

## COMPROMISING FOR PEACE THROUGH RITUAL PRACTICES AMONG THE KURIA OF TANZANIA AND KENYA

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### Abstract

*Kuria people, who straddle both sides of the Kenya–Tanzania border, have experienced interminable intra- and inter-ethnic warfare emanating from cattle rustling. The Kuria people are stereotypically described as cantankerous and indisposed to compromise or forgiveness when they have been wronged. But on the contrary, archival and secondary information as well as oral interviews conducted in the region demonstrate that through participation in different ritual forms, the Kuria people themselves have been responsible for maintaining harmony and serenity with their neighbours. Kuria who abide by their cultural beliefs, social norms, and respect for traditional leadership, do forgive, regularly initiate reconciliations, and actively maintain peaceful relations through participation in various ritual forms. It is evident that rituals constitute an integral part of the customary process of conflict resolution and peace building among the Kuria. Especially those rituals related to the prevention of cattle rustling have gained recognition and formal support of the central states on both sides of the border, to the extent that the powers embodied in these traditional Kuria rituals have sometimes overridden the jurisdiction of modern courts established in the Kuria areas.*

**Key words:** *rituals, Kuria, peace-building, conflicts, conflict resolution*

### Introduction

The general need for approaches to conflict resolution and management that can ensure sustainable peace has been an international agenda since the Second World War. Currently, two approaches to conflict resolution and peace building dominate in Africa, namely ‘western’ and ‘indigenous’ models. Indigenous approaches are practiced on the basis of African understandings of conflict and the need to maintain regional peace.

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Indigenous approaches have been practiced in Africa well before the advent of colonialism. Western approaches rely on several techniques such as use of military operations, court procedures, signing of peace treaties, and intervention of internal and external agencies which in most cases have been alien to the communities concerned.<sup>22</sup> Western approaches were introduced in Africa during the colonial period and have continued to operate throughout the post-colonial period. However, colonial and post-colonial governments have relied excessively upon western approaches and neglected ways of conflict resolution pertinent to the political and social dynamics that are dominant within African communities themselves. As a result, several parts of Africa continue to witness low-intensity warfare of various kinds, including intra- and inter-ethnic conflicts.

Recognising the weaknesses of western approaches in managing African conflicts, some communities have returned to their 'traditional' or 'indigenous' frameworks. In consequence, a growing number of researchers, academicians and other peace building stake holders have begun exploring mechanisms used in these indigenous approaches, gauging and measuring their effectiveness.<sup>23</sup>

Although indigenous approaches to conflict resolution have varied in accordance with differences of culture, customs and the norms of specific communities, the available evidence shows that rituals taking various forms constitute an integral part of the overall process of conflict resolution not only in Africa, but the world at large. For instance, in Lebanon, the indigenous Lebanese perform the *sulha* ritual to bring about reconciliation and to establish peace between the two parties in conflict. In the *sulha* ritual, respected mediators chosen from among leaders of the community, first engage in gathering evidence to prove whether and how violation of peace has been committed. Thereafter, mediators pardon the disputing parties and request the guilty perpetrator or offender to present some gifts or offerings, including payment of compensation. Finally, a public demonstration of reconciliation between the disputants is carried out both verbally and symbolically. During this last stage, the innocent party declares acceptance of the compensation and forgiveness of the guilty party. *Sulha* ritual emphasises the necessity of assigning blame, reaffirming predominant social norms and values, accepting responsibility for wrongs committed, and healing through atonement of compensation for injuries imposed.<sup>24</sup>

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<sup>22</sup> I. Willam Zertman (2000) pp. 2-9.

<sup>23</sup> See for example Joseph Wasonga (2009), Martha Mutisi (2009, 2011), and Tedness Mwakitalu (2013).

<sup>24</sup> Laurie E. King-Iran (2000) pp. 131 -134.

The Javanese of Eastern Central Java also perform the *slametan* ritual to resolve conflicts and strengthen solidarity in their neighbourhoods. *Slametan* is a kind of communal feast in which special meals prepared by female members of the nucleated family are eaten by males in a hurried way by taking few gulps of food; then the remainder of the meals is wrapped in a banana-leaf and returned home to be shared with the head of household's or other male member's family. The Javanese believed that their spirits and ancestors drew their sustenance from the odour of that food; and so that through these activities, the spirits are appeased and their neighbourhood solidarity is strengthened.<sup>25</sup> In India, indigenous ritual and symbolism were also adopted among several other methods employed in the 1990s to resolve the Hindu-Muslim conflict in Ahmadabad, a major conflict torn city.<sup>26</sup> In the Volta region of Ghana, the Buem people use the *kemuikadiakor* ritual to determine the guilt or innocence of individuals, especially in cases of theft where the evidence is so conflicting or inconclusive that the adjudicators cannot reach a verdict of guilt by secular means. *Kemuikadiakor* is an oath-taking ritual administered by a medicine man using traditional potions. The oath is taken in the presence of appointees of the chief, and the disputing parties led by the heads of their respective lineages. Whoever is found guilty after taking *kemuikadiakor* oath immediately has his or her hair shaven to the skin, and is made to settle all trial costs including travel plus fines imposed by the chiefs. The two parties then sympathise with each other, share the offerings provided by the guilty one, including drinking local beer from the same calabash.<sup>27</sup> The Acholi of northern Uganda employ *mato oput* rituals as an instrument for conflict resolution and reconciliation in their community. In *mato oput*, participants drink an unpleasantly acrid, pungent medicine made from the very bitter leaves of the *oput* tree. The *mato oput* practice symbolises that two conflicting parties have accepted the bitterness of the past and promise never to taste such bitterness anymore.<sup>28</sup> In 1999, the Nuer and Dinka people of Southern Sudan also relied on this ritual in the attempt to resolve their longstanding conflicts.<sup>29</sup>

While it is evident that some communities in the world and Africa in particular have been using these rituals to resolve conflict and maintain peace in their areas, little has been disclosed internationally about the Kuria people, who have experienced publicised intra- and inter-ethnic conflicts throughout

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<sup>25</sup> Clifford Geertz (1973) pp.147 -169.

<sup>26</sup> Joseph G. Bock (2002) pp. 81-84.

<sup>27</sup> Ben K. Fred-Mensah (2000) pp. 37-38.

<sup>28</sup> Wasonga (2009).

<sup>29</sup> Sharon Elaine Hutchinson (2009).

the colonial and post-colonial periods. With the exception of Heald,<sup>30</sup> Nyaimaga,<sup>31</sup> and Kingdon,<sup>32</sup> who mention the use of *ekehore* in resolving Kuria conflicts; other scholars who have studied Kuria communities have concentrated a great deal on cattle theft,<sup>33</sup> rituals and beliefs relating to rites of passage.<sup>34</sup> But by and large most of these ethnographers have totally neglected the rituals involved in building peace through reconciliation of conflict among the Kuria.

### **Ethnographic and geographical information**

The Kuria are agro-pastoral communities who currently live across the border between Kenya and Tanzania. They identify themselves as Kuria because they speak the same language (*Kikuria*) and are believed to have descended from a common ancestor called *mkuria*. Between 1500 and 1850 AD, Kuria people moved in a wave of migration across several parts of East Africa, finally establishing themselves at Nyamieri and Ikorongo areas which today are parts of the Serengeti district in Tanzania.<sup>35</sup> During the second half of the nineteenth century, they split into thirteen clans: the Iregi, Nyabasi, Kira, Renchoka (Gumbe), Timbaru, Nyamongo, Nchari, Kenye, Sweta, Mera, Hunyaga, Tabori, and Simbiti. Their splitting into thirteen clans was in part the result of their increasing population, yielding insufficient land to distribute for settlement and grazing. Other reasons for the division were the increase in quarrels among members of the different clans, and environmental hazards including prolonged drought and diseases.<sup>36</sup>

After splitting up, the majority of Kuria moved and settled in several areas which today constitute Tarime, Serengeti, Butiama and Rorya Districts in the Mara region in Tanzania. Some members of four clans, namely Iregi, Nyabasi, Kira and Renchoka, moved into Kenya and occupied areas which today constitute Kuria East and Kuria West districts.<sup>37</sup> In Kenya, the Kuria borders the Masai and Kipsigis of Trans-Mara district in the eastern direction. In their northern and western parts, the Kuria border the Luo of Migori and Suba-Suna districts. In Tanzania, the Kuria border the Luo and Suba

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<sup>30</sup> Suzette Heald (2005) p. 274.

<sup>31</sup> Enock Nyaimaga (2009) p. 27.

<sup>32</sup> D. Kingdon (1957) pp. 16-17.

<sup>33</sup> See Michael L. Fleisher (1998, 2000a, 2000b, 2002), Kirsten Alsaker Kjerland (1995).

<sup>34</sup> Malcolm Ruel (1958a, 1958b, 1965, 1991, 2000), Jomo Kenyatta (1961), David William Cohen and E. S. Atieno Odhiambo (1992), Wendy James (2000), Jan Bender Shetler (2003).

<sup>35</sup> Iddy Ramadhani Magoti (2017) p. 99.

<sup>36</sup> *Ibid.*, pp. 100-101.

<sup>37</sup> See Paul Asaka Abuso (1980) pp. 7-8, Magoti (2017) p. 49, Gabriel N. Chacha (1963) pp.6-14.

communities of Rorya district which is on the western part of Tarime. The Zanaki borders the Kuria of Butima district on the western and southern part, whilst the Ngoreme, Ikizu, Isenye and Nandi border the Kuria of Serengeti on western and southern parts of the district.

Since they established themselves in the areas they occupy today, Kuria people have experienced conflicts of various kinds, both among themselves and between themselves and their neighbours, including the Luo, Suba, Maasai and Kipsigis. Conflicts were mainly caused by cattle raiding and theft, as well as struggles to access, own and control resources such as land. In order to ensure peace and harmony in the areas, such conflicts were resolved formally from time to time. Arguably, during the pre-colonial period, approaches of conflict resolution involving rituals were dominant. Western mechanisms of conflict resolution, introduced in the Kuria areas by colonial and post-colonial governments, have not eliminated traditional methods completely. Rather, the two approaches co-exist and in some cases are applied simultaneously.

### **Ritual practices employed in the compromise for peace among the Kuria**

Rituals have been part and parcel of the Kuria life since the initial migration and settlements in the areas where they live today. The frequency of these religious protocols led to the Kuria to call themselves ‘doers of rituals’, and are viewed by others as ‘ritualistic people’.<sup>38</sup> Malcolm Ruel divided Kuria rituals into two categories, rites of circumstances and rites of passages. Each of these was further sub-divided into individual and communal rites.<sup>39</sup> According to Ruel, rites of circumstances were performed on occasions of illness, misfortune, or an unexpected unpleasantness. The intention of such rituals is to cleanse, appease and restore the proper order of things, distorted by the unexpected upset or wrongdoing. Rites of passage are intended to safeguard, accompany and celebrate individuals transforming their identity while transitioning from one age-group to the next, or changing social status. Among the Kuria, the common rites of passages include *ensaro* (that includes circumcision ceremonies and rituals) and *ensubho* (involving senior age-grade rituals).

By virtue of Ruel’s definitions, ritual practices intending to achieve compromises for peace fall into the category of rites of circumstance. However, Ruel neither mentioned various forms of Kuria peace rituals nor did he discuss such rituals in their holistic nature. The decision to place Kuria peace rituals into the category of rites of circumstances here is based on an

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<sup>38</sup> Ruel (1965) p. 298.

<sup>39</sup> *Ibid.*, and Ruel (2000) pp. 70-73.

understanding of the main aims of those rituals and the ways in which they are conducted. This also conforms with Lisa Schirch's analysis, wherein the role of rituals and symbolism is presented as forming or transforming the worldview of a given society by addressing issues which might have caused conflicts, cleansing the society, restoring peace and establishing good new relationships.<sup>40</sup>

The most common forms of ritual used to construct peace among the Kuria are *ekehore*, *entaro*, and *emuma*. The uses of these ritual forms can be traced back from pre-colonial times, especially in the times of migration and settlement, when different Kuria clans fought each other in the process of acquiring land for settlement. The Kuria also fought with members of other ethnic groups whom they encountered in the same way. Later on, cattle theft became the major causes of conflict. Other conflicts result from social interactions where individuals could not trust each other in matters of trade or sexual affairs. As a result, rituals were instituted as a means of building peace with their counterparts and establishing friendly relationships. Those rituals continued during the colonial and post-colonial periods, and they gained the support of both the colonial and post-colonial states. Some of the details characterising the forms of rituals successfully employed or foster compromises for peace-building among the Kuria are provided in the next sections below.

### **The *ekehore* oath**

*Ekehore*<sup>41</sup> is a traditional oath of ordeal subjecting an individual to the objective of revealing hidden truths or beseeching the person to refrain from bad undertakings. For example, if a person has stolen some cattle and denies doing so, or if someone owes another and refuses to honour the debt, such individuals are subjected to *ekehore* oath. The traditional Kuria believe that if one agrees to take the *ekehore* oath who has actually committed a crime or moral infraction, then misfortune, possibly death, may befall oneself or one's family. This makes individuals fear taking the oath. If relatives of the victim were also sure that their colleague committed the crime, they are ready to pay compensation rather than allow the accused to undergo the risk of taking such an oath.

Although victims take the *ekehore* oath before spiritual elders while naked, this form of oath is administered in different ways depending on the

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<sup>40</sup> Lisa Schirch (2005) pp. 16-17.

<sup>41</sup> The deployment of *ekehore* in ameliorating conflict and maintaining good relations was mentioned and clearly elaborated by almost all interviewees consulted in the area. See also Heald (2005) p. 274; Kingdon (1957) pp. 16-17, and Nyaimaga (2009) p. 27.

environment and according to the discretion of the elders who conduct the ritual. The first method involves drinking traditional medicine, using the skull of a man who has died of leprosy. The subject is required to drink the medicine in seven heaps only, while swearing that the power of the *ekehore* should either destroy him if he is guilty, or the power should punish his accuser or opponent if he is not guilty. Another method for enacting the oath is to lie down on the skin of the totemic animal of the respective clan, placing on the skin the most respected valuable items such as traditional weapons of the subject's clan. Some medicine is then spread on the collection of artefacts, and the victim is again called to jump over (*etarambuke*) the collection seven times while swearing the oath, as he did when drinking from the skull. In some places, cattle thieves were subjected to the *ekehore* oath by drinking the blood of a specially sacrificed bull, again using a deceased leper's skull, a buffalo or cow's horn or bone moulded just for that purpose. All these forms of *ekehore* were blessed by the traditional leaders who were responsible for administering the ritual. Leaders usually prayed to their ancestors before they allowed the victims to take the oath, to ensure that their mission would be accomplished successfully.

In the pre-colonial period, cattle theft and rustling were the chief factors resulting in hostilities and physical fighting between different Kuria clans. Although different methods were used to curb cattle theft, the Kuria resorted mainly to the use of the *ekehore* oath to identify thieves and to warn suspected thieves, and even to demand that convicted cattle thieves pay compensation to the owners of stolen cattle.

In the 1940s, colonial officials both in Kenya and Tanganyika decided to establish border committees to help resolve cross-border disputes including cattle-theft conflicts. Border committees continued throughout the 1950s and in the 1960s were adopted by the post-colonial Kenya and Tanzania governments which continue to use them even today.<sup>42</sup> Yet the use of '*ekehore*' in resolving cattle theft cases always featured in the discussion of those border committee meetings whose members consisted of District Commissioners, Divisional Officers, Ward Executive Officers, Councilors, Chiefs, Village Officials and some of the elected traditional leaders from the respective areas, both in Tanzania and Kenya. In 1951, for example, members of the border committee unanimously agreed to use the traditional oath

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<sup>42</sup> Kenya National Archives (KNA), File DP/17/316 - Masai- Kuria/ Butende North Mara Border Committee; KNA, File DP/1/ 97 - Nyangusu- Masai Border Committee; Record Centre, Mara Regional Commissioner's Office, File J 10/10 Vol. II – Mabaraza ya Mila na Jadi(Traditional Tribunals- Ritongo) and; TNA, Accession No. 544, File L5/10/II – Border Council between Kenya and Tanganyika.

(*ekehore*) to prove whether the plaintiffs and the defendants or respondents together with their witnesses were telling the truth or not. Thereafter, the committee could decide whether the plaintiffs should be paid compensation of their stolen cattle and defendants (thieves) be punished accordingly.<sup>43</sup> In the 1960s, members of the border committees at different time also agreed to use the *ekehore* to justify whether individuals suspected of cattle theft were really guilty and thereby be demanded to pay compensation of the cattle they had stolen.<sup>44</sup>

In the 1980s cattle thefts and rustling associated with the use of guns escalated in the Kuria areas. This threatened peace in the area and caused many conflicts among the Kuria clans on the one hand, and conflicts between the Kuria and their neighbours on the other. The government of Kenya and Tanzania resorted into the use of gun amnesty and special police operations respectively. However, such operations did not succeed in the 1980s. This culminated in the institution of the Sungusungu (*iritongo*) and the establishment of a special military camp of about two hundred soldiers in Mara region of Tanzania in the early 1990s.<sup>45</sup> Mr. Kobia, who was the chief commander of the special military task-force set in Mara in 1990, to a large extent succeeded in confiscating guns which were illegally owned, thereby restoring peace in the areas for a while. The chief commander's success was attributed mainly to the respect he paid to the Kuria traditions, including his collaborating with *iritongo*, and his reliance upon *ekehore* to persuade those who owned guns illegally to surrender them and to discontinue cattle theft.<sup>46</sup>

Compromises for peace through rituals gained a new momentum since the year 2006, when four Kuria clans living in Kenya formed a joint committee which consisted of traditional leaders appointed from each clan. For the Tanzanian side, a committee was formed in 2010 consisting of two traditional leaders appointed from each of the thirteen Kuria clans found in Tarime district; thus the Tanzanian committee was made up of twenty six members. These committees were established through the initiatives made by the traditional leaders themselves; and their main aim was to restore peaceful relations distorted as a result of prolonged inter-clan fighting caused by cattle theft and rustling. The main task of the committees was explicitly defined as

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<sup>43</sup> See "Minutes of Border Committee Meeting held at Migori on 28 June 1951", KNA, File DP/17/316 - Masai-Kuria/ Butende North Mara Border Committee.

<sup>44</sup> See "Minutes of Border Committee Meeting held at Kilgoris on 23 March 1960", TNA, Accession No. 544, File L5/ 10/ II – Border Council Between Kenya and Tanganyika and; "Minutes of Border Committee Meeting held at Ramasha on 28 October 1963", KNA, File DP/1/97 - Nyangusu – Masai Border Committee.

<sup>45</sup> Suzette Heald (2005) pp. 270-274; Fleisher (2000a) pp. 107-114.

<sup>46</sup> Ibid.

restoring and defending prolonged peace by preventing cattle theft, supervising reparations, and formally countenancing through spiritual curse any kind of crime together with the people responsible with those crimes. The power of those committees was embedded in rituals they performed before undertaking any activity. Such rituals included the use of *ekehore* to recover stolen cattle from the thieves and to persuade thieves from stealing people's property in future. Members of those committees also collaborated with other traditional leaders to undertake special sacrifices on designated areas which they believed were homes of their spirits and ancestors. Such sacrifices aimed at appeasing their ancestor who in turn could bless all matters including offering them a peaceful life. Subsequent to the 2010 establishment of the Tarime initiative, these two main committees functioning successfully on both the Tanzanian and Kenyan sides of their shared border joined to constitute a single committee to serve in discussing and resolving cross-border issues. Coinciding with the establishment of this joint committee, were the government's initiatives at peace-building in the region. For the Kenyan side, the government established what they called District Peace Committees (DPCs) in 2006. The Tanzania government established a Special Police Zone (SPZ) in Tarime in 2010. While the DPCs were blamed for failing to resolve cases among the Kuria of Kenya, the SPZ was credited for its efforts in resolving conflicts in Tarime.

The failures of the DPCs were associated with their detachment from recognised traditional leaders and with the way they were formulated. Members who constituted the DPCs had been selected using a special formula from the locational and divisional peace committees. It was not necessary for those members to be elders or traditional leaders, so the composition of members of these committees did not observe the Kuria traditions and customs which always required putting the traditional leaders at the apex. Instead, it was declared a necessity that the committee selection follow a principle of gender balance. Nevertheless in the actual procedures followed by the committees, to a large extent they ignored the participation of their formally associated female members in decision making. Operationally speaking, the Locational, Divisional and District Peace Committees met in offices situated at the headquarters of the respective areas. Members of the general public viewed the DPCs as organs which actually did not know what happened in their communities, because the committees met, discussed, and judged issues in the absence of the general public who were the main actors and victims.

In contrast to the Kenyan DPCs, the Tanzanian SPZ police commanders collaborated with a joint committee of the thirteen Kuria clans whose traditional representatives travelled extensively in different parts of the

district to recover stolen cattle, to curse thieves, and to persuade those who owned guns illegally to surrender them at nearby police stations. Such activities were done in public meetings; and the police officers who attended those meetings became witnessing listeners; they finally came to respect the decisions made and actions taken by the traditional elders. For example, on 15 March 2013, a joint committee of traditional leaders from thirteen Kuria clans of Tarime district met at Turugeti Village of Bumera Ward in Tarime district.<sup>47</sup> The meeting was also attended by the SPZ Police Commander, Justine Kamugisha. In that meeting, one person who was accused of extreme armed robbery and cattle theft surrendered himself before a joint committee of the traditional leaders, the SPZ Commander and the general public. That person was later subjected to *ekehore* oath, and thereafter mentioned more than ten chronic thieves who were together with him on the list of chronic armed robbers sought after by the police. Despite the fact that the SPZ Commander was present at this meeting, the culprit who had taken the oath and informed on other criminals, was not arrested. Instead, the traditional leaders requested the Commander to leave him in their custody, a request that the Commander honoured.

In consequence, this wise precedent prompted many other thieves to show up themselves a few weeks later, requesting that they be treated in the same way as their fellow. Their repeated confession was that they were tired of theft and that they wanted to live peacefully and to be reconciled, re-established in their communities, and respected by their fellow villagers, as well as by the general public. After this request, the joint committee went back into Bumera Ward to accomplish their mission. On 11 June 2013, the joint committee also met at Remagwe village of Sirari Ward, Tarime district. This meeting was also attended by the Organised Crime Division officers from Tarime and Sirari. Those police officials were accompanied with another five armed policemen, so that the local police were recognised as the main hosts of the meeting. The police officers also sponsored this meeting by offering meals to members of the committee and by transporting them, using official police vehicles. One of the interesting issues that emerged in this meeting concerned the Remagwa Village Chairman, who himself had been accused of collaborating with thieves, and was about to be subjected to *ekehore* oath. But the villagers rescued him by agreeing to pay compensation for the cattle which were stolen from Busweta, cattle whose hoof prints were found as ending up in Bukira at Remagwe Village. It was in this meeting that the police officers who witnessed this unfolding of events, conceded to the wisdom of traditional

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<sup>47</sup> Interview with Magena Mtongwa and Marwa Moma, Pemba Village, Tanzania, 25 April 2013.

leadership in handling the crime, and adhered to the final decision made by the committee of elders.<sup>48</sup> A series of joint committee meetings of this nature have been on-going since 2010; and the police force in Tarime district has awarded certificates of appreciation and respect to some of the traditional leaders for their effective participation in restoring peace and preventing further criminal activity in Tarime.<sup>49</sup>

The *ekehore* ritual conducted by the Kuria resembled the *mato oput* and *kemuikadiakor* rituals practiced by the Acholi and Buems people of Uganda and Ghana respectively.<sup>50</sup> But unlike *ekehore* which was taken by victims only, *mato oput* – involving both perpetrators and non-perpetrators within the community taking the oath – provoked offenders to be willing to take responsibility for their wrongdoings. Kuria traditional leaders could sometimes gather in a designated area and perform rituals in which they effectively cursed victims who declined to show up and testify that they were guilty.

However, the presence of central state officials is not always a component in the efficacy of peace-making rituals. Records and testimonies indicate no involvement of state officials in *mato oput* and *kemuikadiakor* rituals, in contrast with the integration of state personnel in *ekehore* practices in Kuria areas. While state intervention limited the function of Rwandese indigenous approaches of conflict resolution,<sup>51</sup> the involvement and support of the state enhanced the use of *ekehore* among the Kuria. It follows that Kuria rituals (*ekehore*) display unique features. The fact that *ekehore* was taken by victims of crime alone, and that victims could sometimes be cursed at ceremonies from which the victims were absent, suggests that ritual proceedings may target the victims themselves rather than the community at large.

### **Entaro ritual**

*Entaro* was a form of ritual which instituted individuals into what some scholars have referred to as a blood covenant or blood brotherhood.<sup>52</sup> These scholars show that during the nineteenth and early twentieth centuries, blood-brotherhood was used in Africa for commercial and political purposes,

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<sup>48</sup> All details about the Remagwe meeting are based on personal observations on 11 June 2013.

<sup>49</sup> Interview and documents accessed from Mwita Nyamanche, Tarime, 3 May 2013.

<sup>50</sup> See Fred-Mensah (2000) and Wasonga (2009).

<sup>51</sup> See Mutisi (2009, 2011).

<sup>52</sup> See Tanzania National Archives (TNA), File AB 113 – Native Law and Custom; Luise White (1994), S.N. Eisenstadt (1956), T.O Beidelman (1963), E. E. Evans-Pritchard (1933), Thomas Herlehy (1984), and L.P.R. Musaroché (n.d) pp. 8-9.

and to cement already existing bonds of comradeship. However, according to available records, the Kuria did not use blood brotherhood for these various political and commercial purposes; rather they used it strictly to cement friendship among individuals.

Blood brotherhood among the Kuria is an oath which guarantees security to the participants and their relatives. The participants swear never to fight each other nor to shed blood between themselves. They also swear never to steal property including cattle from each other nor even to have sexual relations with the wife of the blood brother. As a strategy to maintain peaceful relationships among individuals, blood brotherhood among the Kuria is based on the more general widely recognised African community principle of mutual assistance, respect and trustworthiness between the participants of the oath and their extended families.

Among the Kuria, the ritual which institutes two people to become blood brothers is preceded by a preliminary oral examination given to the participants. The exam is administered by respected elders whom the participants consult through their own volition. Such examination revolves around issues relating to the meaning of the pact and ensures that every participant to be involved in the oath taking directly or indirectly is aware of its terms, so that the agreement made through the pact is less likely ever to be broken. After participating in the examination, the candidates are then asked if they are ready to proceed with the ritual itself. Once they have agreed to proceed, a special day is set on which the ritual will be performed, with the consent of the participants. During that day, a cattle skin is taken and set somewhere, either in the sitting room of the house belonging to the principal participants, or in an open space in front of their house. It is a condition that the cattle skin be used for this ritual must belong to a cattle who has been slaughtered ritually, such as in a marriage ceremony. The skin of cattle which have died of natural causes or disease is not eligible to be used in this ritual. After the cattle skin is ceremoniously installed, a small rope made after slashing the cattle skin is temporarily used to create a protective fence around the skin to be used as a mat for the performance. Some traditional medicine is then spread over the area and the candidates are then allowed to enter into the fenced space, to sit on the specially prepared skin while facing each other. After sitting, the candidates are told to incise part of their body, to rub a piece of meat or *ugali* in their own blood which they exchange with their colleagues and then eat, while swearing to be good friends who will respect, love, and trust each other. Such swearing also includes proclamations that they will never take each other's wives nor steal each other's property.

While some scholars presume that the practice of blood-brotherhood in East Africa died out in the early twentieth century, oral accounts from the Kuria people show that the practice continues, evident up to the early 1980s.<sup>53</sup> Several Kuria individuals making blood-brotherhood relations among themselves; but in most cases the individuals who have decided to undergo the ceremony have belonged to different clans. Kuria people also have created these blood-brotherhood bonds with individuals from the other ethnic groups which surrounded them. The decline of blood-brotherhood in the early twentieth century is attributed standardly to European intrusion and to their accompanying European cultural influences. These influences include the opposition to the practice from the foreign missionaries, the introduction of money which provoked rich people to fear taking the oath with poor ones on the grounds that they could lose all their wealth to their poor relatives, and to the establishment of modern courts which also brought in the practice of signing written legal contracts.<sup>54</sup> On the contrary, my respondents explained that blood brotherhood practices ended among the Kuria people in the early 1980s because of generational change in people's behaviour. To put it more clearly, as in other parts of the world, the current Kuria generation consists of people who do not respect or trust each other, and do not observe very scrupulously the moral aspects of everyday life. This has led them to fear undertaking the blood pact because they have lost sight of the rationale for it. Another reason given by informants to explain why blood-brotherhood has ended among the Kuria was the prevalence of HIV/AIDS. Individuals feared that sharing meals mixed with the raw blood of another individual could lead to transmission of AIDS.

### ***Emuma* ritual**

Another form of ritual which was used in building peace among the Kuria was *emuma*. While *entaro* aimed at cementing harmonious relationships between individuals, *emuma* aimed at preventing a group of people such as a clan from harming each other and thereby establish a strong friendly relationship. The Kuria sometimes called this as ritual of forgiveness and uniting people together. It was mainly done after two groups of people

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<sup>53</sup> Interview with Marwa Mwita Kewamamba, Kummange Village – Kenya, 22 July 2013; Mohere Kebaroti, Tagare Sub-location – Kenya, 22 July 2013; Koroso Samson, Keisangora Village – Tanzania, 24 April 2013; Maseke Mwita, Koberi Village – Tanzania, 17 April 2013; and Magena Mtongwa and Marwa Moma, Pemba Village, Tanzania 25 April 2013. See also Tanzania National Archives (TNA), File AB 113 – Native Law and Custom; White (1994), Eisenstadt (1956), Beidelman (1963), Evans-Pritchard (1993), Herlehy (1984), and Musaroche (n.d.) pp. 8-9.

<sup>54</sup> White (1994) pp. 365, 368-369; Evans-Pritchard (1933) p.395; Beidelman (1963) p. 335; and Musaroche (n.d.) p. 9.

(for this case, two clans) have experienced a prolonged period of animosity accompanied with physical fighting. This ritual was done in different ways depending on the two parties involved. But the most common way used by all Kuria clans involved ‘*exchanging breasts*’ accompanied with ‘*okurya omuraru*’.

When two clans agree to undertake this ritual, each of them appoint one nursing mother who comes with her own biological child on the day in which the ritual is performed. Once the elders from the two clans have initiated the ritual by praying, spreading traditional medicine on the scene where the ritual is going to be conducted, and doing a special traditional sacrifice recommended for the task, the two mothers are called upon and requested to exchange their kids. Thereafter, each of the two mothers nurses her fellow’s child before the elders and members of the public from the two clans involved, a practice referred to as ‘*exchanging breasts*’. After nursing the other’s child, each of the two mothers picks up her own biological child and proceeds to a ceremony of sharing a feast prepared specifically for that function.

Before people of the two clans who have attended the ritual start sharing the feast, one representative selected from each of the two clans is called upon *okurya omuraru* before the public. *Okurya* is a Kuria word that means eating, while *omuraru* refers to a long piece of meat made of small intestine or any part of an animal (a sheep, goat or cow) that has been slaughtered for the occasion, on a site designated specifically for that particular *emuma*. The meat of just the right long shape then is dried over a fire. Literally, *okurya omuraru* means eating a long dried piece of meat. *Omuraru* is also eaten in a special way. First of all, it is mixed with specially prepared traditional medicine. Then two representatives from the two clans are invited to approach and face each other. Thereafter, each of these two representatives is instructed to bite one end of the *omuraru* and wait until the *omuraru* is cut down the middle by a selected male elder. Not just any male elder can be selected to undertake this ceremonial task. A condition is that the elder who is selected should be one whose first wife and first born are still alive. That elder is supposed to cut *omuraru* once, using a specially sharpened knife. Once the elder finishes cutting down the meat, each of the two representatives chew the piece of meat that remains in his mouth and swallows it. The process of ceremoniously chewing and swallowing those pieces of meat is accompanied by each of the two representatives swearing to be friends on behalf of his clan, and to refrain evermore from harming, fighting with or stealing the other’s property. When this event is over, members of the two clans who have attended the ritual sit down, share the prepared feast and depart to their respective homes. While departing, each of

the participants from one clan shakes hands with members of the other as a sign of relinquishing all their enmity and rejoicing in their newly borne friendship. The whole process of the *emuma* ritual signifies that members of the two clans are henceforth brothers and sisters of the same mother, tied together not by natural reproduction, but by the spiritual power contained in the rituals they have undertaken.

Although Kuria people perform several kinds of peace pacts (*emuma*), the most renowned and honoured pact is the one which is recorded as taking place in the 1880s between members of Nchari and Nyamongo clans.<sup>55</sup> That ritual compelled members of Nchari and Nyamongo clans to establish a norm of brotherly friendship which has never broken over the generations. Members of those two clans do not engage in any sexual relations or marry each other because they consider themselves as sisters and brothers. The Nchari and Nyamongo people also do not steal each others property nor do they fight or shed each other's blood under any conditions. For instance, in 2011 one member of the Nchari clan inadvertently killed a member of the Nyamongo clan in a fight that developed in Tarime. Recognising that their fellow broke the oath, the Nchari people met together to discuss the matter. They requested the government officials not to arrest the culprit, promising that they would deal with him on the basis of their traditional regulations. The government officials adhered to their request. Thereupon the Nchari people formally requested forgiveness of their fellow Nyamongo for the abomination, and to allow them to incur all costs involved in the transportation and burial of the deceased, including payment of compensation to the bereaved family. The Nyamongo accepted the Nchari's request and everything went on smoothly. This was followed by a ritual performed by the elders of both the Nyamongo and Nchari clans, to cleanse them of the traumatic misfortune which they had all experienced, and to purify and cement their friendly relationship.<sup>56</sup>

### **The role of *inchama***

In addition to the foregoing narratives, the council of elders (*inchama*) of every Kuria clan used to meet in a designated place every week to discuss cases and resolve community issues presented to them by members of their

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<sup>55</sup> Interview with Marwa Chacha Mkami, Wambura Magabe, Nyamhanga Mtatiro and Nyangi Kiraryo Range, Korotambe Village – Tanzania, 10 June 2013; Magena Mtongwa and Marwa Moma, Pemba Village – Tanzania, 25 April, 2013; Maseke Mwita, Kobori Village – Tanzania, 17 April 2013; Marwa Mwita Kewamamba, Kummange Village – Kenya, 22 July 2013, and Mohere Kebaroti, Tagare Sub-location – Kenya, 22 July 2013.

<sup>56</sup> Explanation on the 2011 event is based on interview with Marwa Chacha Mkami, Wambura Magabe, Nyamhanga Mtatiro and Nyangi Kiraryo Range, Korotambe Village – Tanzania, 10 June 2013.

clan. Some of the cases heard by *inchama* were initially presented to modern courts but later were withdrawn on the grounds that the judges in the modern courts were unable to execute justice. Once such a case was heard and resolved by the *inchama*, both the plaintiffs and the respondents would go back to the formal state court to request withdrawal of their case while pretending that they had agreed to forgive each other.<sup>57</sup> This, of course, impinges upon the scope of jurisdiction of the modern courts. But as long as people struggle to achieve justice traditionally, the *inchama* system will remain a common practice among Kuria communities.

The Kuria clans also possess special areas which are enshrined for ritual activities, especially when a particular clan wants to perform its own sacrifice. There are also special areas respected as original ancestral and spiritual homes of all Kuria people from both Tanzania and Kenya. One of the most widely recognised ancestral and spiritual homes for all Kuria clans is located at *Nyamieri-Ikorongo* in the Serengeti district. This area is found in the vicinity of Mara River in the eastern direction as one crosses the bridge following the road from the Nyamongo gold mine of Tarime district going toward Mugumu, the headquarters of the Serengeti district. Although the Kuria visit *Nyamieri* regularly to pay respects to their ancestors and to seek blessings for various matters; their visiting in the year 2012 is of special interest in this discussion of ritual peacemaking.

In 2012, members of the joint committee of Kuria clans from Tanzania and Kenya were sponsored by the Kenyan and Tanzanian governments so that they could visit *Nyamieri*. The purpose of this formally sponsored visit was to perform Kuria traditional rituals and sacrifices with the intention of uniting all Kuria clans together and pre-empting further crimes which were creating animosity and inter-clan fighting among the Kurias. This was, in fact, a continuation of the original effort of the joint committee to restore and sustain peace in all Kuria areas. This Kuria traditional ritual was also attended by top officials including District Commissioners and District Police Commanders from Tarime, Serengeti and Musoma districts of Tanzania, and from Kuria East, Kuria West, and Trans-Mara districts of Kenya. Despite the fact that this ritual did not succeed in achieving the intended objective of the trip, it did indicate more generally how the two governments were officially and actively respecting Kuria traditions and customs. The initiative shows that that the power embodied in the Kuria traditional leaders together with their ritual

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<sup>57</sup> Interview with Koroso Samson, Keisangora Village – Tanzania, 24 April 2013; Mwita Nyamanche and Nyangasa Sinda Gwitare, Tarime – Tanzania, 3 May 2013; and personal observations in the Butimbaru traditional leaders' (*inchama*) meeting at Mogabiri Village – Tanzania, 1 May 2013.

performances, has acquired the authority of central state governance when it comes to peace building among the Kuria people.

## **Conclusion**

The rituals presented in this paper can be viewed and interpreted from two angles. On the one hand, the stylised formal procedures are based upon mythical beliefs perpetuated by the Kuria people, enacted to attain their shared interests, intentions and collective goals. On the other hand, such rituals can be construed as ineffective in resolving particular Kuria cases where specific individuals and groups have sought to restore their harmonious relationships. The alleged ineffectiveness of these rituals is based upon the recurrence of crime and the disruption of peace associated with such crime perpetually occurring in the Kuria areas, despite the fact that the victims of conflict engage in the rituals of reparation and reconciliation from time to time. Nonetheless the mythical view of these rituals is sustained because the significance and rationale for carrying out these rituals resides in beliefs about metaphysical powers, for which no amount of empirical evidence can ever provide sufficient basis for elimination. Individuals cannot challenge directly the efficacy of supernatural principles on the basis of conclusive empirical evidence – since the spiritual powers and dynamics of harmony and cosmic balance invoked by these rituals prevail beyond the human grasp of physical laws.

Metaphysical beliefs aside, the re-occurrence of crime and conflict does not in itself provide definitive evidence that rituals of reconciliation and peace-making have no effect at all. Pertinent in this regard is the fact that victims of crime are not the same on every occasion. Further, the individual perpetrators who are charged with committing such crimes change over time. The spiritual power of curse and oath taking is purported to affect just those individuals involved in the ritual. Moreover, the disruptive behaviour which yields clan conflict is causally traceable to a range of different motives. So no single explanation or formula for circumventing criminal motives can be expected to dissolve them all.

Further, in post-colonial Africa there prevails a range of different attitudes towards the power embodied in such indigenous rituals. Modern religious indoctrination has surely contributed to the breakdown in efficacy of traditional norms and social controls. A generally dismissive disregard and denigration of the Kuria use of ritual and the colonial disrespect for the influence of Kuria communities' indigenous leadership can disrupt the traditional mores and social forces of indigenous groups. There is no ruling out that the contribution of these intervening variables may culminate in the repetition of those crimes that create chronic unrest.

However, the way such rituals have been recognised and put into practice regularly signifies that they remain prominent features of peace-building among the Kuria. Testimonies from the areas where this study was conducted show beyond dispute that those individuals who have been subjected to such rituals. Once they have broken their oaths, they never survived. The particular attention paid by the Kenyan and Tanzanian governments to the use of Kuria rituals is another kind of evidence that such rituals do play a significant role in solving Kuria problems and in peace-building in the area. This has resulted in the prevailing conviction that government leaders and state officials in Kuria areas who have been successful were those who respected Kuria traditions and worked with the Kuria traditional leaders throughout their periods of local administration.

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