were orchestrated by their enemies who tried to harm them through witchcraft, sorcery or spirit possession.⁵ It is pertinent to mention here that Diviners play key roles in deciding an individual's decision-making process among the indigenous people of Africa and in many other parts of the world. The purpose of this study is to explore the *Kos Paa* diviners and the role they played in the administration of justice among the *Mwaghavul* of Central Nigeria. *Kos Paa* diviners are an integral part of the *Mwaghavul* culture and

Mind of God (Visionary Network Press, 2007); G.K. Nukunya, "Afa Divination in Anlo: A Preliminary Report" *Research Review* 5, 1969 and A.F. Sunday, "Divination in the Niger-Delta with Reference to *Epie- Atissa* Community" PhD Thesis, University of London, 1988. 47

² G.K Nukunga, *Traditional and Change in Ghana* (7th Edition) (Ghana: Ghana University Press, 2013), 43

³ A. Annus, *Divination and Interpretation of Signs in Ancient World*, (Oriental Institution Seminar, Leiden University, 2010), 8

⁴ B. Meyer, *Translating the Devil: Religion and Modernity among the Ewe in Ghana* (Edinburg: University Press, 1999), 17

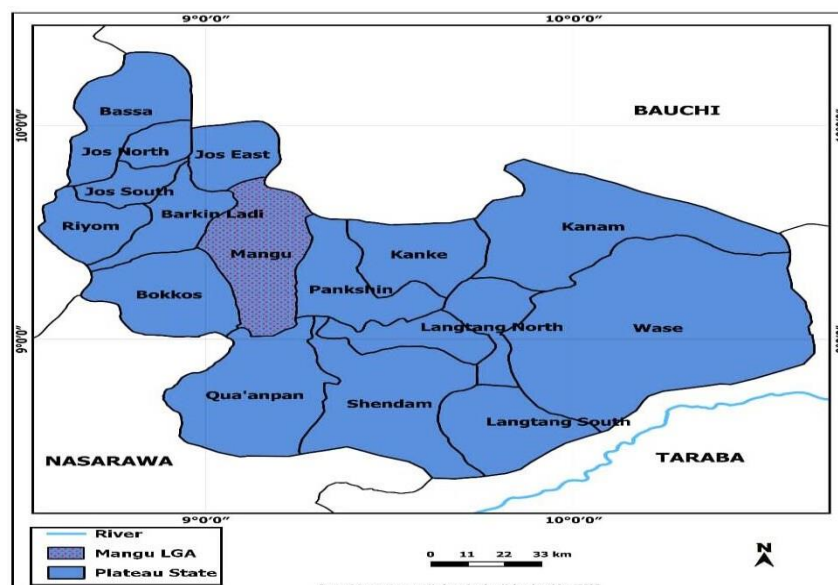
⁵ S.A.I Habilu and H.A Yussif, "I Cannot Treat Stupidity: The Function of Divination in Planning and Managing Life Crises within the *Dagbong* Traditional Society in Northern Ghana" *Open Journal of Social Sciences*, 2022,10, <https://www.scrip.org/journal/jss>

worldview. The importance of the *Kos Paa* diviners is underscored by the meditative role they play between the Human and Spirit Worlds.

As an institution, *Kos Paa* has enjoyed the scholarly attention of Prof. Umar Habila Dadem Danfulani in his most celebrated Ph.D. thesis and other related works.⁶ That work demonstrates the mystic power associated with the *Kos Paa* from the perspective of African traditional religious practices. This study streamlines their role in the administration of justice in traditional *Mwaghavul* jurisprudence. To achieve this, the study is divided into seven sections. The first section is the ongoing introduction. The second explores the area of study. The third section explores the *Mwaghavul* worldview and the place of *Kos Paa* diviners. The fourth section examines the institution of *Kos Paa* while the sixth section examines the jurisprudential role of *Kos Paa*. The final section summarises the study.

The Study Area

Figure 1: Map of Plateau Showing Mangu Local Government Area



Source: www.plateaumapsonline

⁶ U.H.D. Danfulani, “Pebbles and Deities: *Paa* Divination among *Ngas*, *Mupun* and *Mwaghavul* in Nigeria” Uppsala University Dissertation Bern, Bonn, Frankfurt and N.Y, 1994

Mwaghavul people occupy the eastern and southern parts of the Mangu Local Government Area of Plateau State North Central Nigeria. Their land is situated between 8° 30'N and 10° 10'N and 8° 30'E and 10° 00' E and is bounded to the West by Ron and *Mushere*, to the East by the *Pyem* and *Ngas*, to the North by Berom and to the South by the *Pan* and *Mupun*.⁷ The area occupies an area of about 1890 square kilometers⁸ and with an estimated population of 294,931 based on the census figure of 2006.⁹ The *Mwaghavul* are also found in other towns in Plateau, Nasarawa, and Kaduna States. In Plateau state, for instance, they were found among the *Goemai* and *Kofyer* of Shendam and Quanpa'an Local government areas respectively. They are also found in Lafia, Doma, Gwantu, Saminaka, Pembegua, Zaria, and Minna of Nasarawa, Kaduna and Niger state respectively.¹⁰

The *Mwaghavul* land comprises nine districts of Mangu, Kombun, Panyam, Pushit, Kerang, Ampang and Jipal. These districts were further classified into Northern and Southern *Mwaghavul* land.¹¹ Both areas were characterized by granite rocks, hills, and plains which are usually punctuated with inselbergs.¹² The area is located in the Savannah (Guinea Savannah) belt and experiences two major seasons namely the dry season and wet season, thus making agriculture their mainstay.

The *Mwaghavul* Worldview and the Place of *Kos Paa* Diviners

Before delving into specifics, it is imperative to examine the *Mwaghavul* worldview because it is within the context of their worldview that the place of *kos paa* diviners will be appreciated. The *Mwaghavul's* philosophy and ideas of

⁷ D.S. Gubam "The *Mwaghavul* Pre-Colonial Economy and Subsistence: An Archaeological Perspective" *African Journal of History and Archaeology* (AJHA), Vol 5, No,1, 2021, .26

⁸ B.D. Miahah, Origin, Migration, and Settlement: Early History of the *Mwaghavul* Up to 1907" In Lahor, Sale Akila *et al.* (edited) *Towards a Mwaghavul History: An Exploration* (USA: Xlibris Cooperation).26 -28

⁹ Census Figure of 2006

¹⁰ C.N.Dickson, *Tulu Shang: A Comprehensive Study of Mwalghavul People* (Nigeria: Chanan Print) 18

¹¹ B.D. Milaham , *So Mbarki: The Genesis of Modern Mwaghavul Society* (Jos: Kessy Graphic Printer) 13

¹² B.D. Milaham , *So Mbarki: The Genesis of Modern* , 14-15

traditional religion believed in a wide range of supernatural phenomena. The *Mwaghavul* believe in and practice magic, deities, and ancestors, and their polytheistic beliefs do not contradict their belief in one Supreme Being (*Naan*) who is claimed to be the creator of the cosmos.¹³ The *Mwaghavul* also believed in the existence of supernatural beings capable of influencing people's lives and determining their fate. The belief in supernatural forces shaped the worldview of the *Mwaghavul* people as it does to other ethnic groups in Central Nigeria.¹⁴

It is pertinent to note here that *Mwaghavul's* worldviews are generally categorized into two: i.e. Visible and the Invisible. The visible world is seen as the human world (*Yil gurum*) and is populated by humans, animate and inanimate.¹⁵ The invisible world is of the spirits and it is populated by a horde of spirits which includes; the Supreme Being (*naan*); deities (*Kum*); wondering free spirits (*riin mo*), ancestral spirits (*nji*), and ghosts (*Shon*). The *Mwaghavul* refers to the spirit world as *yil nji*. The word *nji* stands for spirits but in other shades of the words, ancestral spirits. While *yil* is also used for earth, ground, and soil. To this world, we may add the third: the mystical world.

The *kum* deities live with human beings (*gurum-mo*) on earth and serve as a channel of communication between *Naan* and *gurum-Mo*. The *riin* and the *shon* roam freely between the sky and the earth being at home in the air, on mountains, in caves, grooves, streams, ponds, and trees. The physical human world, *Yil gurum*, is different only in theory from *yil nji*, the unseen spiritual realm of the ancestor (*nji*), for in practice, one is a continuation of the other, and thus, no clear demarcation between the physical and spirit world. The *Mwaghavul* accept this paradox which is key in understanding and comprehending their worldviews, and *Pa* Divination, which is part of the mystical realm, plays a vital role in interpreting the interaction of being and their intricate linkages in the universe.

¹³ U.H.D. Danfulani, "KUM: *Mwaghavul* Traditional Religion" In S.A. Lahor, *et al.* (edited) *Towards a Mwaghavul History: An Exploration* (USA: Xlibris Cooperation), 83

¹⁴ Danfulani, "KUM: *Mwaghavul* Traditional Religion", 84

¹⁵ Danfulani, "KUM: *Mwaghavul* Traditional Religion", 100

Kos Paa: Organisation and Activities

Kos Paa is derived from two distinct *Mwaghavul* words *Kos* which literarily means to inquire, detect, or determine. In the treatment of disease, *Kos* means to detect/determine the cause of illness or misfortune by the use of divinatory rituals. As such, the art of *Kos* (inquire) is carried out by the diviners who are referred to as the *Kos Paa* diviners.¹⁶ The synonym of *Kos* (inquiry) is *bilip* which means to inquire or investigate. *Paa* on the other hand means to cast lots.¹⁷ Da. Friday, a *Kos Paa* diviner, notes that *Paa* are divinatory deities. He constantly refers to '*Paa-mu sat ne*' (the deities said) in most of his divinatory sessions with his client.¹⁸ Therefore, *Kos Paa* in general means the art of inquiry or the traditional method of detecting crime, death, illness, etc. by the *ngu kos paa* (*paa* diviner). In the *Mwaghavul* tradition, the art of *paa* divination has been instrumental in connecting the *Yil-gurum* (human world) to the *Yil-nji* (spirit world) with the diviner serving as the mediator between the two worlds.¹⁹ Thus, *Paa* divination is a form of divination that employs spirit mediumship. It does not rely on a person having oracular powers but rather on a system of signs that are interpreted by a diviner. The system is applied to address critical issues that affect the tripod of the society (gods; whose land was desecrated; society, whose laws were flouted, and the individuals, who were offended) such cases include theft, witchcraft, adultery, and land disputes among others.

Colonialism, Christianity, westernization, and most contemporaneously, modernization influence this religious belief and practices of the *Mwaghavul* people. The impacts of the aforementioned factors on the practice of the *Kos Paa* became eminent in the decline of interest it witnessed and is witnessing among the youth or

¹⁶ B. Roger and R. Dawum, et al. *Mwaghavul – English Dictionary* (April 2021), 143

¹⁷ B. Roger and R. Dawum, et al. *Mwaghavul* Ibid ,143

¹⁸ Interview with Da. Friday, Aged 79 years, Farmer and a *Kos Paa* Diviner, Mangu LGA, 25th – 08- 2021

¹⁹ Interview with Da. Friday, Aged 79 years, Farmer and a *Kos Paa* Diviner, Mangu LGA, 25th – 08- 2021

younger ones. This decline in interest was vividly captured by Friday when he observed that:

...we need to keep the traditional ritual of *Kos Paa* divination going, because one day our sons and daughters in the future like you, may likely come back to educate themselves on some of the traditional practices”...I have trained all my sons in the art of *Kos Paa* divination as is obligatory on me since I learned same from my late father who was also a diviner.²⁰

Emphasizing the above postulation, Dashed states that the youths of *Mwaghavul* origin are losing interest in practicing and consulting *Paa* divination, which goes hand in hand with the growing intolerance towards a traditional divinatory system in general.²¹

Plate 1: Showing Da Friday, a *Kos Paa* Diviner



²⁰ Interview with Da. Friday, Aged 79 years, Farmer and a *Kos Paa* Diviner, Mangu LGA, 25th–08- 2021

²¹ Interview with Da. Samuel Dashed, Aged 65, Farmer, Mangu LGA, 27th – 08 – 2021

Source: Author's Fieldwork October, 2022

Organisation of *Kos Paa*

In *Mwaghavul* traditional society, each family and clan had their diviners with jurisdiction over the family and clan. He (diviner) enquires into the cause of death, ailment, exposure of evil, and crimes within the family or clan. The diviner about the *nyem kum-mu* carried out the ritual of cleansing to rid the family of any impending evil as a result of a crime committed by a member of the family.²²

The next category of *kos paa* diviners is the community diviner. The *ngu kos paa* at this level is the chief diviner of the entire community. He oversees the divinatory rituals that concern the generality of the overall *Mwaghavul* chiefdom. The *ngu kos paa* at this level had jurisdiction over the entire *Mwaghavul* chiefdom. He is appointed or elected by the various family or clan diviners but most of the time, the chief diviner comes from the royal family. The chief diviner doubled as the royal family diviner as well as the community diviner.²³

Colonialism and Christianity hurt this institution so much that diviners barely exist in *Mwaghavul* villages today. Thus, giving birth to a new organization of *kos paa* diviners which has a different classification from the pre-colonial organization of *kos paa*.²⁴ The decline of the traditional organization of *kos paa* diviners gave rise to a new organization of *kos paa* diviners known as modern organization. The modern organization of *kos paa* diviners is based on an association of *nyem kos paa-mu*. Chris opines that since, the decline of the traditional organization of *kos paa* diviners, there was a need for the creation of an organization to coordinate the activities of the *nyem kos paa* diviners in the modern *Mwaghavul* society. The modern organization has members headed by a chairman. The chairman has a similar function as the chief diviner in traditional *Mwaghavul* society.²⁵ The chairman is

²² Interview with Da. Friday, Aged 79 years, Farmer and a *Kos Paa* Diviner, Mangu LGA, 25th –

08- 2021

²³ Interview, Da Tanko Pofi, age 75 years, farmer, Mangu LGA, 08-08-2021

²⁴ Interview, Da Tanko Pofi, age 75 years, farmer, Mangu LGA, 08-08-2021

²⁵ Interview with Chris Friday, age 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

elected by members of the *kos paa* organization. Every member of the organization is eligible to contest for the post of chairman of the organization. Today, there are few *kos paa* diviners in *Mwaghavul* chiefdom as opposed to that of the pre-colonial times.²⁶

Activities of *Kos Paa* Diviners

The *kos paa* diviners carried out a series of activities. The diviners start every session of divination by first, inquiring about his wellbeing or his health and the wellbeing of the community in general. Some of the divinatory activities carried out by the diviners are the detection of crime or cause of death of an individual; detection/treatment of diseases; general inquiry about the community mostly during planting and harvest season, festivals, hunting exhibitions, etc.²⁷

One of the fascinating things about *kos paa* diviners is that, when inquiring about a crime, they do not disclose the identity of the culprit to the public but rather, advise the culprit to confess. When the culprit refuses to confess, they (diviners) refer them to *nyem-kum* for *shwa-kum* (trail by ordeal).²⁸ The *kos paa* carry out the above-mentioned functions through a unique form of writing that the *kos paa* diviners use during divinatory sessions. These writings are unique and peculiar to *kos paa* diviners and are best interpreted by them. The interpretation of the *paa* writing is guided by *paa* deities which play a significant role in *paa* divination.²⁹ These are carried out through the following tools:

***Kwaghar Paa* (Pebbles)**

Kwaghar paa are precious stones or pebbles used in casting lots during the session of *kos paa* by the diviner. The *kwaghar paa* is about thirty (30) in number. Whenever the *kos paa* diviner casts the *kwaghar-mu* (pebbles or precious stones), He makes entry on a *ngong paa* (board) meant for *kos paa* after which he interprets

²⁶ Interview with Chris Friday, age 38, *Kos Paa* Diviner, Mangu LGA, 25th– 08 – 2021

²⁷ Interview with Chris Friday, age 38, *Kos Paa* Diviner, Mangu LGA, 25th– 08 – 2021

²⁸ Interview with Chris Friday, age 38, *Kos Paa* Diviner, Mangu LGA, 25th– 08 – 2021

²⁹ Interview with Da. Tukeyes Dachen, Aged 82, Farmer, Mangu LGA, 5th – 09 – 2021

his finds to his clients. The *kwaghar paa* plays a vital role during a divinatory session³⁰ and is shown in Plate 2 below.

Plate 2: Showing *Kwaghar paa*



Source: Author's Field Work, October, 2022

***Ngong Paa* (Diviner's Board)**

Besides the *Kwaghar*, another tool used by the *kos paa* diviner is the *ngong paa* (diviner's board). It is on this board that the *paa* diviner makes their entry on the various signs of *kos paa* after casting the *kwaghar* (pebbles) and his finds, interpreted to his clients.³¹The *ngong* is shown in plate 3 below:

Plate 3: Showing *Ngong*

³⁰ Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

³¹ Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021



Source: Author's Field Work, October 2022

Ran Paa-Mu

Ran paa-mu is a form of writing used by the *nyem kos paa* which has a unique sign. These signs (as shown in plate 3 above), are peculiar only to *kos paa* divination and each of them has a name. Some of these signs are; *saar, mat-paa, kura, kab-laa, Bura, Turo, Kina, Nwa, Shii, Lu-te*³²

Paa-Mu (deities)

The *paa-mu* are deities that guide the *nyem kos paa* in the inquiry into the *yilnji* (spirit world). The divinatory rituals are made to inquire from the *paa-mu* who serves as the protectors of evil in different capacity. It can be recalled, as mentioned somewhere in this work, that while the men live in *yil gurum* (human world), the *paa* deities are spirits as such, live in *yil nji* (spirit world). The *nyem kos paa* serves as a link between the two worlds (i.e. human world and spirit word).³³ Because the *paa* deities are spirits, it is presumed that they are god-like and all-knowing. The *paa* diviners inquire about the *paa* deities through divinatory rituals while the *paa-mu*

³² Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

³³ Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

exposes any hidden facts or crimes to the *nyem kos paa*. Seven deities make up the *paa-mu* in divinatory rituals, each of these deities performed a different role in the act of *kos paa*. They are: *Yer-tis*; *Ngar-mun*, *Mutufo*; *Da 'a-du-da 'a*; *Kwangkiber*; *Kwangkwej* and *Du-shaga*.³⁴

These deities make up the *paa-mu*. They work hand in hand and in harmony to solve problems that affect the human world through the instrumentality of the *ngu kos paa*. In a divinatory session, the clients are asked to whisper their problems to the diviner who in turn, he (diviner) called out the name of the client and performs the divinatory rituals or casts his pebbles and urges *paa-mu* to provide the appropriate answers to the clients' problems.³⁵ The *kos paa* divination is built on the interaction of signs each of which is an essential mode of reality. In every divinatory session, the most appealing thing to the diviner is the name of the client.³⁶ It is important to note that *kos paa* divinatory rituals can be done in proxy, (i.e. a person can seek divinatory help from *kos paa* diviner on behalf of another person), all they need is the name of that person.³⁷ About *Mwaghavul* Justice System, the *nyem-nan- mo* can seek the help of a diviner in a complicated case. All they need is the name of the person in connection with the crime. The diviner will inquire from the *paa-mu* to know if the person is guilty or not. In traditional *Mwaghavul* society,³⁸ there is no compartmentalization of life. What religion forbids or condemns, society also forbids and condemns, and similarly, society approves those things which religion approves and sanctions. An offense against the gods is an offense against man. *Da. Mwantok* Sunday further states that:

When humans violate the norms, laws, and traditions of society, the gods will punish the people by inflicting them with diseases, famine, and drought. When that happens, it means that the gods are angry. It's on this ground that the *kos paa* diviner will seek the

³⁴ Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

³⁵ S. A. Lahor, *et al.* (edited) *Towards a Mwaghavul History: An Exploration*, (United State: Xlibris Corporation, 2011), p.143

³⁶ Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

³⁷ Interview with Chris Friday, Aged 38, *Kos Paa* Diviner, Mangu LGA, 25th – 08 – 2021

³⁸ Interview with Da. Mwantok Sunday, Aged 68 years, Farmer, Mangu LGA, 10th – 9 – 2021

help of the *paa* deities to unravel the mystery behind the cause of the drought, disease, and famine and bring the person responsible for that to justice.³⁹

The Jurisprudential Place of *Kos Paa* in Justice Administration

Kos paa has a prominent place in the traditional justice system of the *Mwaghavul* people. One of the jurisprudential roles of *kos paa* diviners was that it served, to some extent, as an appellate authority. Cases beyond the purview of the *nyem-nanmu* were appealed to the *Kos paa* through the *mishkagham* who in turn referred the case to the *ngu kos paa*. These most often happened in cases that the *mishkagham* and *nyem-nanmu* do not have the final say on. For example, in cases of *tukaah* (murder) and *dyel maar* (land dispute), the accused person can appeal his/her case to a diviner, and divinatory rituals will be performed by the *ngu kos paa*. Collaborating this view, *Da. Tanko Pofi* observes that:

... In cases concerning *dyel maar* (land dispute), when the verdict of the *mishkagham* and his council members (*nyem-nanmu*) goes against you, you have the right to seek from the king and his council members the opportunity to appeal to *kos paa* divination. The *ngu kos paa* will perform divinatory rituals before the subsequent ritual of *shwa kum*.⁴⁰

Another jurisprudential role of the *kos paa* diviners is that they serve as instruments through which justice is dispensed. Emphasizing this, *Da. Dakum Mathew* opines that a direct appeal could be made to the *kos paa* diviners who in turn perform divinatory rituals for justice to be served. In a case where the perpetrators of the crime are unknown, the direct intervention of the *kos paa* diviners is to seek to hear and settle the case. Similarly, *Da. Tetmut Audu Gambo*, notes that, in the case of

³⁹ Interview with *Da. Mwantok Sunday*, Aged 68 years, Farmer, Mangu LGA, 10th – 9 – 2021

⁴⁰ Interview, *Da Tanko Pofi*, Aged 75 years, Farmer, Mangu LGA, 08-08-2021

sohot (Witchcraft), the *kos paa* diviner has the jurisdiction to hear and settle it, is solely within the jurisdiction of the *kos paa* diviners.⁴¹

In the administration of justice, the Mishkagam and his Council of Elders (*nyem-nanmu*) often seek legal advice from the *kos paa* diviners in cases that affect the generality of the community. Da. Samuel Mugwe notes, that sometimes, before the *Mishkagam* can give his verdict concerning some cases tabled before him, he invites the *kos paa* diviner to get first the perception of the *paa* deities before his final remark or judgment on the case. In some cases, the diviner preceded the judge.¹ The following are cases in which the *Kos Paa* had jurisdiction:

***Waat* (Theft)**

Waat in the *Mwaghavul* language can mean theft, stealing, burglary, or robbery. In every society in Africa shown against the act of stealing, *Waat* in *Mwaghavul* tradition is synonymous with other crimes like *waat-laa* (child kidnapping), *waat-gurum* (kidnapping), etc. Among the *Mwaghavul* people, it is a shameful thing to steal. It is considered a crime to steal anything in the community.² A thief is a disgrace not only to his relations but to the entire community at large. *Kos paa* diviners perform the ritual of *kos paa* to detect a thief in connection to a crime and recover the stolen property from him/her. They (diviners) commit the *waat* (thief) to the gods for punishment and in some cases, the *waat* is revealed publicly by the gods or made to confess publicly. It is worthy to note that, the diviner only attained cases of *waat* (stealing) when the identity of the thief is not known to the victims or when there are many persons accused of the same act of stealing. As such, through the help of the *ngu kos paa*, the identity of the *waat* (thief) can be exposed

⁴¹ Interview, HRH. Da. Gambo Audu Tetmut, Aged 54 years, *Mishkagam Kombun* 23-08-2021

¹ Interview, Da. Samuel Mugwe, Aged 54 years, *Madakin Kombun* and a Farmer, Mangu 23-08-2021

² Interview, Da Tanko Pofi, Aged 75 years, Farmer, Mangu LGA, 08-08-2021

to the victims and the stolen property and punishment meted out to the thief by the tradition of the *Mwaghavul* people.³

***Seh-sohot* (Witchcraft)**

Seh-sohot means witchcraft activity while *sohot* means witch among the *Mwaghavul* people. The act is feminine, though there are both male and female *sohot*. *Sohot* is regularly credited with causing all manner of disease and disaster, sickness, and even death; as well as a host of lesser misfortunes.⁴ The act of *seh-sohot* is termed an evil act by the *Mwaghavul* people and since it is forbidden by the *Mwaghavul* tradition, it becomes a crime to practice it within *Mwaghavul* societies.

In trying to know whether a person is a *sohot* (witch) or not, the help of the *kos paa* diviner is sought to determine through divinatory rituals and expose whoever is guilty of practicing *seh-sohot* among the *Mwaghavul*. *Seh-sohot* is greatly feared among the *Mwaghavul* people and proven culprits exposed through divinatory rituals and gradually sizzle to death over a large fire in a ritual of *chyaan-sohot* (witch burning).⁵

***Dyel maar* (Land Dispute)**

Like any other African ethnic group, the *Mwaghavul* people often indulge in a series of *dyel maar* (land disputes) over who owns the right over a particular piece of land. *Dyel maar* often involves two distinct families laying claim over the ownership of a particular land. And since the gods are all known, if the *nyem-nanmu* failed to settle the dispute over the land between the parties, they always sought the help of the *kos paa* diviner. The diviner through some divinatory rituals can tell who owns the farmland or he can also refer them to *nyem-kum* who will perform the ritual

³ Interview, Da Tanko Pofi, Aged 75 years, Farmer, Mangu LGA, 08-08-2021

⁴ B. Roger, and R. Dawum, et al. *Mwaghavul – English Dictionary* (April 2021).143

⁵ Lahor et al. (edited) *Towards a Mwaghavul History*, 143

of *shwa kum* (trail by ordeal) between the disputing parties over the *maar* (farmland).⁶

Chin Nga or Del Ndem (Adultery or Fornication)

Chin nga or *del ndem* in *Mwaghavul* means to commit adultery or to fornicate. Fornication or adultery in African societies even within the *Mwaghavul* chiefdom is seen as an abomination or taboo. In a case where a husband suspects his wife of *chin nga* and denies the fact, he might have reported the case to *nyem nanmu*.⁷ They can seek the help of *kos paa* diviner to expose her. The diviner will *kos* or *bilip* (perform divinatory rituals to inquire) to either expose her or to prove her virtue. Please note that, when a husband *chin kulap* (lied) against his wife and wrongfully accused her of *chin nga*, and after a divinatory ritual of *kos paa* and it is established that the wife is not guilty, the husband will be punished as per the tradition of the *Mwaghavul* people. This also extends to any other wrongful accusation against any person.⁸

Tukaah (Murder, Homicide, Manslaughter)

Tukaah among the *Mwaghavul* people denotes homicide, murder, killing, and assassination. *Tukkah* is one of the serious crimes in the *Mwaghavul* tradition that can lead to the death or banishment of the murder suspect if found guilty. Just like any other society in the world, the *Mwaghavul* people are shown the form of *tukaah* by any individual living in *Mwaghavul* communities.⁹ To prove the guiltiness of an accused person the *nyem-nanmu* often resorted to *kos paa* diviners to seek their divinatory help in proving or disproving the allegation of *tukaah* (murder) against any person. If an accused person is found guilty of *tukaah* by the diviner he/she will

⁶ Interview, Da. Samuel Mugwe, Aged 54 years, *Madakin Kombun* and a Farmer, Mangu 23-08-2021

⁷ Interview, Da. Samuel Mugwe, Aged 54 years, *Madakin Kombun* and a Farmer, Mangu 23-08-2021

⁸ Interview, Da. Gambo Audu Tetmut, Aged 54 years, *Mishkagham Kombun* 23-08-2021

⁹ Interview, Da. Gambo Audu Tetmut, Aged 54 years, *Mishkagham Kombun* 23-08-2021

be punished accordingly based on the custom and tradition of the *Mwaghavul* people.¹⁰

Conclusion

This paper on the jurisprudential role of *kos Paa* Diviners in the Traditional Justice System in *Mwaghavul* of Central Nigeria, examined the place of *Kos paa* diviners in the pre-colonial judicial lives of the *Mwaghavul* people. Although colonialism and Christianity brought about considerable changes in the activities of *Kos Paa*, the practice survived them all. Oral sources proved that the effect brought about the emergence of a new class of *Kos Paa* diviners who were a blend of both tradition and modernity. However, the *Kos Paa* diviners during the period under review played important roles not only as mediators between the spirit and the human world or as the representatives of the ancestors in the human world but also jurisprudential roles in responding to issues beyond the caveat of the council of elders. These cases include *Waat* (Theft), *sah – sohot* (witchcraft), land dispute, adultery and fornication, manslaughter, homicide and murder. The study discovered that the services of these diviners are still sought after in today's contemporary *Mwaghavul* society.

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¹⁰ Interview, Da. Gambo Audu Tetmut, Aged 54 years, *Mishkagham Kombun* 23-08-2021

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